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HANSARD'S PARLIAMENTARY DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXIV.

COMPRISING THE PERIOD FROM
THE THIRD DAY OF JUNE, 1836.
TO
THE SEVENTH DAY OF JULY, 1836.

Fourth Volume of the Session.

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1836.

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HANSARD'S Parliamentary Debates

*During the SECOND SESSION of the TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN and
IRELAND, appointed to meet at Westminster,
4th February, 1836,
in the Sixth Year of the Reign of His Majesty
WILLIAM THE FOURTH.
Fourth Volume of the Session.*

HOUSE OF LORDS, *Friday, June 3, 1836.*

MINUTES.] Bills. Read a third time:—Insolvent Debtors' (Ireland).—St. Ann's Chapel (Wandsworth). Marriages' Validity. Read a second time:—Consolidated Fund. Petitions presented. By Lord WHARNCLIFFE, from KINGSTON-UPON-HULL, against Punishment of Death for any Crime but Murder.—By the Bishop of LINCOLN, from various places, for Better Observance of the Sabbath. —By Earl GREY and Marquess of CLANRICARDE, from various places, in Favour of Municipal Corporations' Act (Ireland), as passed by the Commons.—By the Marquess of CLANRICARDE, from various places, for Abolition of Tithes (Ireland).

RAILWAYS.] The Marquess of *Clanricarde* wished to move the third reading of the Birmingham, Bristol, and Thames Junction Railway Bills, if the proposition were not to be opposed by the noble Duke opposite, who, he understood, was anxious to move a resolution on the subject of Railway Bills generally. He did not believe that the noble Duke would object to the third reading of the Bill.

The Duke of *Wellington* sincerely wished that all these railway projects might prove successful, but in proportion as they were successful, in the same proportion was it desirable that there should not be a perpetual monopoly established in the country. Under these circumstances, he had a strong feeling that it was desirable to insert in all these Bills some clause to

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enable the Government or the Parliament to revise the enactments contained in them, at some future period. He conceived that, by carrying these measures into execution, a very great injustice was often done to many proprietors in the country, and they were forced to submit to great inconvenience, or to contend against that inconvenience, by means of incurring a very large expense, both in that and in the other House of Parliament. If some measure of the description to which he alluded were not adopted, and if these railroads were to become monopolies in the hands of the present or of future proprietors, they would hereafter be only enabled to get the better of such monopolies by forming fresh lines of road, to the detriment of the interests of the landed proprietors, and to the great increase of expense and inconvenience. These circumstances had most forcibly struck his mind. He had had the subject under consideration for some days; he had conversed with others respecting it, and it appeared to him, that some plan ought to be devised, in order to bring these railroads under the supervision of Parliament at some future period. He, therefore, was anxious that the further proceedings in all these Bills should be suspended for a

short time, that he might propose some clause, or introduce some measure, to meet the object to which he had referred. He thought it was a subject, the consideration of which ought not to fall on any individual, but which the Government ought to take in hand. He was, however, perfectly ready to take the responsibility with the Government in proposing such a measure for the consideration of their Lordships; but he did think that something ought to be done, in order that the Legislature might be invested with the power of revising these enactments after a certain time.

Lord *Wharcliffe* approved of the suggestion which had been thrown out by the noble Duke. He conceived that the adoption of some measure of the kind would be nothing more than an act of justice to the landed proprietors.

The Marquess of *Clanricarde* did not mean to discuss the point adverted to by the noble Duke; but he felt it necessary to point out the state of the Bill, which he wished to have read a third time. That Bill had passed unopposed through both Houses of Parliament (but with amendments in their Lordships' House), and it was desirable that it should be read a third time as soon as possible. If it were passed to-night, it would probably be the law of the land on Monday next; but if it were not passed now, it would most likely be a very long time before it became law. He understood that the measure contemplated by the noble Duke would have reference to those Bills which had passed, as well as to those which were to be considered in future. If that were so, the object of the noble Duke would not be affected by allowing the Bill to be now read a third time.

The Duke of *Wellington* denied that the measure which he contemplated was intended to have a retrospective effect. He wished a clause of the nature to which he had alluded to be inserted in these Bills before they became the law of the land. He conceived that this ought to be done on the first opportunity that offered, and he believed that the present was that first opportunity. He was anxious that such a provision as he had described should be inserted as a clause in the Bill; at the same time, he should be very sorry to interfere with the private interests of individuals by any unnecessary delay.

The Marquess of *Clanricarde* found

that he had misunderstood the noble Duke, and he would not press the third reading then. When the noble Duke spoke of seizing the first opportunity for the introduction of such a clause, he was in error if he supposed that the present was the first Railway Bill that had arrived at such an advanced stage. He believed, on the contrary, that several Railway Bills had already received the royal assent.

Viscount *Melbourne* said, this was a subject well worthy the consideration of the House. He agreed in the general principle laid down by the noble Duke. Something ought to be done to accomplish the object to which the noble Duke had directed their attention; and he should be happy to co-operate with the noble Duke in the formation of such a measure.

The Marquess of *Lansdowne* wished to know what course the noble Duke meant to pursue?

The Duke of *Wellington* said, that in the course of a few days he should be able to bring forward this subject; and in the mean time it would be necessary to stop the further progress of the Bills now before the House.

The conversation terminated.

BISHOPRIC OF DURHAM BILL.] The Marquess of *Lansdowne*, in moving the Order of the Day for the committal of the Bishopric of Durham Bill, said it was necessary that the measure should be passed with as little delay as possible. There was a clause in the Bill for the abolition of certain local courts. On that point very strong representations had been made, in order to retain one of these courts. He alluded to the Court of Pleas. As their Lordships might deem it expedient not to abolish that Court, and as some alterations must be made in the Bill if that were the case, he trusted that the noble and learned Lord would allow the measure to go through the Committee to-night, *pro forma*. The proposed amendments might then be printed, and they could be considered on the report or on the third reading. By this means all unnecessary delay would be avoided.

Lord *Lyndhurst* said, he was anxious that the Court of Pleas should not be abolished, because the general feeling was, that justice was promptly and effectually administered in that Court. He had no objection to the proposition of the noble

Marquess, and in order to remove any difficulty, he would propose his amendments then.

The Marquess of Londonderry said, he could not, in justice to the petitioners against the Bill, let this opportunity pass without again expressing his opinion. It was not his intention to make any observations on the ecclesiastical revenues of the See of Durham, until the Bill appropriating those revenues was regularly before them; but he begged leave to state what was the opinion of the petitioners with respect to the proposed abolition of those Courts. The petitioners clearly pointed out the great loss and inconvenience which the county would experience in consequence of the proposed arrangement. He was extremely sorry that the noble Duke (the Duke of Wellington), who had so frequently declared his anxiety to uphold all our ancient institutions, should have stated it to be his intention to support this Bill. And what were the grounds on which he meant to afford it that support? Why, he said that he would take that course, because the measure was recommended by the Ecclesiastical Commissioners. If the noble Duke approved of every thing recommended by the Ecclesiastical Commission, he must approve of much that was recommended by persons whose opinion, with reference to the Church Establishment, was very different from his own. He, therefore, came to this conclusion, that the noble Duke could not agree to all the details contained in the Reports which had emanated from that Commission. The Commissioners had altered their opinion over and over again. Let their Lordships, for instance, look to the See of Bristol. On that point the eyes of the Commissioners had, it appeared, been opened. If that were so, he could not understand why they should not look again into the case of the county of Durham. Considering the statements made in the petitions which he had presented, it did appear to him that the Commissioners had recommended the Legislature to do one of the most unjust things that he had ever heard of. Now, of whom was the Commission composed? He saw the signatures of Sir R. Peel, of Mr. W. Wynn, &c., affixed to the first Report. To the second Report were affixed the signatures of Melbourne, S. Rice, and J. C. Hobhouse—individuals whose feelings with respect to the Church Estab-

lishment were very different from those that were entertained by the preceding Commissioners. These latter individuals were for pursuing a course of parsimonious economy; but he believed if they had a cheap hierarchy they would soon have a cheap monarchy. The second Report, speaking of the palatine jurisdiction of Durham, said, "With respect to the Bishopric of Durham, we have been informed by Viscount Melbourne, that your Majesty has been pleased to approve of a plan for detaching from that See its palatine jurisdiction, and for placing the county of Durham on the same footing as to secular affairs with the other English counties." Now, the noble Duke stated, that he would support this Bill, which removed that jurisdiction, because the proposition was recommended by the Ecclesiastical Commissioners. But it would appear that the noble Viscount was the individual who recommended the plan, and not the Ecclesiastical Commissioners. He could not see, therefore, how the noble Duke could give the measure his support as emanating from the recommendation of the Commission. He should now advert to the reasons which induced the petitioners to object to the abolition of the Courts of Chancery and Pleas in the county of Durham. With respect to the first, they said, "That the Court of Chancery, in particular, gives the advantage to the inhabitants of obtaining the concurrence of infant heirs-at-law and trustees, and of prosecuting the other matters appertaining to the amicable jurisdiction of the Court of Equity at a slight expense." And why, he asked, should that advantage be taken away without full inquiry? It had not been removed from the county of Lancaster, and why should it be taken from Durham? Why should this harsh measure be restricted to Durham alone? With respect to the Court of Pleas, the noble and learned Lord had taken up that subject. He hoped that the noble and learned Lord would succeed in preventing the abolition of that Court; and he trusted that the noble and learned Lord would also make a stand for the Court of Chancery, and prevent it being annihilated. If a proper case were made out for that Court, as he was certain could be done, why should it not be left untouched? He should be glad to know why, in the execution of this difficult task, he was deserted by noble Lords on that side of the

House? On what grounds did they support this Bill? He should, of course, be told, because the measure was recommended by the Ecclesiastical Commissioners. But that was no reason for upholding one of the most unjust and cruel measures that was ever brought before Parliament. The petitioners further stated, in support of the continuance of these Courts,—

“1st. That the Courts are of immense advantage to the inhabitants of the county, in enabling them to sue for and obtain payment of debts due to them at a much less expense than in the courts at Westminster. 2d. That if the Courts are abolished, the inhabitants will be compelled to resort to the superior Courts, and thereby be subjected to an increased expense per annum of at least 5,000*l.* without the slightest additional advantage. 3d. That no case of abuse in the practice of the Courts of Pleas and Chancery can be established to justify their abolition; and in the absence of any such proof, the advantages now enjoyed by the inhabitants ought not to be taken from them. 4th. That no proper inquiry has been instituted into the necessity of the abolition of the Courts, all information obtained having been procured from one or two irresponsible individuals in Durham, by a gentleman sent down for that purpose, and without any public inquiry.”

He conceived, after these statements, that their Lordships ought to pause before they consented to such a measure as this. For his own part, he must protest in the strongest manner against the present proceeding for the abolition of those most useful Courts.

The Duke of *Wellington* said, that the noble Lord who had just sat down had complained of his taking him by surprise with respect to the support he had chosen to give the Bill before their Lordships. He (the Duke of *Wellington*) had been a party to the appointment of the Commission so frequently alluded to by the noble Lord in the course of his speech, and although that Commission had certainly been considerably changed since he was in office, yet he felt happy in being able to give his support to a measure brought forward by his Majesty's Ministers, having the Report of its members for its basis. The noble Lord had complained of his having deserted and disappointed him upon this question; but, in reality, the contrary was the case; for when he bore in mind that the noble Lord, during the time that he (the Duke of *Wellington*) was in office, had concurred with him in

the propriety of appointing the Commission, he thought that he should not be far wrong in saying, that the noble Lord had deserted and disappointed him. He would only repeat, that he felt pleasure and satisfaction in being enabled to give his support to the present or any other measure of his Majesty's Ministers, which he could conscientiously vote for.

The Earl of *Winchelsea* hoped, that when the See of Durham Appropriation Bill should be brought from the Commons, their Lordships would show every attention to the recommendations of the late Bishop, as regarded the institutions in Durham which had been founded by him.

The House went into Committee, and the Bill, with amendments, passed through the Committee. The Report to be received.

HOUSE OF COMMONS,

Friday, June 3, 1836.

MINUTES.] Bills. Read a second time:—Municipal Corporations (Scotland).

Petitions presented. By Mr. Alderman THOMPSON, from the Attornies of Sunderland for Repeal of Duty Certificates.—By several HON. MEMBERS from various places for Amendment of Factories Regulation Act.—By several MEMBERS from various places against Turnpike Trusts Consolidation Bill.—By Mr. LUCAS, from Monaghan, for Excise Licences (Ireland) Bill.—By several HON. MEMBERS, from various places, that the House do adhere to the Provisions of Municipal Corporations (Ireland) Bill, as originally passed by the House.—By several HON. MEMBERS, from various places for Abolition of Tithes (Ireland).—By Mr. GROVE, from the Stationers of London for a Drawback of the Duty on the Stocks in hand.—By Mr. BOLLING, from Bolton-le-Moors, for equalization of Duty on East and West-India Sugars.—By Mr. PARROT, from the Dissenters of Totness for Abolition of Church Rates.—By Mr. HOLLAND and SIR E. CODRINGTON, from several places for extension of time of repayment of Money borrowed for Building Workhouses.—By Mr. SCARLETT, from Lewes, against Vote by Ballot.—By Dr. BOWRING, from Fenwick, for Alteration of Law relating to Statute Labour (Scotland).—By Dr. BOWRING, from Fenwick, for Abolition of Flogging and Naval Imprisonment.—By SIR R. VIVIAN, from Medical Profession (Bristol), for remuneration for attending Coroner's Inquests, and from the Legislative Council of Lower Canada, against alteration of Timber Duties.—By Mr. LOCK, from Spirit Dealers of Kilmaud, in favour of Spirituous Liquors Bill; and from the Hand-Loom Weavers of Saltoats and St. Quirrose, for Regulation of Wages, and from Cature, against Salmon Fisheries Bill.

TITHES AND CHURCH (IRELAND)—ADJOURNED DEBATE—THIRD DAY.] Mr. Sergeant *Jackson* in rising to address the House said, he had offered himself at an earlier period of the debate for that purpose, but had not succeeded in catching the Speaker's eye. He was rather pleased than otherwise at that circumstance, because, since he had before risen, the

important question which now awaited the decision of the House had been placed upon its true grounds. The question now resolved itself into this—"are we to have an Established Church in Ireland, or are we not? He, perhaps, might be thought to have stated the question within too narrow a compass, and he certainly did believe it was a question affecting the welfare and dearest interests, not merely of Ireland, but of this great and extensive empire. He believed the question to be this, and no less than this—"are we to have an Established Church within this empire at all?" He believed that if it were not now distinctly avowed to that extent, sooner or later the question must come to that. Nay, he believed that if they went on in the downward course proposed to them, they would at no distant day have to decide whether they were to have preserved to them and their posterity the blessings of the British monarchy and constitution. It had been stated again and again, even within these walls, that this nuisance, as the Protestant Church was termed, must be abated. *Delenda est Carthago* was the cry now used. The hon. and learned Gentleman, the Member for Tipperary (Mr. Sheil) had no later than last night uttered this striking exclamation—"Down with the institution which cannot be sustained save by Old Sarum and Gatton." Therefore, it was now, within these walls and outside of them, boldly stated that the Established Church in Ireland must be destroyed. He was quite aware that the hon. and learned Member, fuding from the loud cheers from this side of the House that he had spoken too plainly, afterwards sought to correct his expressions and spoke of the abuses of the Church—but there was no doubt as to the language he had really used, and it was evident from the quarter where the cheers proceeded that his real meaning was perfectly well understood. But even supposing the hon. and learned Gentleman had applied himself to the abuses of the Church, he would ask what were the abuses which he had established or even alleged against the Irish Church? And if the House would coolly and dispassionately consider the subject, he would venture to say, that they would find no ground of complaint, which would justify them in plundering it of its revenues, and signing its death-warrant. He had taken notes of the topics which the hon. and learned Gentleman had urged in his speech last night; and his first charge

against the Established Church in Ireland was, that the Clergy of that Church, forsooth, had had the audacity to assert their claim to a legal and incontrovertible right. He begged to know whether they had already arrived at the time when it was to be made a charge against a body or an individual, that they appealed to the laws of the land in the defence, or for the assertion of their own rights, that the clergy were to be maligned and persecuted because they had dared to appeal to the laws for the recovery of their undoubted right? This property had belonged to the Church for centuries; but it rested not merely upon the possession of centuries; it rested upon one of the most solemn national compacts that ever had been entered into. The House would readily conjecture that he referred to the legislative Union between the two countries. By that solemn compact it was made an indispensable and fundamental provision, that the branch of the united Church of England and Ireland, established in Ireland, should be maintained inviolable. And it was not to be forgotten, that this Act of Union was passed subsequently to the period when Roman Catholics obtained political power, as the House was aware that the elective franchise was conferred on the Roman Catholics in 1793, and the Act of Union was not passed till the year 1800. The next charge made against the clergy of the Church of Ireland by the hon. and learned Gentleman was, that they had been aided in enforcing their legal rights by a body called the Lay Association. Upon a former occasion he had not hesitated to avow that he was a Member of that Lay Association. The hon. and learned Member for Kilkenny had given notice of a motion, that he would move for a Committee to inquire into the nature of a certain illegal Association in Ireland, called the Lay Association. He had attended in his place on the day for which the notice stood upon the books of the House, but it was withdrawn *sub silentio*. The hon. and learned Gentleman had renewed his notice, and had fixed it for a day in which it was quite impossible he could have attended. He had mentioned the circumstance to the hon. and learned Gentleman, who had fixed it for another day, but from that time to this nothing more had been heard of it. He would only observe, that when the hon. and learned Gentleman should think proper to bring it forward, he should be ready to meet him. But all the time this notice had been on

the books, stigmatising the Association as an illegal Association, and that he supposed was the object of that learned Gentleman. What was the next topic to which the hon. and learned Gentleman (Mr. Sheil) had adverted? He had ventured to say in the face of the Commons House of Parliament, that the Court of Exchequer in Ireland had arrayed itself against the king's Government. Some hon. Members opposite cried hear, hear, but did they think it would be useful to Ireland—did they think it would tend to produce peace and subordination in that country to hear charges of this description brought against those high and respectable characters who administered the law in that country? And he must own that upon this, as upon other occasions, he had been disgusted and shocked that his Majesty's Ministers should have sat silent and heard such charges preferred, and have suffered them to pass unrebuked. He could conceive nothing more destructive to the peace and well-being of society, than that such false charges should be allowed to be brought with impunity against the constituted authorities of the land. It was the duty of his Majesty's Ministers to see those authorities treated with respect, at least with common justice; and he thought they had failed in their duty by permitting servants of their own to join in vilifying the judges of the land. But he would go further and say, that the charge would have been much more correctly stated if it had been inverted, and if it were stated that the Government in Ireland had arrayed itself against the Court of Exchequer. The revered Judges of that high Court, than whom there were not more learned, more honourable, or more highly respected individuals in the land, had pronounced a solemn judgment upon the important question which had come before them. The law-officers of the Crown were seen to enter that Court and argue in favour of those charges with contempt of that Court. The law-officers were replied to by his respected friends, Mr. Pennefather and Mr. Smith, and after a patient hearing and a full debate, the Court had come to a decision, of the correctness of which he believed no lawyer could entertain a doubt. He was rejoiced to hear that an appeal had been lodged against that decision, and he had no doubt whatever upon his mind that the court of *dernier resort* would affirm the decision of the court below. Insinuations were also thrown out against one of the Judges of the Court of Exchequer—

namely, Baron Smith—than whom there was not living a man of a higher sense of honour, and more spotless integrity; that he had "conveniently" come down to court after a long absence, for the special purpose of deciding that motion. He would never, please God, hazard an assertion on a matter of fact, in that House or elsewhere, of which he had not satisfactory evidence; and, therefore, he had abstained, when that vile insinuation had been thrown out, from stating that of which he then entertained no doubt from his recollection, namely, that it was utterly destitute of foundation; but now he was able to state with absolute certainty, having ascertained the facts whilst in Ireland during the recess, that the learned Baron, whose absence from the bench had been occasioned by a severe indisposition, in his anxiety to discharge his public duty, though by no means recovered, had come down to court on the Monday preceding, and had sat on the Tuesday, the Wednesday, and the Thursday immediately preceding the Friday on which the motion in question came on; and he could tell the hon. and learned Gentleman, or rather he would tell the House, upon the authority of that eminent and independent Judge, that he had no more idea that such a motion was depending, or likely to come on, than he had of what was to be moved in Westminster-hall on that day; and as the motion lay upon his Majesty's Attorney-General, it is obvious that it could only have been known by communication from him, whether he intended to bring it forward, or at what time; and yet this insult was offered to one of the King's Judges in the presence of his Majesty's Ministers and his Attorney-General for Ireland, who neither rebuked nor repelled it. The next topic to which the hon. and learned Member for Tipperary had referred, was one to which no man of humanity could advert without pain—namely, the collision at Rathcormac, in which human life had been sacrificed. But he begged to know who were the persons responsible for the collisions which had taken place? A tremendous responsibility it was [*cheers*]. Did the hon. Gentlemen opposite by their cheers mean to charge it against the Irish Church? [*cheers*]. Did they charge it against the clergy of that Church? [*cheers*]. He supposed he was to conclude from these cheers that they did—but he begged leave with great respect for those who cheered, to deny the charge as applicable to the Church or her ministers. He thought

it capable of demonstration, that the persons who agitated Ireland, both lay and clerical, were responsible for these tremendous results. He was quite aware that the dreadful affair of Rathcormac was charged upon the Irish Church. There never was, in his opinion, a charge more devoid of truth—and as he had the means of referring to the depositions taken before the Coroner, and to the affidavits which had been brought before the Court of King's Bench, in the motion to quash the inquisition of the Coroner's Jury, he would beg leave to state to the House the real facts of the case: Archdeacon Ryder was rector of a parish in which the premises of the Widow Ryan were situated, from whom a large arrear of tithe composition was due to him. He was desirous of obtaining it, but was told by her that she dare not pay it—that she was perfectly willing to do so, but that were she to pay it without compulsion, her life would not be worth a week's purchase; but she said that if Archdeacon Ryder would apply to the proper authorities, and would bring a party of the military into her neighbourhood, she and her neighbours would cheerfully pay. He (the Archdeacon) accordingly obtained the assistance of the military, and they went to the spot under the direction of a justice of the peace. Let it be remembered that this did not occur under the administration of the right hon. Baronet, the Member for Tamworth, but under the one which preceded it. He did not state this for the purpose of casting any imputation upon that Government. It was the duty of every Government to enforce obedience to the law, and therefore they did nothing more than their duty in granting the aid of the military on this occasion. The military party assembled and marched towards the place. The peasantry, not of the neighbourhood, but brought from a distance, strangers, to the number of several hundreds, as it appeared in evidence at the inquest, collected together, armed with bludgeons and deadly weapons, also proceeded towards the place, yelling "no tithes," "down with tithes," and other exclamations of that sort. The mob took another route, and arrived before the military at the house of the widow Ryan. Archdeacon Ryder went to the house of this woman, and asked her for her tithe: she was actually about to pay it, but was prevented, and the military were attacked; and a similar scene to that which occurred at Carrickshock was likely to result. The

military refrained as long as possible from using their fire-arms, but, in the last extremity, to prevent themselves from being destroyed on the spot, they were compelled in self-defence to fire, and unfortunately lives were sacrificed. He did not hesitate as a lawyer to say, and he spoke in the presence of lawyers, that if a lawless and riotous mob armed themselves for the purpose of altering by force that which is established by the law of the land, such an assembly is of a treasonable character. It amounts to a levying of war against the King, and no man could doubt that the military and police were fully justified in resisting such a mob, especially in defence of their own lives. Unfortunately death had ensued, and no man in the House or out of it had more deeply deplored that calamity than the clergyman and magistrates unhappily concerned in that affair. He knew one of them, and he never witnessed mental agony which could be compared to that which that gentleman appeared to suffer in consequence of that melancholy transaction. Nothing could be more scandalous than the scene which occurred at the inquest. The Jury, in place of being returned by constables, were absolutely nominated by bye-standers and partizans, and several of them had but a partial view, and heard part only of the evidence; and could it be wondered at, under such circumstances, and amidst all the excitement and ferment which utterly prevented them from forming a calm and dispassionate judgment, that the Jury found a verdict of wilful murder against the parties concerned? This was not to be submitted to, and the magistrates applied to the Court of King's Bench to quash that inquisition, and the Court did quash it, and thereby frustrated the obvious intention of that most unjust and irregular finding, which was to put the accused upon their trial, without the constitutional intervention of a Grand Jury. A Bill was afterwards sent up to the county Grand Jury, and he was happy to say the three-and-twenty Grand Jurors of the county of Cork unanimously ignored it. These were the simple premises upon which the charges to which he had adverted were brought against the Irish Church, and he thought, that if the House would do him the honour to give him credit for the accuracy of the facts which he had stated, they would be satisfied that there never were charges more unfounded. It was his duty to set this matter in its true

light—for it was continually brought forward, both within this House and out of it. It had become the war-cry of the opposite party; it was used at all the elections in Ireland—and nothing was left undone to excite the popular mind; placards were posted, and paintings, or rather daubs, of the scene at Rathcormac, were exhibited in the city of Cork, at the election, on the walls of the Committee-room of the popular candidates, the effect of which virtually was, greatly to endanger the public peace and the safety of electors in the opposite interest. The hon. and learned Member for Tipperary had next alluded to what occurred at Inniscarra, another of those unfortunate transactions; and he (Mr. Jackson) would confidently submit to the House, after laying before them a simple statement of the facts of that case, whether it was just to stigmatise the clergyman connected with that transaction as a murderer. The hon. and learned Gentleman had drawn a most touching picture, in his powerful language, by which the hon. Member had, no doubt, carried away the feelings of many hon. Gentlemen; and he had represented this clergyman as wiping away his tears with fingers dripping with the blood of his victim. But the misfortune of this and many other of the representations of the hon. and learned Gentleman was, that there was not a particle of truth in them. [Mr. H. Grattan: It is fact.] What, Sir, exclaimed Mr. Sergeant Jackson, a matter of fact! Does the hon. Gentleman know that the rev. clergyman was not present upon the unhappy occasion? [Mr. Grattan: I mean it is matter of fact that he shed tears.] It was true he had shed tears while narrating the circumstances of the case before the inquest, and it was no disgrace to him to have done so; but did the hon. Member for Meath mean to say that it was literally true that the clergyman wiped away his tears with his bloody hands? [He loaded the pistols for the bailiffs.] He was sure that the hon. and learned Member for Tipperary could not mean to make any such representation as being literally true; but unhappily it did too often occur that his imagination and fancy supplied him with pictures which were a very bad substitute indeed for matters of fact. He had already stated to the House, that the reverend gentleman alluded to was not present at the conflict at all. It had, however, been said that he had loaded the pistols. But the House should know the real facts of the case as regarded

that. This gentleman had tithes due to him for three or four years in the parish of Inniscarra. He was a gentleman who had conciliated the love and respect of those around him, even of his Roman Catholic parishioners. He applied to the Government for assistance to make effectual the service of his processes—the Government told him, he should have the requisite assistance; but it afterwards turned out that the Government refused the aid, being informed, he knew not by whom, that as the proceedings were by virtue of subpoenas into one of the superior courts of Dublin, the clergyman need not ask the assistance of Government, for he would obtain a substitution of service, and the benefit of the writ of assistance which would be issued by that Court. The clergyman consulted counsel, and they told him what no lawyer would dispute, that the Court of Exchequer, would not substitute service, nor grant a writ of assistance, until service had been endeavoured to be effected, and resisted or frustrated by force. He then, upon the advice of counsel, resolved to attempt the service. The country was in a most excited state in consequence of tithe agitation, and he knew that the lives of those who went out to assist in the service of his processes would be in the greatest danger, if they had not, in the absence of any military or police, at least arms to defend themselves in case of need. That gentleman had not a single pistol in his house; he never kept them. For a long period before this occurred he had lived in the greatest danger; it was impossible for him to leave the house even for a short time, but the hills were lighted up, he heard signals by whistles and horns wherever he showed himself, so as plainly to indicate the hazard he ran in venturing out; and even the females of his family (his wife was an English lady, unaccustomed to scenes now but too familiar in the unhappy sister country) were miserable when it became necessary for him to leave his house for a moment. While the neighbourhood was in this state, he found it absolutely necessary to give his men fire-arms, to enable them to defend themselves, if attacked, in serving his processes; and he sent to the city of Cork for pistols for that purpose. One party went out to attempt service; they were hunted through the country for their lives, and were unable to effect their object. Another party was sent out with the same intention; and they had succeeded in serving one man, when, upon their return, the country was

raised ; they were pursued, and after retreating for some time with their faces turned towards their foes, they were compelled to turn and run for their lives ; an old man, less swift than others, was left behind—he was closed upon by the mob—they beat him into a dyke with stones, and they succeeded in depriving the poor old man of his life ; the murderer who was slain on that occasion, was in the very act of striking him, whilst down, when the old man fired his pistol, and so close was the man to him that his clothes were actually discoloured by the gunpowder ; to say, therefore, that it was a wanton firing upon the people was a most grievous perversion of the truth. And was it just, he would put it to any hon. Member, to charge upon the clergy of the Irish Church the scenes of Rathcormac and Inniscarra ? There was one fact he had omitted with respect to the Rathcormac affair ; upon the motion in the King's Bench, to quash the finding of the coroner's inquest, the coroner had stated, on his oath, in one of the affidavits filed on that occasion, that he believed the publications which had gone forth, particularly certain letters addressed to the people of Ireland, telling them that the military had no right to enter upon the premises to distrain or seize tithes, and telling them how far they might go in resisting the persons engaged in levying tithes, had influenced the Jury in coming to the monstrous decision—charging wilful murder against the magistrates and other parties concerned. Such were the real facts of those cases which the hon. and learned Gentleman had pictured in such glowing language last night—language which it was impossible to hear without it producing a very considerable effect ; but he put it to the House whether, when the speech of that hon. and learned Gentleman was taken to pieces, analyzed part by part, it did not all fritter away into utter nothingness ? What was the next topic to which the hon. and learned Gentleman had adverted ? Why, forsooth, the clergyman of his parish had had the audacity to sue him for that which he had a right to demand, and which, as a gentleman of rank and large fortune, he was fully able to pay. What was the answer of the hon. and learned Gentleman ? Why, he wrote a letter to the clergyman, stating that he had his option between losing his seat for Tipperary and paying his tithes. Was that a fitting answer from one gentleman to another, in reply to a demand of a legal

right. He knew it had been made a charge against him of breach of faith for reading that letter in the House ; but it had been published in the newspapers long before he had read it—not only that particular one, but others which the hon. and learned Gentleman had written, of a similar nature, to the clergymen of different parishes in which he owned land ; and they had been advised, rightly advised, to set those letters first in the bills in the Court of Exchequer, which they had done accordingly. He trusted he had, therefore, done nothing derogatory to his character as a Member of that House, or as a gentleman, in reading that letter—which had not only been previously published in widely circulating newspapers, but were placed upon the public files of a court of justice. Had it been a document of a private nature, or had it been obtained in any sinister or unbecoming manner, all who knew him would, he was confident, believe him to be incapable of bringing it before that House. But being a document of a public nature, and of great importance, and bearing so strongly upon the matter in issue in that House, as well as in the Court of Exchequer, he was not merely justified, but bound to make use of it. But the hon. and learned Gentleman had told them, that ever since that letter had been published, the clergyman in question had been unable ever to go to church on a Sunday without the protection of a guard of police. He believed there were Englishmen in his hearing who loved and revered the laws of the land—who would willingly lay down their lives in defence of these laws. He would ask, then, was such a state of things to be endured ? Was it to be endured that the country was to be brought into such a state, that a clergyman dare not go to the house of God without the protection of a police force ? Some hon. Gentlemen seemed to imply by their cheers, that all this might be justly charged upon the clergy themselves. [No !] He was glad he had mistaken the hon. Member. But he again put it to the House, if the clergy were not chargeable with these things, who were ? There must be some cause ; it did not happen by chance. He would tell the House the cause. It was the prolonged, the reiterated agitation that was kept up—the exaggerated and highly-coloured statements that were addressed to an inflammable people. For with all the good qualities which belonged to his countrymen, any body acquainted with them knew well that

they had one defect in their character, that they were easily led either for good or for evil. The Protestant clergy and the King's troops were designated as murderers and blood-stained men, and with such excitement as this, was it to be wondered at that the people were urged to excesses. At the last election for Tipperary, placards were circulated calling upon the people, by their hatred of tithes and by the blood that was shed at Rathcormac, to vote in a particular way. The word blood in those placards was printed in large red letters, and the rest of it in black type. Now, he put it to the House, when such means were used to excite the feelings of so irritable and warm-tempered people as the Irish, was it to be wondered at, that the lives of that persecuted and maligned body of men, the Irish clergy, were put in the most imminent jeopardy? He would read some extracts from two letters received from two clergymen in Ireland. He should not for obvious reasons mention names; in the present state of Ireland it would probably endanger their lives. The writer of one of the letters said—"My feelings will not allow me to give a particular statement of the privations and sufferings to which my family and I have been exposed since the conspiracy has been formed against us; but you can form a fair estimate of these, when I state, I have a standing family of thirteen individuals, subsisting for the most part on the produce of my glebe of twelve acres, cultivated principally by my sons. As for money I can get none: and the Government loan was by no means adequate to the liquidation of my debts, which accumulated in consequence of my being obliged to deal on credit. Since October last I have had but 5*l.* in my house, and that borrowed; all my resources are now exhausted; I have been unable to release my letters from the office; my servant has given me notice, and demands his wages; I have no prospect of making a tillage to the supply of such a long family with the common necessities of life for the ensuing season." The writer of the second letter stated, that the Roman Catholic priest of the parish had publicly affirmed to his flock, that the writer would probably send him to gaol for the non-payment of his tithes, and that he would rather go to gaol than pay them. Would the House believe, continued the hon. Member, that the clergyman to whom he alluded had, according to the uniform custom of his brethren, and long before the slightest

resistance to tithes commenced, written to the priest to say, that during the period of his incumbency he would exact no tithes from him? The very priest who had made this public statement, with the inhuman purpose of exciting his parishioners against the Protestant clergyman, had returned the following answer:—"I have again to thank you for your kind, generous, and gentlemanly conduct, and I beg to assure you of my sincere and deep and lasting gratitude?" The clergyman also stated, that in consequence of the violent speeches of the priest, he could not stir from his House without being hooted and insulted, and that indecent and disgusting language was used to his children. On one occasion, the gentleman to whom he alluded had been waylaid by six persons, on his return from church, and was only rescued by the merciful interposition of Providence; and, on the same day, he was attacked by three persons, who detained him until he had consented to levy no tithe from them. Was it possible to imagine anything more affecting than the picture presented by this letter? Yet, notwithstanding all, that clergyman continued to go and preach affectionately and earnestly to those who thus persecuted him. And he thought that nothing but a high and noble Christian principle could ever have enabled him to persevere, under such circumstances, in the discharge of his duty. Yet the cry was raised, that the number of these clergymen should be reduced as much as possible, that they were to be numbered only in proportion to their Protestant parishioners. But no one could maintain that ministers of the Established Church had no duties, no religious duties, to perform towards those who were out of the pale of their communion. He thought it was a mischievous fallacy to assert that the duties of clergymen of the Established Church, especially in Ireland, were to be confined solely to their own flocks. The clergyman obviously was bound to administer to the temporal wants of such of his flock as required assistance; and, though there might be some exception, it could not be denied this was a duty which the clergy of the Irish Protestant Church were ever ready to perform. He would not hesitate to say, that the greatest misfortune the poor of Ireland could sustain would be, in being deprived of the superintendence

and affectionate care of the Protestant clergy. They would then be left without assistance in the absence of their natural protectors, the proprietors of the soil, who resided out of the country, and who abstracted from it annually large incomes. He wished from the bottom of his heart, that some plan could be devised (and nothing could be more patriotic), by which the residence of the landed gentry of Ireland could be secured in that country. Before he arrived at the matter more immediately under discussion, he must be permitted to refer to some remarks uttered in the course of the debate yesterday, by the hon. Member for Lincoln. No sooner had the destitute condition of the persecuted clergymen of Ireland become known in this country, than one of the most munificent contributions ever raised was entered into for their relief. And how had the hon. Gentleman talked of it in that House, in the presence of many who subscribed to it? He had mentioned the collection as "an ostentatious display of piety." He could conceive of nothing more unjust to the individuals concerned in these subscriptions, than to stigmatise them thus. He (Mr. Jackson) would remind the hon. Member also, in passing, that four of the Cabinet Ministers (to their honour be it spoken) had joined in this "ostentatious display of piety." And here let him (Mr. Jackson) observe, in defence of the Lay Association, that they would have been more or less than men had they not come forward to aid their own clergy, in their deplorable condition, in the legal assertion of their rights. Would the House believe that the distresses of the Irish clergy, instead of meeting with sympathy from their brethren of another Church, had been absolutely made the subject of ridicule and sarcastic allusion, by an eminent dignitary of the Roman Catholic Church.—Dr. Mac Hale, who, in a letter addressed to the Bishop of London, used the following expressions;—"There is something in the very soil and atmosphere of Ireland uncongenial to the growth of error; its people are too quick and intellectual in their conceptions, too lofty in their hopes, ever to bend their necks to the ignominious yoke of an Establishment. He (Mr. Sergeant Jackson) supposed the right rev. Prelate was opposed to all establishments: he, however, was a friend to Establishments—he considered it the

duty of every Christian state to establish the Christian religion, and he hoped the country would never be deprived of the blessings which flowed from a Protestant Establishment. However, the right rev. Prelate considered it as an "ignominious yoke," and taught the people to consider it so. But the next part of the letter was far more reprehensible:—"The Parsons, whose deeds united with the decrees of the Lords, have doomed the Establishment to destruction, are already commencing the practices of the Catholic Church. Fasting is becoming a favourite observance. Nay, hateful as celibacy appeared to the Protestant churchmen, they are beginning to agree with Malthus, that it would be unjust to be burdening society with an unprovided offspring." Was it credible that a man calling himself a minister of the Gospel should use such language as this? He would put it to the noble Lord on the other side, whether he would lend his great influence, his powerful aid, to advance the desperate and wicked purposes of men capable of such abomination as this—if he would lend them the weight of his talents and character, which he could assure him was highly estimated, not only in this country, but in Ireland? He put it to the noble Lord, as an attached member of the Established Church, as, he verily believed, a sincere Christian, if he would throw his weight into the scale, for the purpose of advancing the iniquitous practices of such a man—a man who had the hardihood to address such a letter to a Prelate of the Established Church, and declare that the Church was doomed to destruction? He would not trouble the House by reading again what he had read last year—the letter of this same Prelate, in reference to the mission to the Island of Achil, in which he stated that the Establishment was to be destroyed, and represented it as taking its last refuge in that desolate spot. He would not detain the House by going farther into the speech of the hon. and learned Member for Tipperary. He always heard that hon. and learned Gentleman with admiration, though not always with pleasure, and there was always a great deal in his speeches to which he could not agree. But he must be permitted to say, that he had put into his address last night, a variety of topics which had nothing whatever to do with the question before the House. He had, for instance, adverted to the case of Prussia,

and stated that there Roman Catholics and Protestants lived together in peace and harmony. But did the hon. and learned Gentleman desire to be ruled with a rod of iron? Would he rather be the subject of a despotic, than a free state? for such was the state of things in Prussia; but in Ireland they enjoyed, at least to some extent, liberty; and therefore he (Mr. Jackson) could not admit that there was any analogy between the two cases. The case of Scotland had been referred to by the hon. and learned Gentleman, and also by the hon. Member for the county of Limerick (Mr. W. S. O'Brien), who spoke as if there were as much difference between the Church of Scotland and the Church of England, as between the Church of England and the Church of Rome. He was surprised that any Gentleman could make such an assertion. There must, it was true, be some difference between the forms of the two Churches, but there was none in the great articles of our faith. The Churches of Scotland, England, and Ireland, were, in fact, one and the same branch of the Christian Church, differing in not one of the essentials of doctrine. But the hon. Gentleman called upon the House to deal with Ireland, as it had dealt with Scotland, and told us that such a course of policy would be followed by the same results in the one case as in the other. He asked the House to reduce the incomes of the Irish clergy to the level of the very modest stipends of the ministers of the Scotch Church, and he told them, that if they did so, all the grievances of the Roman Catholic population would be removed, and all would be tranquil. He however could inform the House (and he spoke under the correction of many hon. Gentlemen from North Britain) that, notwithstanding the economical provision made for the clergy in Scotland, a most embittered persecution had been raised against the Established Church—not, indeed, by the Roman Catholics, but by those who dignified themselves with the title of volunteers. Surely the hon. Gentleman knew that it was vain to expect that the same line of policy, if followed in Ireland, would satisfy all parties. The hon. Gentleman had proceeded to bring a charge against the Irish Protestant Church, which he entreated the House to consider. The hon. Gentleman had stated that the Irish Church was a remnant of the penal code. What! was the Established Church to be

treated as a remnant of the penal code which the wisdom of Parliament had abolished? If the hon. Member was correct in saying that it did form part of that code, then, of course, it should be swept away at once; for the wisdom of the imperial Legislature had already decided that all penal laws should be for ever extinguished. But he denied that in any sense it was part of the penal code. Mr. Ward: It is.] Would the hon. Gentleman the Member for St. Alban's, tell him what made it a part of the penal code? Would the hon. Gentleman lay his hand on the Statute which enacted that the English Church should be established in Ireland? Was not the penal code enacted in Ireland long after the Protestant Church had been established there? Did the hon. Member know the dates of the penal laws, that they were not enacted till the reigns of William 3rd. and Queen Anne? Was not the Established Church of Ireland recognized by ancient and modern Statutes by the legislatures of both countries, while Ireland had an independent legislature? Did not the Act of Union recognise and confirm it? Was not the Established Church declared to be an essential and fundamental part of the Union, and was it not even recognised by that great Charter of the liberties of the Irish Roman Catholics, passed in the year 1829? Were not the greatest pains taken in framing that Act, to preserve from peril the Protestant Established Church in Ireland? and after all this was it to be termed a "remnant of a penal code?" It was false to say that the tithes, or the composition which the wisdom of the Legislature had substituted for tithes, by one of the most beneficial Acts that ever passed the Legislature, were borne by the Roman Catholic occupiers of land in Ireland. They were paid by the proprietors of the soil. He did not mean merely the owners of the fee-simple, for it was well known that most noblemen and gentry in Ireland, in former times, let their lands on leases renewable for ever; and it was to that class of persons which thus stood between the owner of the fee-simple and the occupying tenant which paid the tithes or composition. It should never be lost sight of that the great body of the property of Ireland was in the hands of Protestants, and that it was they, therefore, and not the Roman Catholics, who chiefly bore the burthen of tithes; and if tithes were to be abolished to-mor-

row they would go into the pockets of the proprietors, and not into those of the occupiers. The hon. and learned Member for Tipperary had spoken of the conduct of Russia towards Poland, and affirmed that Russia endeavoured to maintain its influence in the latter country by forcing the Greek Church on its inhabitants. And so the hon. Member argued, that there was a perfect parallel, and that the mode in which British interests were maintained in Ireland, was by upholding the Established Church. Whether the example cited by the hon. Member bore on the subject or not, he thought there was some truth in his conclusion. Establish the Church of England in Ireland, and we have a strong bond of connexion between the two countries; abolish it, and you sever, at once and for ever, the strongest link which unites them. One of the objects of the establishment of the Protestant religion in Ireland certainly was, to preserve the Union between the two countries, and to advance civilisation in Ireland. It was well known, that previous to the introduction of Protestantism into Ireland, the people of that country were in a state of utter darkness, uneducated, ignorant, and barbarous; and he (Mr. Jackson) would observe, that one of the greatest obstacles to the advance of the Protestant religion in Ireland was, a want of a knowledge of the Irish language on the part of the Irish clergy. And this must go a great way towards solving a problem which the hon. Member for Weymouth (Mr. F. Buxton) seemed very anxious to have solved, viz., how it was, that although the Church of Ireland had existed for 300 years, it had literally done nothing? He begged leave to inform the hon. Member, that though stagnant for too long a period, of later years it had made great progress. It was remarkable that no outcry was raised against it, no turmoil or disturbances took place, while its clergy were negligent and regardless of their duty, and did nothing in return for the income they received; but as soon as the body of the clergy became earnest, zealous, indefatigable in the discharge of their duty, then agitation commenced, and the passions of the people were roused into hostility against them. Before he sat down he would show the House that the Returns of the Commissioners of Public Instruction did great injustice to the Church, and were not to be relied on as to the progress of Protestantism in Ireland. One

great reason for the Protestant Church not advancing in Ireland in former times had been, that the Ministers appointed were not men capable or willing to instruct the people, but men who were ignorant of their native language; and it would have been a miracle had such men much assisted the progress of Protestantism in that country. But he rejoiced that the day had arrived, when the Bishops and clergy of the Established Church had felt it their duty to surmount the labour and toil of acquiring the Irish tongue, and the consequence was that the people flocked to hear those ministers who addressed them in their native language, and, please God, would continue to do so. He rejoiced to know, that in the place of the lazy, indolent, unlettered men, who were formerly sent out, as it might be said, and he was willing to admit, that in many instances this might be true, to fatten on the spoils of the country, the Protestants of Ireland possessed, at the present moment, as learned, as able, as exemplary, as devoted, and as indefatigable, a body of clergymen as adorned any church in the Christian world. This rested not on the testimony of Protestants alone; it was a fact to which many Roman Catholic ecclesiastics had borne testimony. The necessity of a Protestant Establishment in Ireland had been acknowledged at a period so early as the reign of Charles 1st. In 1641, the Lord Deputy Wentworth, dissuading his royal master from entering into a foreign war, wrote to that monarch in these terms:—"His Majesty must defer the great, excellent, and necessary work of bringing this people to a conformity in religion, till which be effected, the Crown of England may not trust, nay, indeed, ought not to hold itself secure of this nation, which, however peaceable and still soever we may think them, are in an instant to be blown up by the Romish clergy into a tempest, not only to the disquietude, but great hazard of the state." It would almost appear as if the Lord Deputy had looked two centuries in advance of his age; and certainly this was too much the conduct of the Roman Catholic clergy at the present day, as the Irish Tithe Question and the Municipal Reform Bill fully proved. The Lord Deputy added, in another place—"I see plainly, that so long as this kingdom continues Popish, they are not people for the Crown of England to be confident of; whereas,

if they were not still distempered by the infusion of Friars and Jesuits, I am of belief they would be as good and loyal to their King as any other subjects." Such was the opinion of Lord Deputy Wentworth. But to return—The real grievance was this, that the revenues of the Protestant Church were continued to it, and were not disappropriated from it to secular purposes. And he must say, that the noble Lord, the Secretary for the Home Department had laid down a doctrine which would seem to justify the complaint. He had uttered an observation to this effect—that the established religion of a state ought to be the religion of a majority of the people. If that were so, then the Roman Catholics of Ireland must think it a grievance that the Established Church of Ireland was the religion of the minority of the people of that country. If it were a grievance, then its property should be taken away from it altogether; and where was the consistency of those who stopped short in their work of appropriation at this paltry pittance of 50,000*l.*, or it might be, 90,000*l.*? To act consistently, ought not his Majesty's Government to give up to the hon. Member for Kilkenny the entire Church property? [*Mr. O'Connell*: Not the entire.] No, not the entire! Well, then, what part did the hon. and learned Member intend to take? Would he stand still at 50,000*l.*, and be content with the sop for ever? He would answer that question for the hon. and learned Member, and say that he would not. He had before said, and he would repeat, that the real object of a large party of those who supported the Bill was to put down the Established Church in Ireland. He said, that the object of asserting this barren principle of a surplus which he believed would never be realised, and which at present was a mere shadow, and would never in future become a substance, was to obtain a fulcrum, on which certain parties might erect their machinery to overthrow the Protestant Establishment. The hon. and learned Member for Kilkenny would never be contented with the mere assertion of an abstract principle. He would one day follow it up; the hon. Member had said that he would do so, and he did the hon. Member the justice to believe, that in this instance he would be a man of his word. He would prove the hon. Member's intentions by reading to the House a passage from a

letter addressed by the hon. and learned Member for Kilkenny to another hon. Member of that House, the Member for Dundalk, whose sentiments on this subject he anticipated that he should hear before the conclusion of the debate. He expected that that hon. Member would inform the House that he, and others who thought with him, would never be satisfied with anything else than the absolute demolition of the Church of Ireland. He was sorry that the noble Secretary of State was not present to hear the honest cheer of the candid Member for Dundalk. He was sorry that none of that noble Lord's colleagues were present to hear it. He was well aware that anything he could say would have but little weight with Ministers; and, indeed, there was not one of them present. If they were, they might learn a lesson as to the views and opinions of the hon. Gentlemen opposite, from their looks, and their manner, and their cheers upon this occasion. To return, however, to the letter written by the hon. and learned Member for Kilkenny, in September, 1834. That hon. Member was apologising to the hon. Member for Dundalk, for not having conformed to his particular views on the tithe question; and in apologising to him for not having gone as far as the hon. Member for Dundalk (*Mr. S. Crawford*) had wished him to go, was informing the people of Ireland of the full length he intended to go at some convenient opportunity. "It is true," said he, "that I demanded for the present but a partial reduction of tithe; it was three-fifths I asked for. Why did I not ask for more? Because I had no chance of getting the entire amount abolished at present, and I was refused even the extent I asked for. I asked for three-fifths, —I only got two-fifths. I had not the least chance of destroying the entire amount of tithe." It appeared from this that the hon. and learned Member had excellent intentions at that time, and that the hon. Member cherished them up to this hour he was ready to warrant. The letter then proceeded:—"I am one of those who are always ready to accept of any instalment, however small, of the debt of justice due to the people, that real national debt." [*Cheering from Mr. O'Connell and the Ministerial Members.*] Yes—it is well known that the hon. and learned Member is always ready to accept, any instalment, however small; that is

notorious. Aye, and "that debt of justice to the people" is a useful word too. Justice to the people!—justice to Ireland! That meant for this turn the entire demolition of the property of the Protestant Church of Ireland. But the hon. and learned Member, to make his meaning clear, added, "I am determined to go on and look for the remainder as soon as the first instalment is realised." This was language, as to the meaning of which it was impossible that there could be any doubt. It was a pledge that, though he might accept the first instalment, he would have the rest; and he was sure that the hon. Member, if he could, would have the rest. He hoped that some of the noble Lord's friends would apprise him of what he had to expect in future from his ally in name, but from his master in reality—the hon. and learned Member for Kilkenny. The noble Lord must not deceive himself by supposing that this Bill would be a final, healing, conciliatory measure, which would put an end to all turmoil and agitation in Ireland. Quite the contrary, it would only lead to fresh turmoil and to fresh agitation. Unless the noble Lord was prepared to surrender the entire Protestant Church in Ireland, with concession, agitation would be renewed, *toties quoties*, till all was gone. He had heard with extreme surprise another observation which fell from the noble Lord in the course of his speech the other evening. The noble Lord had said, that an Established Church was not intended for the propagation of a doctrine, but for the instruction of a people. Fine words these! But what, in the name of common sense, was their meaning? Was it not the duty of a Church Establishment to propagate a doctrine? If it was not, for what purpose was it instituted? Was it not to teach religion? And what did religion consist in? Did not religion teach doctrines? Or did it confine itself to the teaching of reading, writing, arithmetic, and, if you will, barren morality? He was at a loss to conceive what could have induced the noble Lord (the Secretary of State for the Home Department) to use such language. It was a timely, but true maxim, that in all things "honesty is the best policy." As soon as ever a man allowed himself to desert the high and given ground of principle, that moment he involved himself in inconsistencies, and absurdities, and mischief. The definition of the noble Lord

was not the true definition of a Church Establishment, and was in point of principle as indefensible as his position, that the established religion of a state should be the religion of the majority of a people. Did his Lordship mean that it was the province and duty of the Protestant Established Church to teach the Roman Catholic religion to the people? What were the Protestants of Ireland told at the Union? They were told to amalgamate with the people of England—that their religion would then be secure, because it would be the religion of a majority of the empire. The language of the Act of Union was, that the United Church of England and Ireland, as established, should be maintained and preserved, and such maintenance and preservation were declared to be fundamental and essential parts of the Union. It was also true that the noble Lord said, that he was not prepared at present to carry out to their full extent in Ireland the principles which his favourite authors had avowed on these points; but he would recommend the noble Lord to be prepared in no very great length of time to carry them out to the utmost. The noble Lord had the pledge of the hon. and learned Member for Kilkenny, that those principles should be so carried out; and this time, at least, the hon. and learned Member would redeem his pledge, and not violate the faith he had plighted. He would remind the noble Lord and his colleagues in office, that the power which had put them in could also remove them from their present places, and that, if they did not perform the high behests which might issue from that power, they would not be permitted to occupy long the benches on which they were then seated. They might rely upon it, that the hon. and learned Member for Kilkenny would tell them that, if they did not do "justice to Ireland," their tenure of office would be short indeed. But would the hon. and learned Member for Kilkenny tell either his Majesty's Ministers, or the House in general, what he meant by "justice to Ireland?" He should like much to hear a definition of that phrase—he should like much to know what it meant. To-day it was—"Take only a little from the property of the Church of Ireland, establish for me the principle of appropriation, give me the place where I can set my foot and establish my machinery, and that is justice to Ireland."

that was the meaning of the phrase now; but what would it be on Thursday next?—Then it would be, “Do justice to Ireland—give us Municipal Corporations—let us have normal schools of peaceful agitation—all over Ireland, from Antrim to Kerry—from Galway to Dublin—yes, from Cork too—aye, and from Bandon also. He liked to hear those names—yes, from one end of the island to the other, along its whole length and its whole breadth, there would be normal schools of peaceful agitation, and if they would not give that, let them mark the consequence of refusing to do justice to Ireland. That would be the demand on Thursday next—what would it be the week afterwards? Then they would indeed have a great question before them; then they would have the conduct of the right rev. Prelates, and of the other Peers of Parliament, canvassed for refusing their assent to the proposed measures for reforming the Corporations, and for spoliating the Church. Then they would hear of the unconstitutional conduct of the other House of Parliament in presuming to differ from the most wise and potent Commons of England. Then they would be told, that unless they consented to correct the errors of that besotted body, and unless they set it right, by making an organic change in its construction, they would not be doing justice to Ireland. But what next? The learned Gentleman would say, “You wont demolish the hereditary branch of Legislature for us, why, then, you deny justice to Ireland, and I will agitate for a Repeal of the Union; that alone will do justice to Ireland.” His hon. Friends near him suggested that there were other topics in which the hon. and learned Member for Kilkenny also felt great interest, and that each of these would suggest a different meaning for his celebrated watchword of “justice to Ireland.” He defied any man living to say what was the ultimatum of “justice to Ireland,” or what would satisfy the cravings of certain individuals whom he would not further name. What was the justice to Ireland which the noble Lord claimed now? The noble Lord said it was, that the surplus revenue of the Irish Church should be set apart for “the moral and religious instruction of the people of Ireland.” Now, he wished to know whether it was intended to place this surplus of 50,000*l.*, supposing it to

be realised, in the hands of the Commissioners for Education in Ireland, or in the hands of some other body? If it went into the hands of those Commissioners, it would be employed in propagating a doctrine—it would be expended in teaching the Roman Catholic religion. He believed that many of the schools under the direction of that Board were even now publicly teaching the tenets of that religion. In one of them he had himself seen in the hands of children, during school hours, the Roman Catholic Catechism, and had asked, but in vain, for a copy of the Scripture extracts, which was ordered to be read there. There was not a single copy, either of those extracts or of the Scriptures, or any version of the Scriptures there. Now, he would ask this question—was it the business of the Protestant Establishment in Ireland to teach the Roman Catholic religion? Was that the noble Lord’s notion of the duties of a Church Establishment? He had heard from the noble Secretary for Ireland, an observation which, though it did credit to his feelings, was neither a sound nor a statesmanlike doctrine. The noble Lord had said, that he would not employ the military force in the collection of tithe, if it were required to collect it at the risk of shedding blood. “That was a sacrifice which, great as it was,” the noble Lord had said, “he should not deem too much for truth and religion, but infinitely too much for an Establishment; not too much for the spirit, but for the form of worship.” Now, in commenting upon this observation, he must ask, first of all, why was a military force maintained in Ireland? Was it not to preserve the peace, protect the property, and enforce the law of the country? If the people, misled by agitators, would array themselves in bodies against the law, to the disturbance of peace and to the endangering of property, must not the civil force, in the first instance, and, if that be insufficient, the military force in the next, be of necessity employed against them? If the noble Lord would not employ the military force for the protection of the property which the Church had in tithe, how would he draw the line between that and any other species of property? Surely, the noble Lord, with his good sense and sound judgment, must perceive that he was bound to protect every kind of property, and that if he excluded any

kind from it, he was holding out a premium to agitation and spoliation, and laying the axe to the root of all property and of all subordination. He had not heard the whole of the speech made last night by the hon. Member for Waterford; but he admired the frankness with which that hon. Member had expounded his views on this question in that part of it which he had the good fortune to hear. He entered the House whilst the hon. Member was laying down propositions which were quite incontrovertible, and which were intimately connected with the topic which he was now discussing. The hon. Member had said, that if property of one kind could be borne down by popular feeling and popular agitation, no other property would long be safe after it. He repeated that proposition over and over again; and that at last he came to the conclusion, of which no man could deny the justice, that the property of no man would be safe in Ireland, if the property of the Church were allowed to be borne down by popular clamour and popular agitation. If the noble Lord would not listen to his (Mr. Sergeant Jackson's) advice, let him at any rate attend to the warning voice of his Friend and supporter, the hon. Member for Waterford. Let him remember, that if he permitted the property of the Church to be spoliated, under the popular clamour and agitation which distracted Ireland, his hon. Friend, (the Member for Waterford), and every other Gentleman connected with Ireland, must bid farewell, a long farewell, to all their property in that country. For his own part, he had not the slightest doubt, that if the laws were fairly, firmly, and impartially administered, and not as now made instruments of coercion one day, and of favouritism the next, they would be willingly obeyed by the people of Ireland, for the people of Ireland, when they were not misled, were fond of, and obedient to the law, when it was fairly, firmly, and impartially administered. He could say, that from some experience of his own in Ireland, for he had himself, occasionally, filled a judicial office there, and could bear testimony to the satisfaction with which the people witnessed the equal administration of justice. He was sorry to say, that he could not approve of all that had fallen from the hon. Member for Waterford in his speech of last night. He had heard, with no less

pain than surprise, the very uncalled for attack which the hon. Member had made upon the political conduct of the noble Lord, the Member for North Lancashire. The hon. Member for Waterford declared, that it was his opinion, that that noble Lord did not intend by his proposition to settle this question, but that his object was to undermine the present Ministry, to occupy their place, and to exalt himself upon their ruin. Had the noble Lord been present when the attack was made upon him, he certainly should not have attempted to vindicate the noble Lord from it; for he knew, and the House knew also, that the noble Lord was well able to vindicate himself without any extraneous aid; and he had no doubt that the noble Lord would soon either find or make an opportunity for replying to the attacks which had been made upon him from several quarters in the course of this debate. As the noble Lord, however, was not present when this taunt was directed against him, he hoped that the House would permit him to vindicate the noble Lord from it, and to say, that never was a charge more completely without foundation. Could the hon. Member for Waterford be ignorant of this fact—that the point, on which the noble Lord severed himself from the Cabinet of which he was a Member, and on which he abandoned power and place, was a principle which he would not surrender? Could he be ignorant that the cause of the noble Lord's resignation was his determination not to suffer the property of the Protestant Church of Ireland to be disappropriated to secular purposes? It was not fair, then, to attach to the noble Member for North Lancashire, a charge so discreditable to his honour and character, and so totally destitute of all foundation. For his own part, he thought that the noble Lord deserved the gratitude of the country for the arduous duty which he had imposed upon himself in framing his measure, and the able and masterly manner in which he had introduced it to the notice of the House. It contained all that was valuable, and avoided all that was vicious in the Bill of the noble Secretary for Ireland. He had originally intended to go through that Bill clause by clause; but he had trespassed too long upon the attention of the House already, to think of fulfilling his original intention. He had been prepared to show, by a com-

parison of the funds belonging to the Church of Ireland, and of the population of that country, that such a clergy as was necessary to supply the spiritual wants of such a population could not be more than moderately provided for out of those funds. He would, however, abstain from that comparison now, for he had received the kindest attention from the House, and would not trespass unnecessarily upon it. He should, therefore, content himself with adverting to what appeared to him to be the most important observations that had been made in the course of the debate. He objected not only to the appropriation clause, but also to some other arrangements which the noble Secretary for Ireland had made in this Bill. By the Bill of last year he proposed to extinguish 860 parishes. Now, though that provision was professedly abandoned in this Bill, yet the very same object was accomplished in it, by means, if possible, still more objectionable. This was accomplished by the 51st Clause, which, in conferring the power of dividing districts into benefices, and of altering the boundaries of parishes, conferred upon the Government the power of extinguishing in effect whatever parishes they chose. That clause was a covert, roundabout way of effecting that which the Government said that it had abandoned the intention of effecting, and was objectionable also upon other grounds; for it destroyed the landmarks, and obliterated the boundaries of the Protestant division of the country, which had at present prescription in their favour, whilst all the boundaries of Roman Catholic parishes would be preserved as before, thus enabling the priests to step easily into possession of the property of the Protestant Church, when its ruin was completed. The basis, too, of all this legislation was the returns received from the Commissioners of Public Instruction. Now, if time and opportunity permitted, he could prove (as he had said before), that those returns were not accurate enough to justify the House in legislating upon them. That was a grave charge to make; but he made it upon good grounds, and a serious weight of evidence. One of the two objects for which that Commission had been appointed, was, to ascertain what were the present means of giving education to the people of Ireland. Now, he had been connected with the Kildare-place Society.

He had never been afraid or ashamed to avow it. He was proud to say, that he had been its secretary for twenty years; he was still one of its secretaries, and he was happy to think that he had, as one of the members of that society, been the means of accomplishing some good for his country. He was satisfied that great and permanent good had been effected by it for Ireland. It had educated respectable teachers, to the number of from 2,000 to 3,000. It had, on the day on which the Commissioners made their Report, 1,050 schools. Here he must return, on the part of the society, her grateful thanks to the liberal gentlemen of England who came forward, and generously contributed to the funds for the advancement of its objects in Ireland, at a time when the sunshine of Government approbation was withdrawn, and the grant of the public money no longer made. As he had just said, there were, belonging to this society in Ireland, no less than 1,050 schools. Would it be believed, that in the return of these Commissioners of Public Instruction, the number of schools under the Kildare-place Society was stated at only 235? There were three dioceses in which the Commissioners returned that the Kildare-place society had no schools;—it so happened, that in those three dioceses they had nearly 300 schools. He could prove, too, that out of that number of schools, returns were sent into the Commissioners by the managers in no less than 150 cases. He believed that they were sent in to the Commissioners in every case, but he was not in a situation to prove it with regard to 150 instances. He had been altogether astonished when he saw in the report of the Commissioners 235 given as the number of schools belonging to the society. The Committee, when they saw the Report, said there must have been some strange and unaccountable mistake somewhere; and in order that there might be none on their side, they sent inspectors into those three dioceses, viz., Down, Connor, and Dromore, in which they were returned as having no schools. Those inspectors visited each of the schools, and found every one of the schools in the same localities in which they had been represented by the Committee, to the number which he had stated. He was also in a situation to prove that the returns given by the same Commissioners

respecting the comparative number of Protestants of the Church of England, Protestant Dissenters, and Roman Catholics in the different parishes of Ireland, were most inaccurate. He could state, that as soon as it was understood that all benefices were to be extinguished, which did not contain fifty Protestants of the Church of England, every method of intimidation was practised to drive the Protestants out of those parishes where the number slightly exceeded that amount. He would mention one instance. In the parish of Dromod, there were fifty-six Protestants at the time of the Report; it was returned to the Commissioners by the Protestant minister of the parish as containing that number, and yet it appeared in the printed Report of the Commissioners as containing forty-nine! just one under the required number to entitle it to a Protestant minister, under the noble Lord's Bill of last year. In another case, the parish of Desertseges, not far from Bandon, the number returned by the Commissioners was fifty, under the actual number of Protestants of the Established Church resident in the parish. He was enabled to state this from having seen the list of the names of the heads of all the families, and the number belonging to each, taken down by the excellent clergyman who was doing duty in that parish—a list not made for the purpose of checking the return of the Commissioners, but by that rev. gentleman, as minister, to enable him fully and effectually to discharge his pastoral duties to every member of his flock. He had received a letter, stating that there was a priest in the county of Cork, who said that he would take good care one way or another that there should not be found fifty Protestants in his parish. [*Loud cries of name, name, from the Ministerial benches.*] He would not name him. If the House would authorise an inquiry into the subject, he would undertake to prove the way in which the priest had made the threat, and also the way in which he had followed it up. He would not name the priest or the parish, but he had his information from a clergyman of the Church of England, on whose accuracy he could implicitly rely. Yes, he had been informed that the priest said that he would take care that there should not be fifty Protestants found in his parish. It appeared from the evidence of an individual who had been the victim of that threat, that he ordered every Ca-

tholic of his flock to turn away any and all of their servants who were Protestants, and who would not turn, as it was called. Several were accordingly discharged, and left the parish. There were four Protestant children who had been sent to the parish from a charitable institution in Cork, to serve as servants in families there. To reduce the number of Protestants the order was issued, and these four children were turned out of the families in which they had been placed. One of them was found by a dignitary of the Church, the informant, on whose accuracy he most implicitly relied. That child found an asylum in the House of Industry at Cork, and whilst in that asylum was examined by the dignitary to whom he had already alluded, and by the superintendent of that institution. The child said, that the priest had given the order to his flock, and she had been in consequence turned out, because she would not conform to the Roman Catholic religion. There was another case to which he would refer, and he was, in this instance, at liberty to mention names for the satisfaction of hon. Gentlemen opposite. Mr. Hudson, of Spring Farm, in the county of Wicklow, had been requested by the Roman Catholic clergyman of the parish in which he resided to make a return of all the Protestants and Catholics he employed, and he gave a return of fifty-six Protestants in his house and employment, and ten Roman Catholics. He received a letter from the Roman Catholic clergyman thanking him for the return; but when the Commissioner appeared, in the month of December, a list was handed to him by the Roman Catholic clergyman of only thirteen out of the fifty-six Protestants. He asked again, was it fair, was it safe, to act upon such returns? And yet they had been made the very foundation of this Bill, were recited in its preamble, and would form the only data to guide the Committee of the Privy Council, in their dealings with the population and localities of the different parishes in Ireland. The noble Secretary of State for the Home Department, without affecting to answer the able statements made by the noble Lord (Stanley) in introducing the present debate, had thought it expedient, for the purpose of withdrawing the attention of the House from the real question before them, to refer to a variety of topics altogether extraneous and foreign to the occasion, and

among others, to the improvements, as he called them, which had been effected by the right hon. the Attorney-General for Ireland, in the administration of the law in that part of the country. The noble Lord laid peculiar stress on the advantage which had been found to result from the discontinuance of the practice which hitherto prevailed of setting aside or challenging juries on the part of the Crown. That was a matter of the greatest importance; but in his opinion the alteration introduced by the right hon. and learned Gentleman, was by no means calculated to produce the happy results which had been ascribed to it. He had received several communications on the subject, particularly from the Queen's County; and he could state to the House, that the impression among professional men there was, and he fully concurred in the opinion, that it tended materially to frustrate the administration of justice. Substantially, it gave the accused party the nomination of the jury; and the danger of such a provision, in the present unfortunate state of things in Ireland, must at once be manifest to every one. He would just give the following instance as a proof of what he had stated. In the Queen's County a man named Carter, a tenant of Lord Maryborough, was murdered at noon day, for enclosing a piece of land which belonged to him, and for which he paid rent. Three persons were tried at the summer assizes at Maryborough in 1835. No verdict was found. The case was tried again in the spring assizes of 1836. What was the result of the "improvement" to which he had referred? Why, as the Crown had given up its former right of challenge while the prisoner retained it in full force, there was actually suffered to remain on that jury, an individual who had himself been tried for a riot at which a homicide was committed, had been convicted and sentenced to twelve months' imprisonment, which he had suffered. It might well be conjectured under such circumstances, what followed. Even supposing the other eleven had been inclined to bring in the prisoner guilty, it could not be expected that this man would have assented to such a verdict, and the jury could not agree. They were carted to the bounds of the county and discharged. It was well known to the right hon. and learned Gentleman, the Attorney-General for Ireland, that cases must occur frequently in the present condition of Ire-

land, in which it was desirable to set aside men from serving on juries, even though there might be no moral stain upon their characters. It was obvious, for instance, that timid men and men living in thatched houses, exposed to popular indignation, ought not to be put to the danger and hazard which they might incur in exercising their duty, by convicting a criminal. He heard similar complaints of like results from Longford and other places. He had also heard great complaints made of the solicitors who had been appointed on the part of the Crown to conduct prosecutions at the different quarter sessions in Ireland; but as that was a part which, although first alluded to by the noble Secretary of State for the Home Department, was altogether foreign to the subject under discussion, he would not, having already trespassed so long on the indulgence of the House, more particularly refer to it. He should be sorry if in the course of his speech he had said anything calculated to wound the feelings of any hon. Gentleman in the House. But he felt that he had a solemn duty to discharge, and one from which he would not shrink. He would endeavour to the best of his humble ability to place the Protestant Church of Ireland upon its true footing. He would only refer, in conclusion, to the Act of 1829. He was not going to make any remarks as to the obligation of the oath which Roman Catholics were then to take in order to obtain a seat in the House. He would only say, that in his opinion, if it had been proposed to make the oath more stringent, it would have been acceded to by Roman Catholics, [No.] Notwithstanding what had fallen from the hon. Gentleman, he believed he had stated nothing but the truth; and he could state that a Peer of the Roman Catholic persuasion had said that, as a man of honour, putting the oath out of the question, he could not prevail upon himself to enter into any legislation affecting the property of the Established Church. That was noble—that was generous—that was honorable in the highest degree; and he (Mr. Jackson) did put it with all sincerity and tenderness to his Roman Catholic fellow-countrymen—his Roman Catholic friends (for many of that faith, and he was proud to say it, were his friends)—if, having been admitted into the Protestant legislature of this empire, on the confidence that they would not enter into any measure affecting the property of the Esta-

blished Church of England and Ireland, they could reconcile it to their feeling as Gentlemen and men of honour, to vote away any portion of that Protestant property which they have sworn to maintain. The hon. and learned Sergeant concluded by expressing his intention of voting for the Bill of the noble Lord, the Member for Lancashire.

Mr. Ward had no intention to follow the hon. and learned Gentleman through a variety of details, many of which would be explained and others contradicted by hon. Gentlemen who would follow him, but perhaps the House would permit him to apply himself for a short time to the principles by which alone its decision ought to be guided. He had listened to the speech of the noble Lord, the Member for Lancashire, with great attention, in the hope of discovering some alteration in the spirit of his legislation for Ireland. He found the noble Lord, however, at the very point at which he started in the year 1830, utterly regardless of the mighty changes which had been going on around him, and standing as a solitary landmark to show how far public opinion had shot beyond him. The noble Lord accused hon. Gentlemen on the Ministerial side of the House with a bigoted adherence to an abstract principle. But at all events that abstract principle had never been tried. They might entertain hopes of its healing effects, but they had never tested them. The noble Lord had forgotten that he was a no less obstinate and bigoted adherent to an opposite abstract principle which had been tried and proved to be fraught with the worst consequences, not merely to Ireland, but to the welfare and religious institutions of the empire at large. Experience had shown that the Established Church in Ireland could not be maintained to its present extent, or on its present footing, without so violent an outrage being done to the feelings of the Catholics, as to render it impossible that it could ever be productive of any good effects. What said the noble Lord opposite? That the Protestant Establishment should be maintained in its full integrity, that from the tithe fund in Ireland not one farthing should be deducted for the benefit of the Catholic population, but that it should be distributed, in its locality, among the ministers of the Establishment; and that as to the Roman Catholics, in so far as they might have placed any reliance on the

justice of the noble Lord, or any confidence in his influence with the Legislature—which, thank God, was not now what it had been many years ago—they had nothing to look forward to but a perpetual submission to that yoke which the noble Lord opposite had endeavoured, and unsuccessfully endeavoured, to force upon them. The right hon. Baronet, the Member for Cumberland, repudiated (he thanked him for the word)—repudiated the principle to which the House was pledged: and the noble Lord, to induce the House to accede to his plan entered into a variety of details. Some of those details were good undoubtedly; but it was singular enough that they formed the only points on which the noble Lord coincided with his Majesty's Government. On the reduction of salaries and the abolition of pluralities there was no difference of opinion between the noble Lord and his Majesty's Ministers. But here all similarity ceased. The noble Lord, the Member for Lancashire, strove to show, that by a different distribution of the tithe fund in Ireland, it was possible so to parcel it out among the different ministers of the Church Establishment, as to prevent the existence of any surplus at all; and in the event of any surplus arising after all, the noble Lord proposed that sooner than the Catholics should derive any benefit from it, it should be applied to the building of churches and glebe-houses, until the ramifications of the Established religion extended to the remotest corner of Ireland. Certainly it was hardly possible to conceive the existence of a surplus which might not be swallowed up by such demands as these. But he would ask the House whether this, after all, was not an attempt to perpetuate a system which for 300 years had been productive of the worst results, which had cost England 1,000,000*l.* annually for her standing army, 200,000*l.* for police, 1,000,000*l.* sterling for glebe-houses and churches since the Union, and 1,500,000*l.* for Protestant education, which might fairly be considered as a branch of the Establishment. He would put it to the noble Lord as a reasonable man, and a Christian, whether he could look without shame and concern to the results of this system, as now testified in Ireland? He would ask him, whether there was to be found in the whole civilized world such another instance as Ireland presented of the maintenance of what he was pleased to term a national

Church in that country? He would ask him, whether, in any other country on the face of the earth, the clergy of the national Church were compelled to wring their legal dues from the people, by the revival of an obsolete process in the Court of Exchequer, by tithe suits, by the help of the army, and the assistance of the police, and by the actual effusion of human blood. There were 7,000,000 of Catholics in Ireland, and only 750,000 Episcopalians; for of the 850,000 Protestants at least 100,000 are Wesleyan Methodists, who defray the expense of erecting and maintaining their places of worship, and who pay their own ministers. He would ask whether the people of England were not now paying for the way in which they had treated Ireland since the days of Elizabeth? They had exerted themselves to impose a large Protestant Establishment on the Irish nation, without taking a single step to prepare the minds of the people to receive the Protestant religion. They had not attempted to promote that great moral change in the people which took place in this country at the time of the Reformation; and therefore all their attempts to spread the Protestant religion there had been unsuccessful. The hon. and learned Member for Bandon had called the Established Church the bond of union between England and Ireland, but he would say that it rather was the cause that the union had never been effectual; it continually prevented tranquillity in the country. It had prevented Protestantism from attaining due ascendancy in Ireland, and had prevented that religion from effecting the practical good which otherwise would have resulted from it. It might be inferred from the amendment of the noble Lord that they were not to take into consideration that there were any Catholics in Ireland, but were merely to look to the number of acres and Protestants. His noble Friend (Lord John Russell) very happily said last night that the noble Lord seemed to think that the Irish Church should look to the cure of acres not to the cure of souls. He agreed in the propriety of this observation, and would add that the noble Lord and those who acted with him rather looked to the number of acres and Protestants than to the interests and moral and religious instruction of the great body of the people. He did not mean to say, that they should not give liberal incomes to such Protestant clergy

as were wanted, but he protested against the unnecessary number of them, and the enormous stipends some of them received. He cordially concurred in the opinion that every Protestant clergyman should have the education of a gentleman, and should have an ample allowance to live like a gentleman. When, however, hon. Gentlemen dwelt so strongly on this point, he would beg them to recollect the small allowance made to the Protestant ministers in the north of Ireland. There was allowed by Parliament the sum of 15,000*l.* a year to be distributed among the Dissenting clergy of the north of Ireland. This body of persons was divided into three classes. The first class had 150*l.* a year each; the second, 75*l.*; and the third, 50*l.*; and no pluralities were allowed. This, of course, was in addition to the stipend they received from their respective flocks. The whole of the income of a clergyman of the first class, according to Mr. Pope, the Moderator of the Synod of Ulster (including the *Regium Donum*) seldom or never exceeded 300*l.*, and most of this class resided in the large towns; and the income of the second class seldom exceeded 150*l.* a year. Was the noble Lord prepared to say, that he would have Ireland mapped out into districts in his wish to have what he called a new Ecclesiastical arrangement? Were there no Catholics on those acres, which the noble Lord and the right hon. Baronet had so carefully distributed. The noble Lord seemed to think that the feelings and interests of the Catholics ought not to be taken into consideration on this subject. He rejoiced in the extreme that such was not the opinion of that House. The Catholics of Ireland were 7,000,000 of people who could not be subjected to a military despotism like the inhabitants of Poland; they possessed the elective franchise, which they would use in a way to prevent their being oppressed. This point was one that it would be an act of absurdity to exclude from the consideration of this question. Hon. Gentlemen seemed to forget altogether the relative proportion of Protestants to Catholics in the different parts of Ireland. In the province of Armagh, to every ten Protestants there were seventeen Catholics; in the province of Dublin, to every ten Protestants there were fifty-eight Catholics; in the province of Cashel, to every ten Protestants there were 188 Catholics; and in the province of Tasm, to every ten

Protestants, there were 259 Catholics. Throughout the whole of Ireland, for the 7,000,000 Catholics, there were 850,000 Protestants, including 100,000 Wesleyan Methodists who pay their own clergy. If the Church property in Ireland was distributed as in other parts of the world, there would be a sufficiency for the religious instruction of all classes of the community. The principle which ran through the whole of the measure introduced by his noble Friend, was conciliation to the Catholic population of Ireland, and this was attempted to be effected by a very small concession indeed. The noble Lord, the Member for North Lancashire, said, that the 50,000*l.* for the moral and religious instruction of all classes might be drawn from any other source, as well as from the revenues of the Irish Church. There was no Member on the Ministerial side of the House (not even the hon. and learned Member for Kilkenny, or the honourable Member for Middlesex) who would object to vote a sum of money from any fund, for the purpose of the general education of the people, if it was not to be procured from another source. He had never known his hon. Friend, the Member for Middlesex, with all his love for economy, refuse a vote of money, when he believed that the interests of the great body of the people would be served by it. But, he would ask, whether the money to be devoted to the purposes of education, if taken from any other source, would be attended with the same healing effect as it would be if drawn from the quarter now proposed? He replied — certainly not; because the great object was to show the people of Ireland, that provision was made for the general education of all classes, out of the exorbitant revenues of the Church. As for supposing that any bill on this subject could be a final measure, he begged to observe, that he would not be guilty of the hypocrisy of saying so. He did not believe that it would be so. He did not believe that it was possible that, with respect to a country situated like Ireland, that that House, or any Legislature, could adopt what could be considered a final measure. He should feel, that he was attempting to deceive himself and others, if he asserted that he supposed this to be the case. He contended that the Church Establishment, as reduced by the Church Temporalities Act, was much too large for the spiritual

wants of the Protestants of Ireland. He was satisfied that one Archbishop and five Bishops would be amply sufficient to supply all the spiritual wants of the Irish Church, and thus a reduction might be made in the payment of the hierarchy from 150,000*l.* to 300,000*l.* He did not see why the House should not proceed on the same principle as the noble Lord, the Member for Lancashire, when he brought in the Church Temporalities Bill. The noble Lord, when he introduced that Bill, said, that twenty-two Bishops and four Archbishops was too large an ecclesiastical establishment for the spiritual wants of the Protestants of Ireland, and he, therefore, proposed to reduce it to two Archbishops and ten Bishops, which he said he considered would be amply sufficient. Now he was of opinion that one Archbishop and four Bishops would be found fully adequate to all purposes that were required. Were hon. Gentlemen aware that in one diocese in England, namely Chester, there were 1,500,000 members of the Establishment? Now in Ireland there were only 750,000 episcopal Protestants, and if one Bishop was found sufficient to superintend the spiritual wants of 1,500,000 in this country, surely two Archbishops and ten Bishops were too many for 750,000 persons. Again, look to the Church of Scotland as to the model of what a Church Establishment should be. There the clergy faithfully discharged their duty, and yet were satisfied with a small income. In that country there were 1,600,000 Protestant members of the Establishment, and the income of the Church was about 200,000*l.* a-year. In Ireland there were about 750,000 members of the Established Church. The expense of the Establishment at the present time was about 800,000*l.* a-year, and after all the proposed reductions were made, there would remain to it 500,000*l.* a-year. He found that the average expense in Scotland for the pay of the clergy was 3*s.* 4*d.* for each member of the Establishment, while in Ireland the average annual expense for each member of the Church was 1*l.* 1*s.* This, then, was the average that the noble Lord, the Member for Lancashire, would not alter, because he would devote the present revenue to the Establishment, and he was unable to increase the number of Protestants in Ireland. For his part he saw no reason why the same principle should not be acted upon in Ireland as in

Scotland, and if a parallel was drawn between the clergy of the two countries, he had no doubt as to the side on which the balance of advantage would be found. The truth was, that the great body of the Irish people had been as much excluded from that religious instruction which the Church was founded for the purpose of imparting to the people, as the slave population of South Carolina, or any other slave state of America, were from the advantages of general education. The object, then, which the Government had in view, was to devote the surplus revenue of the Church to the moral and religious instruction of the great body of the Irish people, and thus make the Establishment really useful to the bulk of the community. Some observations had been made as to the schools being seminaries for teaching the Catholic religion. He held, that any system of proselytism in connexion with these schools, was an infraction of the very principle on which they were founded. He did not know whether his hon. Friend, the Member for Weymouth, was in his place, but he could not help observing that he could not find words to express the admiration he felt at the speech made by his hon. Friend. The language he then used was that of an honest and conscientious man and a sincere Christian, and reflected the greatest credit on him. He agreed with his hon. Friend, that if there should appear to be any thing like proselytism in the system, steps should instantly be taken to put a stop to it. Many assertions had been made as to this being the case; but, on investigation, they had turned out to be groundless. He would, however, ask his hon. Friend whether his attention had ever been called to the different Reports on the system which had been published by the Commissioners? If he looked into them, he would find that the principle of neutrality was most strictly acted upon by the Commissioners. They had used every exertion to promote neutrality, and if any case occurred in which a complaint was made on this point, it was instantly attended to. The truth was, that the system hitherto was imperfect in its operation, and many of the complaints had arisen from the circumstance that the Commissioners had not the means of carrying out the system. There were some observations on the subject in a pamphlet lately written by the rev. J. Carlisle, a respectable Presbyterian

minister, and one of the Commissioners, which were well deserving attention. Mr. Carlisle said,

“That many of the accusations which have been made against the system, arise from the prejudice created against it by the members of the Established Church, seventeen out of twenty-two Bishops having pronounced against it when it was first introduced under the auspices of the noble Lord, the Member for North Lancashire. The Orange body, too, taking up the subject hastily, unequivocally reprobated the system, calling it a mutilation of the Word of God. This declaration affected the opinions of the Dissenting ministers, and has also given rise to many of the complaints which are urged against it.”

In a pamphlet published by Mr. Frank Sadlier, also one of the Commissioners, the principle of neutrality was also maintained. He asked whether it was likely that the Protestant children, by being taught the principles of general morality, would be prevented from imbibing the principles of the Protestant religion; at the same time he observed, “that this was more likely to be done if the clergy set themselves in opposition to the rules of the Commissioners, and from an apprehension that the Protestants will be prevented by association with the Catholics, will neither teach themselves, nor permit the Board of Education to do it for them.” With regard to the education given to the Roman Catholics, he said:—

“I fearlessly appeal to an inspection of the school-books; and I ask whether boys instructed out of them will not receive a good moral education—that nine-tenths of the children would not have received education any where if not in these schools, and would have become miserably mischievous, and ready for the commission of crime?”

Speaking of the general result of the system, he said:—

“It may naturally be asked what have the Commissioners of National Education done? Our answer must be gratifying to every friend of Ireland. The Board has been less than four years in existence; the first was employed in preparation, and yet more than 1,300 school-houses have been established, and more than 200,000 children of the poor have been educated. Therefore, in this respect, they have done more in three years than the Kildare-place Society in nineteen years!

This testimony was satisfactory, as far as it went, but he had evidence derived from a still higher quarter—from the publication of a member of the Church of England,—the reverend Mr. E. Stanley,

who, having inspected the schools, and ascertained the progress made under the Government system, confirmed every one of the statements made by the Commissioners. He said—

“The result of the system is highly favourable; a new light has been thrown upon the Irish character. Ignorant, I know the people were—bigoted they might be—but I have ever found them accessible by kindness and sympathy.”

The system, then, had succeeded to a certain extent. Speaking of the wilder parts of the country, he said, “I asked them, what will good education do for you, what makes you so desirous for the establishment of schools,” and was answered, “It will put us in the way of reading the Word of God, it will teach us how to behave ourselves; what is a man or a woman without it?—they are like blind men and women walking through the wilderness.” The hon. Member for Newark had adverted to the danger arising from placing the Protestant schools under the control of Catholics; he said, that some of them were under the superintendence of the Catholic nunneries; and one of these in the county of Galway certainly was visited by Mr. Stanley, who says,—

“The girls’ school is under Catholic management, but, with this exception, it is faultless; the children are clean and orderly, and the books used are some of the late publications of the Board, and those who know the benevolence and zeal of the persons by whom the children are in this way educated, can only regret when they see Protestants who are not equally devoted to God’s service and the best interests of their fellow-subjects.”

He then referred to the Christian spirit manifested by the Catholics in desiring to meet the Protestants with liberality on some doctrinal points; and he said—

“Let the Protestant take a leaf out of the Catholic book and say ‘amen;’ let both parties bind such sentiments for a sign upon their hands, and as frontlets between their eyes; let them write them on the posts of their houses and on their gates, that the people of Ireland may dwell together, in future, as brethren in peaceful habitations.”

These quotations were quite decisive as to the effect of the system of education approved by the Government in Ireland; and he apprehended no danger to the Protestant religion from it. Paley had been spoken of, but he said that a religious establishment should be that of the majority of a country; indeed he stated distinctly, that when the religion of the majority changed, the Established Church

must change with it. The hon. Member for Oxford (Mr. Maclean) said last night, and he believed it had been said before, that there was only one source from which truth could flow, the Bible; but he must not forget that from that source the most opposite conclusions had been drawn by men whose names were an honour to religion—Fenelon and Bossuet were men of high integrity, who discharged the duties of the Christian ministry in an exemplary manner, but their ideas of truth differed in many respects from ours. The duty of the Legislature was to provide religious instruction for the people. He considered that the claim of the Church to legislative protection, was put upon its proper footing by the Archbishop of Dublin, in his last charge, when he said, “it should be set forth as a claim on behalf of the people, rather than as one on behalf of the ministry.” He would not enter further, however, into the discussion, but only say, that no other religion could be adopted for an established religion than that which is the religion of the majority of the people; for any other must be supported by penal laws, and might as well be forced upon the natives of Hindostan as upon the Irish, if it were to be supported by funds derived from a people who would not receive it. He rejoiced to see, that many of the objections to a measure of this sort, which had been formerly advanced by hon. Members on the opposite side, were now entirely abandoned; but he could not but be a little surprised at the speech of the hon. Member for Nottinghamshire, who said that the Bill had been produced at the instigation of the hon. and learned Member for Kilkenny. But the hon. Member for Nottinghamshire had conferred upon the Established Church the name of the monster church. In a speech delivered by the hon. Member in 1832, he said, “there is not in Europe such a monster as the Protestant Church.” The conversion of the hon. Member, therefore, was not only recent, but extraordinary. He worked out the whole principle, for he maintained that the ministers of the national religion were, in justice, as much entitled to have a provision made for them as the Protestant clergy; he understanding, by the “national religion” that of the majority of the people, which alone could constitute it national. Now that was the appropriation clause with a vengeance; and how the hon. Member, who advocated

such doctrines as those, in 1832, could come forward now and oppose the Government—when, with a singular moderation, they merely proposed to apply a small portion of the revenues of the Established Church to the purposes of general education; and accompanied his opposition with the observation that the Bill must have been framed at the suggestion of the “arch enemy of mankind,”—he was at a loss to imagine. How could the hon. Member reconcile those declarations with his opposition to the simple and moderate proposition of his Majesty’s Government, to apply to national purposes that part of the Church property only which might fairly be considered superfluous, after providing for the spiritual wants of the Church. The noble Lord, the Member for North Lancashire, had brought forward another grand objection to this Bill; he said there was great danger in placing so much discretionary power in the hands of the Ecclesiastical Commissioners. There might be some force in this objection, and he was inclined to entertain it, to a certain extent; but really it was one which came with singularly bad effect from a party on that side of the House, which was willing to invest, not merely a discretionary power, but the whole municipal powers and privileges of Ireland in the hands of an individual. But what necessity was there for investing this power in the hands of any authority where the popular control could be fairly and effectively exercised? There was another objection stated by the right hon. Baronet; he said, that the compositions must be re-opened. They were only to be re-opened in certain cases; and the question, therefore, was—whether, because injustice might have been once committed, they ought to perpetuate it? Then, again, it had been objected that all the concessions which had been made for the relief of Ireland, had been made in vain. But did they consider the immense debt which was due to Ireland, and the unjust effects of the bad policy which had been pursued towards her? Would the House be satisfied with the concessions already made, and refuse anything further? It was just as vain to think of withholding from the people what they felt themselves justified in seeking for, and entitled to receive, as it would be to think of retracting the concessions already made. The right hon. Baronet put an interpretation on the words “justice to Ireland,”

on which the people of Ireland would differ with him; because he said it should mean only the claims of the Protestant Church. The whole system of Irish policy, from first to last, had been such that, until now, some hon. Members had not known what the wants of Ireland were. There was an objection, which had been urged with singular perseverance, to the principle of appropriation—namely, that it constituted a bond of political union for its support amongst the prevailing political party in the House which seemed rather a strange sort of objection, considering that it was professedly the opposition to that principle which constituted a bond of political union amongst the other party in the House. He would ask what great measure had ever been discussed in the House which had not been made the bond of political union of its supporters or opponents? Every question must carry with it that consequence. Were not the questions of Catholic Emancipation, the repeal of the Test Act, and the Reform Bill, all of them bonds of a Political Union for some political party, at one time or another, as well that which resisted as that which supported them? The bond of union between the noble Lord, the Member for Lancashire, and the Irish Members, with whom on every other question he was at issue, was the Reform Bill; but he never saw any inconsistency in securing their support at that time. What bond of union was there, at this moment, between the noble Lord (Lord Stanley) and the right hon. Baronet (Sir Robert Peel) but resistance to this principle? And yet he objected to others being united with the Ministry on this Bill! Was the anomaly greater than the union on that side of the House? He would wish to call to the noble Lord’s recollection two events. In 1834, the noble Lord, who was then a Minister of the Crown, with a large majority on his side, knew that there were divisions in the Cabinet on this very subject, but they were not made known to the public. The 147th Clause of the Church Temporalities Act had been discussed, but it had not broken up the Cabinet. The noble Lord did not think proper to combat with the shadow, however ready he might have shown himself since to combat with the substance. A quarrel ensued between himself and his colleagues. What followed? As an individual Member, unknown and unassisted, he (Mr. Ward) took up the question, confident of the justice of the case; and what

was the result? On the very first night fixed for the discussion, the noble Lord and his Friends conscientiously resigned their seats in the Cabinet. No doubt every Member, who was in the House at that time, would recollect that the noble Lord, after leaving the Treasury benches in the adjourned debate, made a solemn appeal to the House, in terms which made a deep impression upon it; and in that address he stated the principle which induced him to take that course. He said—

"Now, I tell the House, boldly and distinctly, that the people of England are not ripe for that; and when I say that the people of England are not ripe for that, let me call upon you to pause before you assent to a resolution which you cannot, which you ought not, which the people of England will not let you, carry into effect. I did not think that I should ever live to hear a Minister of the Crown propose such a resolution—I do not think, that I yet see the Legislature that will pass it—and I am not certain that I know the Sovereign who will assent to it."*

That solemn appeal was made to the sense of the country, on one of the most important principles which ever engaged their attention. What was the result? How were those anticipations answered? The House did assent to the principle—the Sovereign did assent to it—and the people did ratify it by their full and unequivocal approbation. The noble Lord, in 1835, in his speech on the Address to the Throne, when he voted for the motion of the right hon. Baronet, said—

"I speak, not only my own sentiments, but the sentiments of a body of gentlemen, not insignificant either in rank or standing, or unimportant in point of numbers, in this House."†

What had become of them? They had melted away before their very principal; they had not stood by the noble Lord in his objections; one by one they had shrunk from him;—and, with the exception of the right hon. Baronet, and one or two other supporters, his party had almost disappeared. That was the effect of the first appeal. What was the second? It was an appeal made by the right hon. Baronet, the Member for Tamworth. Every one must recollect the circumstances under which he came into power. He was absent from England, and he was recalled by his Sovereign to take the highest station. He returned to this country;—the eyes of the world even were

directed towards him. When he returned to England, his declaration of principles was anxiously looked for, and he published the Tamworth manifesto. It was the first test by which the public could judge of the rules he had laid down for his future government. When that declaration was published, so much was conceded in the way of a rational course of reform, that he said, "if that be the policy of the Conservatives there is little difference henceforth amongst us as political parties," the difference is only in detail, and not in principle, and we shall henceforward be more united. But the right hon. Baronet declared that he never could consent to the alienation of Church property; and it was upon that point that a dissolution of Parliament took place. It was upon the Church question that the whole of the elections turned; it was mooted at every hustings—upon it the present Ministry took their stand—and upon it the right hon. Baronet went out of office, after a struggle, sustained with ability, which excited general admiration. It left him seated on the opposite benches, and power in the hands of those who advocated this very principle. That was the second appeal to the people. And the vote which the House returned upon the appropriation clause was the solemn and irrevocable answer to the appeal which the Sovereign had made to the sense of his people. The right hon. Baronet had tried to frighten the House from its propriety, by exciting fears of a revolution. He had warned it of the danger of a collision. He referred to the words of an hon. and gallant Officer on the other side of the House, about the party on this side having selected a Joshua, who rushed on where the Moses of the other side would fear to tread. But a revolution would never proceed from the popular party, or from its leaders. The Reform Bill gave them the means of obtaining, in a constitutional manner, whatever justice demanded. There was no occasion for violence. No, if a revolution were to come, it would come from another quarter. It would come from those who were infatuated enough to believe that the people of England, armed by the Reform Bill, that new charter of their rights, would seek the settlement of their political affairs, through any other medium than that of the Government, and would wish to be governed upon principles to which the great majority of them were opposed. As to the words which the

* Hansard (Third Series) vol. xxiv. p. 38.

† Ibid. vol. xxvi. p. 257.

hon. Baronet had quoted, were they applicable to all parties—to those who opposed this Bill, as well as to those who supported it? Had not the Conservatives made choice of a Joshua, who had rushed in where Moses feared to tread? Had not the organs of the Conservative party pointed out the adjuncts which a Conservative leader ought to possess? Were they not told, the other day, in a Conservative publication, that the Conservative leader ought to be a man not encumbered with property or a stake in the country;—that he should have a sovereign contempt for all parties, having tried all, and been faithful to none? It might, no doubt, be very natural for a leader so situated, to exert his talents in keeping the sources of discontent and agitation in full operation. It was from such politicians that he should anticipate the most disastrous consequences. He did not court a collision; he wished for peace; but, though he wished for peace, he would not pay for peace the price which was required for it by the party in Opposition. To obtain peace he would not sacrifice principle, nor the rights and happiness of 7,000,000 of his countrymen. He would not in this or in any other instance, consent to purchase peace, however desirable, by any ignominious concessions. He could have no doubt as to the course which he ought to pursue, and he should give his cordial support to the Bill of the Ministers. The division this evening was to be taken under the same circumstances as the division of last year; and the same feeling, therefore, which induced the House then to reject the proposition of the right hon. Baronet, should prevail with it now to repudiate that of the noble Lord, the Member for North Lancashire. They were called to vote upon a subject on which they were already pledged, and had repeatedly divided. He never would believe that, on a point where the interests of Ireland were at stake, the House of Commons would shrink from those pledges which it had given, to ensure justice to Ireland.

Mr. Daniel Whittle Harvey said, that he was by no means prepared to participate in either of the proposals before the House, and if he could have suffered his own inclinations to be the interpreters of his duty, he should have most willingly abstained from taking part in this discussion; but, as the representative of a large constituency, he felt it due to them, he felt it due to himself, as well as to that portion

of his fellow-citizens who took an interest in the conduct of the representatives of the people, to state briefly, but distinctly, his sentiments upon the measures now brought before the House. The House had before them, in fact, two distinct Bills; because, although the Bill of the noble Lord opposite, the Ministerial Bill, was the only one on the Table of the House, yet the noble Lord near him (Lord Stanley), in bringing forward his motion, had so amply unfolded his views, that every sentence of his address might be deemed a provision and an enactment. The House had, therefore, before them two rival Bills, brought forward by two rival parties, and it was for the House to decide upon the respective merits of those rival Bills; and he trusted, that before they came to a conclusion, the fullest and most detailed statements on each side would be given, and go forth to the country, in order that the whole nation might be put in possession of the merits or demerits of the respective measures, in accordance with the clear statement of both the noble Lords of their desire to appeal to the country, as to the relative importance and merits of their several Bills. It was quite fitting and necessary that the public, to whom this appeal was thus made, should clearly understand the character and scope of both measures. As to himself, he could not but feel greatly surprised that such difference had been made where there was so little distinction. Both parties had set out by admitting, and deprecated any suggestion at variance with the declaration, that they were sincere and eager champions of the Protestant Church, and that they proposed their respective measures with every desire to enlarge the boundaries of its importance by removing all those sources of corruption which were too manifest to be denied. It was, therefore, for the country to consider which of these measures was best calculated to work out the object so congenial to the wishes of both noble Lords. He should, in a very few words, dismiss the proposition of the noble Member for North Lancashire, because, although he differed from him, as well as from the Ministry, upon this subject, this much he would fairly say, that if he were an advocate of the Establishment, if he sincerely believed in its importance, its essentiality, its Christian obligation, as binding upon civil institutions, he should not pause one moment in selecting the Bill which was proposed by

the noble Member for North Lancashire. [*Cheering from both sides of the House.*] He was well aware how ironical were the cheers with which he was honoured by hon. Gentlemen opposite; but in considering the measures before them, and the course which he thought it his duty to pursue, he should not shrink from repeating opinions which he had ever avowed, in and out of the House. He was not one of those individuals who took up opinions one day, and dropped them the next; he was not apprehensive lest some hon. Gentleman should go into the library, and rake up passages from any speech he had made, for the purpose of confuting his speech of one day by his own declarations on some former day. He had never concealed his sincere conviction, that Christianity was a spiritual principle, which not only had nothing to do with civil institutions, but that the whole alliance of Church and State was opposed to its profession, impeded its efficiency, and impaired its power. That his view of this subject was the correct one, was proved by the evidence of all history. Believing this to be the doctrine of that simple and substantial system of religion which breathed through the whole nature of Christian economy, he had always declared it to be his firm conviction that the unhallowed connexion which subsisted not only in England, but in all Christian countries with one single exception, between Church and State, was most injurious to the Church as well as to the State. But they were not now discussing that point. The hon. Member for St. Alban's had told them in terms not to be discredited, that he did not regard this as a final measure. Now, he should like to know if that hon. Gentleman was to be considered as the organ of the Government in making that declaration, for, if so, it was directly at variance with the preamble of the Bill. This measure had been propounded to the House with the expressed view of its being just and necessary for the establishing of peace and good order in Ireland. A greater object than that it was impossible for great minds to be ambitious of entertaining. There was no purpose to which a statesman could direct his intellect more deserving of his attention, more likely to secure to him a permanent renown, to obtain for him the respect of living men, and perpetuate his name for ages to come, than such a purpose as that. In fact, there was no sacri-

fice too great to secure this advantage; but would this Bill secure it? He thought he should be able to show, not only that it was not calculated to produce that result, but that if there was any sincerity, which he did not doubt, in the minds of those most prominent amongst the present supporters of the Bill, it was utterly impossible they could expect any such result to flow from it. Nothing was more remote from his intention or disposition to introduce a question of controversy on matters of spiritual faith; but he could not avoid saying, that as the Catholic religion was a religion ancient in history, the doctrines of which, however erroneous they might now be deemed, had been, from the commencement to the present day (and it was the boast of those who professed them) invariably the same—it was, he contended, utterly impossible, considering these points, to suppose that the Catholics could be satisfied with a measure which had for its avowed object the perpetuation of the Protestant. This measure had been propounded by Government as a measure which they said was likely, and was intended, to tranquillize Ireland, and he, as a Member of that House, had a right to investigate the accuracy of that pretension; and should he in doing so, find it likely to lead to that result, then he should say, there was no sacrifice he would not be prepared to make to accomplish that all-desirable object. But when the hon. Member for St Alban's treated it as a final measure—and by the word “final” he did not mean invariable and perpetual, but as final as any measure, legislative in its origin and destiny, could be—and viewing the question not only as regarded the Catholic religion, but as regarded Protestant ascendancy in Ireland, it was utterly impossible for the Protestant Dissenters, of whom he avowed himself one, to hope for any thing like a permanent or final settlement in the present measure. [*Cheers*]. If he were Catholic, and were to avow an opinion in favour of the Protestant Establishment, he should fully conceive himself chargeable either with a dereliction of religious principle or with no slight decree of hypocrisy. Hon. Members on the other side of the House cheered him, but why should not truth be cheered. He did not care, however, for the charity of their sneers; all he required was the charity of their silence. The measure was proposed by the Government as a measure to tranquillize Ireland. It

was therefore his duty, as a Member of the Legislature, to see how far the provisions of the Bill accorded with its professed object. If he had found that it was likely to lead to that result, then he would have been prepared to say, that there was no sacrifice which they ought not to make to accomplish such an object, but he did not find that such was the case. They had only the statement of the hon. Member for St. Alban's, made in the integrity of his mind, that this was not a final measure, meaning by the word final, not, of course, an unvarying perpetuity, but final, as within the legislative acceptance of the word. This being the case, how, he would repeat, could any Roman Catholic give his support to such a measure? He would not confine this question to Roman Catholics, but extend it to Protestant Dissenters; not including therein Presbyterians, who were not Dissenters, but Non-conformists; and he would say that it was impossible for them, and for the Dissenters of England, who looked for the downfall of the Irish Church as the precursor of the downfall of the Church here—to support a measure which was to strengthen the Establishment—both propositions were to commute tithe into a rent-charge; but the real question was, whether supposing the commutation effected, although the name were changed, the substantial injustice would not be continued; and, further, whether the same powerful remonstrance would not be made to the payment of tithe as a rent-charge, that was now made to the payment of tithe under its own name. The declaration had over and over again been made in that House by many distinguished Gentlemen prominently connected with Ireland—accompanied, too, with threats—for threats might be used one day, though substituted by the extreme of mildness the next—the declaration had been frequently made, that such a measure as this was only to be considered as an instalment. Now, in his opinion, nothing could be a worse system for a Legislature to adopt than this system of doing justice by instalments, and the system was particularly objectionable in a reformed Parliament. It was due to their character to pay the full amount justly required of them, and not to sacrifice a great principle by attempting to put off their creditors by a series of beggarly instalments. If tithes ought to be abolished, and that undoubtedly they

ought, in his opinion, why was the question sought to be got rid of, or frittered down by this system of tardy huckstering, of mean contrivance, and miserable evasion? Why not come forward and at once boldly declare, that looking at the state of things in Ireland, the Catholics and Dissenters of that country should no longer be compelled to contribute to the support of a Church from which they conscientiously dissent? He was about to state that not only was it his own impression, arising from the consideration he had given the subject, and strengthened by the various statements which had been uttered by hon. Gentlemen in that House, that any arrangement such as was proposed was only viewed as temporary, and as leading to greater advantages; but he found that members of the Established Church in Ireland entertained precisely the same opinion. The hon. Member for St. Alban's had quoted a passage from a pamphlet on a report of a clergyman of the Established Church, and he should pursue the same course. What said Dr. Hincks, speaking on this subject? He said, "Let none lay the flattering unction to their souls that it is against tithes—as tithes—that the hatred of the Romanists has been excited; and that by changing tithes to some other property the hatred will be dispelled. They hate them, not for anything in themselves, but inasmuch as they are the endowment of a clergy that they hate. If they are exchanged for some other property their hatred will be transferred; it will still exist without any diminution, if they are only appropriated to the same odious purpose to which tithes are appropriated now. The writer was further of opinion, that the tithe commutation would, on the one hand, not secure the clergy in the possession of this income, that it would not tranquillize Ireland; and on the other hand, that it would have the effect of endangering the payment of the landlord's rent." Now, as a Protestant Dissenter, he would say that the Catholics and Dissenters of Ireland would act on the same sentiments with regard to the tithes when they were converted into a rent-charge, as induced them to act against the tithes in their present form. Was that made a matter of regret? None at all; quite the reverse. But what would be the effect of this measure of the Government? It was because he saw that it would transfer the tithes of Ireland which were public pro-

erty and ought to be devoted to the real interests of Ireland, to the moral improvement and social happiness of the people, to educate the children of the poor, to administer comfort to the aged—it was because he saw, that this system would transfer the property which ought to be so applied to the worldly coffers of the landlords of that country, that he entered his protest against this measure. He was not a little surprised to see, that the noble Member for North Lancashire and those who acted with him should be so eager to enter their protest against the doctrine of appropriation; and he was certainly not less surprised that the members of the Government were so tenacious of their own principle. The measure of the noble Lord, as well as the measure of the Government, afforded abundant evidence of appropriation. One of the measures took thirty per cent from the tithe-owner; the other took only twenty-five per cent, and both of them gave the amount they took to the landlords of Ireland. Now he knew—and therefore let it not be said they were cheering him—what he was about to observe would produce no cheers on either side. The truth was, there was too much of good cheer in it. He knew very well that the proposal would have the sanction of all the landlords, not of Ireland only, but of England also. There were many of the English landowners who were weary of expressing their opposition of the Irish Tithe Bill, but who, nevertheless, chuckled within themselves when they heard of its provisions, and who were not without a hope that the example in the case of Ireland would be contagious, and that, at no very distant time, they should have a Bill for England engrafted on the Irish Bill, which would place in the hands of the English landlords some twenty-five or thirty per cent. Yet there were both the noble Lords protesting against the principle of spoliation. Both were standing up for the rights of the Church, while both agreed in this, that they would take as much as they could to apply to the worst of all secular purposes. On the one side the House heard it said, “There is a great principle running between us, deep, and dark, and fathomless, over which it is impossible to pass, and here we take our stand.” On the other side it was declared, “It is inconsistent with our principles, which assert the inviolability of Church property, to

allow one shilling of that property to be perverted from or to be directed to any other source.” Why, greater hypocrisy than this was never exhibited in Parliament? Yet, upon this both parties were ready to go to the country. He was here reminded of the fable of the monkey and the cats, having found a piece of cheese, and not agreeing as to its division, they determined to refer the matter to a court of justice, over which a monkey presided. The monkey divided the cheese into two portions, and under the pretence of making them equal, bit a piece first off one lump and then off the other. Having considerably diminished them both, they appeared to be tolerably equalized, and the cats declared they were content, upon which the monkey said, “Though you are satisfied, Justice is not; and now I must take what remains for my pains.” But the act of appropriation and spoliation did not rest here. He found, on looking over the clauses of this Bill, a provision to which he wished particularly to allude. Two or three years ago, when the Irish clergy were in difficulties—when they could not collect their tithes—that was to say, when Protestants as well as Catholics refused to pay them—for in all their love for the Protestant Establishment, and in their great desire that the Catholics should pay the Protestant Clergy, the Protestants themselves were prepared to take advantage of the storm, when the millions of Ireland were agitated in order to place them in hostility to tithes, the Protestants having availed themselves of the protection afforded them, and having declined to pay the clergy, came here in tearful sympathy, and wrung from the people a million of money for the express purpose of its being applied to the fulfilment of their own engagements. The provisions proposed in the Bill were objected to; but those who ventured to object to it were sneered at as economists, and an assurance was given by the Government, that the amount was to be advanced only as a loan, which would be paid by instalments. Those instalments had never been paid. But he would say, that as long as tithes existed, the payment of them ought to be enforced. Some of the money, however, had been obtained, and more might, no doubt, be found; but in their richness and abundance the Government now proposed not only to forego what was due—they even in this Bill engaged to return what had been paid.

So suppose 700,000*l.* had been advanced out of that million, and one-half of it had been repaid out of the pockets of the Irish Protestant landlords, that amount was to go back to the pockets of these very individuals, some of whom had countenanced the non-payment of the tithes. So much for the hostility to spoliation; so much for the attachment to the principle of appropriation. But let him see how this Bill would work, because he wished the country to know what was the nature of the appeal that was to be made to them. He considered that one of two things would happen, or both. In his opinion, at no distant time, the Consolidated Fund of England would be charged with and have to pay the entire tithe, the stipend due from the Protestants of Ireland. Just let them see how this happened; and the Bill of the noble Lord and the Bill of the Government were similar here. He was not going to enter into any theoretical details. In a published speech of the right hon. Baronet, which came to him peculiarly recommended, coming as it did in the form of a Church publication—in that speech, which he had bought for a penny, and which he had read in that form, not having heard it—in that penny speech, the right hon. Baronet stated that the full amount of the tithes applicable to the support of the clergy was 507,000*l.*; allowing for the reduction of three parts in ten, also for the per centage amounting to 152,000*l.* there would remain 354,000*l.* applicable to the support of the clergy. Now, what was the proposition of these two Bills?—because they were equal in their merits in this particular. It was proposed that tithes should be abolished in Ireland; that for every 100*l.* in tithes 70*l.* should be charged as a rent-charge on the land now subject to the tithes; that the seven-tenths should be paid to the officer of the Woods and Forests; that the parties entitled to this money, or to any portion of it, on the first of January in every year, should receive a certificate or draft on the Bank of Ireland for the payment of that money, and if it was not paid to him on the 1st of January it was to bear interest. Now what would be the effect of that system? The Government was to receive the money—the Government took on itself the payment of the money—it was to give drafts for the money. They had led the clergy into an arrangement by which they would forego

30*l.* in every 100*l.*, and they consented to pay 2*l.* 10*s.* for the trouble of receiving the money and its payment. Suppose, after this, the Catholic and the Dissenter coalesced, and that there was the same hostility—as a Dissenter he hoped there would be to the payment of this rent-charge, for the charge was nothing more than a delusion—that there had been to the payment of tithes? Could they imagine, that when a man came to them and asked for a rent-charge to be applied for the support of the Protestant Church, it would be more acceptable to the Catholic and the Dissenter to pay it in that name than as tithe? It was likely that those who possessed great influence would be able to soothe the troubled mind of Dissent for a year or two, and that state of affairs might be appealed to as evidence of the people's content; but he would say, that if Ireland were content under such circumstances, then all that they had heard about the wrongs and miseries, about the seven centuries of suffering of the Roman Catholic population, was a gross perversion of the fact. Would not Ireland have a right to say that there had been a fraud committed on her, that you insulted her understanding in calling on her to support a Church from which she dissented, by paying money the same in amount, but supposed to be rendered more acceptable to her, because the application came to her under a different title? Ought they not to be ashamed to treat a nation as they would a child when they wanted it to take physic. Such a proceeding was like saying to the child, "Come here, my little dear, take this dose, and if you do not like it in this form, let us try some other." Could it be supposed that the people of Ireland, whom the hon. Sergeant had so justly eulogised as an intelligent and highly-spirited people, jealous of all insult—could it be supposed that the people of Ireland would say otherwise than that they could not submit to such an arrangement. Could it be supposed that the people of Ireland, comprising Catholics and Dissenters, who, on principle, object to a Protestant Church, and who pronounced its doctrines heresies—could it be conceived that they who objected to pay the money as tithes would ever submit to pay it in its more fashionable form of a rent-charge? Would not the effect be that there would be the same agitation, the same public meetings, the same organized force — would not

every species of opposition against the payment of this rent-charge be as rife then as now? It might be said, however,—"Oh, yes, but look at the remedy we provide. We are now going to lay this rent-charge only on the land; its payment is to have precedence of all other obligations, and there is to be the same facility for its recovery." He was not aware that the law was to be made more stringent than at present for the recovery of tithes; but if so, that same law which was to be proposed to enforce the recovery of the rent-charge might be effective for the recovery of tithes. The Composition Act gave at this moment to the owner of tithes the power of distraining on the land. The effect, then, might be that this rent-charge would be paid in some instances and withheld in others; but what would be going on all this while? Why, the clergyman had got the certificate—the engagement to pay; the Commissioners of Woods and Forests would be bound to pay, and by every obligation of law the payment would be enforced till the year 1843. Surely it was no straining of the facts to say they warranted the conclusion, that at no distant time agitation would be revived; no doubt for a short time it would be subdued, but it would rise again to all its former power, and there would be the same resistance to this rent-charge that there had been exerted against the payment of tithes. Was not this a subject with respect to which all the constituents of the empire—all the people of England—all those who had to pay into the Consolidated Fund, ought to be apprised? He called on the hon. Member for Middlesex, who was truly regardful of the public purse, whom they might taunt for his economy, but who had gained a more honourable reputation by his unceasing labours to that end, than any other man—he called upon his hon. Friend, though he knew what would be his reluctance to entertain an opinion adverse to the party to which he gave his powerful and steady countenance, to follow him in this to which he gave his feeble powers, and assist him in contending that they were not warranted in putting the whole of the tithes of Ireland, when converted into a rent-charge, on the Consolidated Fund of England. They were told that the amount was to be repaid; but he could imagine that when, the Chancellor of the Exchequer came down one of these days with his financial

statement, he would refer to the condition of Ireland—he would speak of the appalling circumstances of the clergy—the House would hear of their distress, and that such was the hostility against them, that they dared not go to the Post-office to obtain their letters. Such facts would be narrated to the House, and upon hearing such an appeal, he would ask could they resist the applications of the Chancellor of the Exchequer? On that ground, and on the other grounds he had mentioned, he objected to this Bill. He thought the effect of such a measure would not be to ensure the greatest and most desirable object set forth in the preamble, he thought it would not be the means of establishing permanent peace and good order in Ireland. He would say that one of two things would occur in Ireland; he thought it not at all unlikely that both would, and thereupon he deprecated the whole principle of this Bill. He found that while on the one hand England would have to maintain the Protestant clergy of Ireland out of the Consolidated Fund, on the other hand the power of the Catholics would so increase that the Catholic Church itself would be put in possession of the rent-charge. His apprehension was, that though England would have to maintain the Protestant clergy of Ireland, the revenues belonging to the Church would be at the disposal of the Catholics. He trusted he should never live to see the day when the Catholic religion would be anything more than a sect. He knew the workings of these systems. It was true the Catholics called themselves the advocates of the voluntary system, but he as a Protestant Dissenter opposed to all establishments, repudiated such succour as the Catholic religion would afford. The Catholic religion was essentially an establishment universal in its pretensions, and tolerating no other: There was not, then, he must be allowed to say, half the ground of complaint from a Catholic against the Established Church that there was for a Protestant Dissenter; nor had the Presbyterians a right to complain of the Established Church in the same degree and on the same grounds that a Protestant Dissenter had. The Catholic and the Presbyterian complained inasmuch as they did not happen to be the Established Church themselves. The Catholics were aspiring to that position from which they had been hurled; they desired to recover that which they had lost in the scramble, and if they regained it they would hold it

with a firm grasp. It was not so with the Dissenter; he was meek and lowly in his pursuits. He had no altar but his own heart. He acknowledged no head but his spiritual head. The Protestant Church had its pope in St. James's; the Catholic had its pope at Rome—these were earthly masters; the Protestant Dissenters knew none. The House might look more to a party triumph than to the establishment of a great principle; but he told them that the time was not distant, if they passed this measure, when the Consolidated Fund would be charged with the Protestant clergy of Ireland. He did not say it was equally certain, but it was possible that the growing power of the Catholics of Ireland would enable them to resume the possession of the property they had lost. He had no doubt a statement of the grounds on which he was compelled to withhold his assent from this Bill was not acceptable to many in that House, but he thought he had said enough to justify an individual holding the principles he professed, in refusing to give the measure his sanction. He might be asked would he then leave things as they were? Would he allow Ireland to continue the scene of ceaseless and growing agitation? Would he prevent her improvement by allowing her to be the object of dark design—would he never give peace to that industriously disposed, but oppressed people! Did he mean to say that nothing ought to be done to remedy the existing evils? Quite the reverse. Would the Government go to the people on an intelligible and intelligent principle,—on a principle which would invite all hearts to crowd around their standard, which would make their measure more popular, and deservedly more popular, than reform itself, they would do this; while they respected every living interest in Ireland, while they determined to allow every person in receipt of a stipend from ecclesiastical revenues to continue in the enjoyment of such a stipend as long as he lived, they would extinguish tithes for ever from this day, commuting it into a land-tax, not giving up thirty per cent. to the landlord, but taking the whole; and having got the whole and made it subversive in the first instance to such claims as he had mentioned, they would apply the whole of what remained of this princely revenue to ameliorate the condition of the people of Ireland, to raise the starving millions from their distress, to give bread and comfort to the aged, to give protection to all. He confessed his blood ran cold when

he heard the impassioned statements made in that House last night by the most splendid orator of our time. That hon. and learned Gentleman informed them that at this moment there was the greatest suffering in Ireland. What could the starving millions get by this Bill. They were told that there were two millions of people in that fair land actually stretched on the earth, struggling in the agonies of death. Well, and was there any proposition made to relieve them? Formerly they heard that Ireland was unrepresented; there was now no part of the British Empire so ably represented as was Ireland. She was represented, indeed, by the energy of one man, and forty heads were ready to assist him; yet no plan was brought forward which seemed founded on the deep sympathy they professed for the suffering distresses of the Irish people. He would say—let them go to the Irish nation on his plan. He had no objection to go to Ireland; he had no objection at all to be shown up there on College Green; and if he were, he would tell the people of Ireland that his proposition was this. He would say, when he was told that they were afflicted by the payment of tithes, and he was asked to relieve them by putting thirty per cent. into the pockets of the landlords—many of whom were absentees—and by charging the remainder on the Consolidated Fund of the British empire, he moved a proposition in which, after respecting the existing interests, he suggested that the whole money should be hereafter appropriated to the advancement of their comforts, to the education of their children, and to give succour and support to the aged and afflicted. Would not this be worthy of their humanity? This, then, was his plan; and he was as satisfied as he was of his own being that his plan would be popular with the people; that it would confer a great benefit on Ireland, and strengthen the hands of the Government, by securing the affections of that country [*cries of "Oh!" and symptoms of impatience.*] He must beg to be heard. He had listened with no inconsiderable attention to hon. Gentlemen, who had said the same thing over and over again, and he might say to the hon. Gentleman, who cried "*Hear!*" that he had never in his life been listened to for so many minutes, as he himself had spoken for hours. He knew that his sentiments were not acceptable to many in the House, and he should have been well pleased if he could have withheld them; but he felt that it would have been unbecoming in him to

take the part he was compelled to take without as simply, frankly, and briefly as he could, recording his reasons. Having so done, he would say it was impossible for him to give his consent to this measure, inasmuch as he considered it a delusion, and believed that it could not be otherwise than productive of great disappointment.

Mr. O'Connell: The plan laid down by the hon. and learned Gentleman is, above all things, practicable. The great merit of his scheme is to lay hold of the tithes of Ireland, and apply them to the use of the poor. That scheme of the hon. and learned Gentleman has for its great recommendation that it is certain of being carried into effect. He has only to propose it, and everybody will vote for it—he is sure of it himself—he who has boasted of his candour and sincerity. It is really nothing but the milk of human kindness flowing over which makes him imagine he could carry such a scheme. For my own part, I am deeply indebted for the kindness he has shown me in saying that with all the interest I have taken in Ireland, I have never once thought of anything for the benefit of Ireland. I respect that cheer—there is sincerity in it—it is like the hon. and learned Gentleman, perfectly sincere. He did certainly, in his benevolence, tell us one thing which cannot be denied—he spoke of the merits of my hon. Friend who is by me, and I will tell him in return, that one of my hon. Friend's merits is, that he never sacrificed his principles or his party to his miserable resentments or disappointments—when a great national question is being discussed, not thinking of the merits of that question, or its practical results, but thinking how he should exhibit a little miserable, spiteful resentment. I wish the noble Lord and the right hon. Baronet joy of their new ally. I will say to the hon. and learned Gentleman, and I say it firmly to him, that I do not think he has spoken the sentiments of his constituents, and I, humble individual as I am, am thoroughly convinced that he has not earned success to-night—let him sneer as much as he pleases at me. I give him leave to sneer as much as he pleases. If he thought he could embody this question in his own little passions and petty resentments he is deceived. No, Sir, he cannot do it. I will now come to the question that is really before us;—the episode was not of my introduction. I confess that the time is not remote when this debate would have delighted me exceedingly, as encouraging the hope of a

darling and long-cherished prospect of mine. I long did cherish the hope of the repeal of the Union, and but a short time ago the manner in which this important measure for Ireland has been discussed—the paltry, miserable, political cant, and political hypocrisy that have marked the debate on the part of those who resist any concession, as it is called, to Ireland, would have delighted me as furnishing another topic to show that this Parliament is not disposed—that there was a party in it too powerful to allow the portion of it that might be disposed—yes, I will use the repudiated word—to do justice to Ireland, I am bound, however, to acknowledge that these are no longer my feelings. I say candidly, that I no longer desire an argument for repeal. I have seen too much of the English people. I have seen the chief magistrate of the first city in the world at that bar, and I have heard him speaking in the language of freemen, that which you cannot conceal from yourselves, and which I tell you ultimately you dare not resist. I, with the right hon. the Chancellor of the Exchequer, will “blot out the channel, and proclaim myself a West Briton.” I have spoken with the sentiment which I entertain, with unaffected disgust of what I have heard in this debate; but I have been consoled; I have heard the speech, which struck me with great admiration, of a Christian and a gentleman; I heard that speech in which my hon. and revered Friend (Mr. F. Buxton), and I am proud to call him my friend, asserted his own conscientious convictions, and asserted them without offence. I wish the right hon. Baronet opposite (Sir James Graham) would take a lesson from him. Convinced as that hon. Member is of the errors, he being so conscientiously convinced, he a Protestant, appeals to, he relies upon, Protestant truth and upon Protestant justice that neither shall be tarnished by Protestant persecution. That speech I do trust will meet the public eye. I hope he will not leave it to any reporter, but I do conjure him in the name of our common Christianity to give to the public the benefit of the sentiments he uttered, and that they will go with the weight of his name before the world. And is not, I ask, that name connected with—is it not to be found in the first and brightest page in the history of humanity? Agitation? Why, if he had not agitated, where would the negro be now? And yet you taunt, you ridicule, agitation. Eight hundred thousand human

beings pour blessings upon his name for his agitation. I trust they will plead for him to the mercy of that God who will judge him. Eight hundred thousand human beings will be his advocates. And when he stands, as he certainly will, before the throne of God, eight hundred thousand beings will raise their voices and claim mercy for him. They will say for him "We were naked and you clothed us, we were hungry and you fed us, we were in prison and you visited us." He would, indeed, be a formidable Protestant against us. But who is it that is now arguing in favour of the claims of Ireland? It is not the angry Christian—it is not the ill-tempered Christian—it is not one who when he finds a kindness intended towards Ireland, endeavours to mar it—it is not one who will cast a stain upon friends—it is not one who when he finds there is a chance of another doing mischief, is sure to be ready to aid in it. We have heard a great deal to-night from one hon. and learned Member, and yet I must say this, that I never was so much obliged as I have been to-night by the hon. and learned Member for Bandon. He spoke for three hours by that clock. Certainly, considering the kind of materials and figures of which the speech was composed, he could have spoken, I am certain, for three hours more, and I am excessively indebted to him that he has spared us that infliction. He might have been misled by the cheers; for he had those who could applaud him in excellent style. I honour him, then, for resisting the temptation, but my gratitude can go no further. There was a horrible practice in Ireland of packing Juries. He himself has called it "nominating the Juries." In criminal cases, the Counsel for the Crown nominated the Juries! According to the old English law, passed in the reign of Edward, the power of challenging Juries was taken from the Crown. But my Lords (the Judges), who have always ruled that the Statute shall not prevail against the Crown in its operation, took care that the same thing as challenging a Juror should continue, by leaving to the Crown the power of "setting by Jurors." In England the practice is almost unknown. An English Counsel does not understand it; but it prevails to such an extent in Ireland, that I have seen fifty-two gentlemen bid to "stand by" by the Crown in the case of a murder, which had nothing to do with politics. Eighteen of these were Magistrates, and yet they were all set aside, because they were suspected of being impartial. I could

mention cases of the most frightful enormity upon this point. There was no man ever yet saw this practice who did not deplore it. It has been such, that it was actually a misfortune to have to prosecute in that country. I say this, that the practice prevailing, I could not avoid doing that which was required for the benefit of my clients. I never have shrunk from any duty so much as that of being compelled for the sake of my clients to adopt it. I never thought, however, that any man could complain of the practice being discontinued. I certainly never thought I should hear an Irish Member stand up and arraign the Attorney-General for Ireland for having for the first time introduced the English practice of impartiality, and scorning to select Juries. But there is another passage in that hon. and learned Member's speech to which I must advert. Will it be believed that this packing-Protestant of Ireland—that this Kildare-place (I will not give him any other name) hero, has not only arraigned the Government of Ireland, but he has expressed his horror of them. Why? Because they would not involve Ireland in civil war—because they would not stain her with blood to maintain tithes. For twenty long minutes he railed at the Government, because they did not do that which he thought they ought to do—shed blood in order to collect tithes. Here, then, are your odious—[*The remainder of the sentence was lost in loud groans from the Opposition Members, followed by cheers from the Ministerial Members*]. Oh! that I had an enemy! Assuredly, I should wish him to act as that hon. and learned Member has acted. Remember that when the right hon. Baronet was Secretary for Ireland, he selected for the Privy Council those men the most odious, the most adverse to the people of Ireland. And now here is the advocate for packing Juries, who was placed within one step of the Bench. If the right hon. Baronet had continued in office, he would be now on the Bench—he, who takes upon himself to taunt my right hon. Friend, the Attorney-General for Ireland, for introducing into Ireland the English practice with respect to Juries. There is only another Irish Member to whom it is necessary to advert—that is the Representative for the University; but then he is so good-humoured that I really do not like to say anything which may disturb that good-humour. The only thing that amused me was his *bonhomme*, as the French call it, in designating the Established Church in Ireland, the Irish Church—it is the

Church not Irish. That is the distinction. He must go back to the University, if it were only to correct the Dictionary, by putting that which is said to be "Irish" as "Not Irish." But then we have heard a good deal from the right hon. Baronet, the Member for Cumberland. He says that Ireland has got too much justice. He has ridiculed the idea of justice for Ireland. Why, is Ireland so fallen that any man will presume to ridicule her appeal for justice? Are we so degraded that any man can imagine that he can with impunity taunt us, because we ask for justice? But then he comes on to say, what is justice to Ireland? At one time it meant toleration, and "we conceded it." "We," he says, "made that concession." Next, it was a claim to the franchise, "and we conceded it." I may not follow him correctly, for he is a most admirable arithmetician, and a most excellent orator? Next it was a demand for the Representation, and "we conceded it." Conceded it! A robber takes my purse, and being compelled to restore it, he calls that concession, and says, "we conceded it." You robbed, you injured us in the name of religion; you did so, having the name of religion on your lips, and having none of it in your hearts. But your Protestantism, your political Protestantism, did this; and then you come out upon me with this. I do not care for your sneers, I do not care for your taunting me with your concessions, because you know that those concessions we forced you to grant. You regret them, because we are here to display your insincerity when you conceded, and your still more vain regret now that you cannot retract. The real question here is, not the shifting of the statesmen who are one day on this side of the House, and are not here to-morrow; it is not whether Lords or Barons are now in the drag-chain, or rather in "the tail" of Toryism. The Dilly is swallowed up or swamped, its followers of thirty-six are gone away, while the masters of the band are *tailers* on the side of Toryism. If we look to this question, and its real bearings—if we do so as statesmen, and not do so as partisans—if we allow common sense and justice to prevail, and leave aside that piety which asserts only individual superiority, and which is somewhat like what an hon. Baronet has called "the filthy aristocracy of the American steam-boat;" if we leave aside that filthy aristocracy which is now assumed in religion, we can come to decide this question—to decide it as statesmen. But first you

must understand it. That certainly ought to be some ingredient in the consideration of a question, that you understand it; and now let me see if I can make you understand it. The task is, I am aware, a difficult one; yet I do not despair. The agitation of the tithe question has been attributed to me. I have not that honour. It began before I was born. It was visited by penal Acts of Parliament so long back as 1763. There has been a legal anachronism on this point by the hon. Member for Bandon, and he is deservedly the representative of Bandon. Why, even in my own time there was written upon the gates of Bandon—

"Here enter Turk, Jew, or Atheist
Anything but a Papist."

And underneath these lines were at one time inscribed—

"Whoever wrote the above, wrote it well,
For the same is written on the gates of hell."

Let me see, then, if I can make you understand it. It was in the year 1760 that the first offences against the collection of tithes were legally noticed. The hon. Member for Oxford has shown himself exceedingly ignorant of the Christian religion, at least of its temporalities. The ignorance of that hon. Member proves the truth of the adage, "the nearer the church, the farther from the altar." He lives close to learning, and it passes unheeded by him. In Ireland, the great body of the tithes, the enormous territorial possessions, were all the donations, the pious donations, of the Catholics. For years before the English went to Ireland, there were the Pope's legates here—they were in the four archbishoprics of Ireland with legatine powers. The tithe system was not in Ireland until the reign of Henry 2nd. It was the English Catholic priests who imported them. The year 1173 is the date at which they commenced. A synod at Cashel announced to the faithful that it behoved them to give tithes to the Church. The faithful responded to that cry; they bestowed those tithes, and so they continued until the 28th of Henry 8th. until the year 1537. Three hundred years ago, for the first time, an Act of Parliament transferred those tithes to Protestants—to that species of Protestantism that Henry 8th avowed. It was the Act of Parliament that declared it to be high treason to deny his supremacy, that handed over to you the temporalities. That is your title to tithes. The Act was divided into two parts—first, there was the pious spoliation, and next the pious supre-

macy. It was the Christian prince who bestowed those tithes, that attempted to convince the Irish, by making it capital felony to deny his supremacy. Your title is the law—an excellent title, certainly; but if there be not that title, then there has been spoliation; for those tithes were given for the saying of mass, for the invocation of saints, for the prayers for the dead. The saints you disregard, except it be, indeed, the living saints. You pray not for the dead, but you curse the living; you have suppressed the mass, and you declare it to be impious and idolatrous; but you have taken the tithes, and you keep the glebe lands; and yet you come out upon me, and say, that tithes are not the creatures of the law. The law has given it. If it be not the creature of the law, then I really come to the proposition of the hon. Member for Southwark, and I say—give me back the tithes! I affirm that the title to the tithes is a good one, because it is legal. I affirm that title to be legal; but I then draw the inevitable consequence, that being the creature of the law, it is subject to its enactments. The Irish felt the injustice—the gross, the glaring injustice—of taking the tenth potato from the starving peasant. Hence the tithe war. In 1760, fifteen years before I was born, that war had begun. Parliament enacted the severest laws. Bloody statute after bloody statute was passed. Seventy-four capital felonies, on account of tithes, were added to the criminal code. There were, too, 140 transportable felonies on account of tithes. There was a lull and a cessation for a time. The law, by its severity, created a new kind of tranquillity; but the cancer continued—the evil was unmitigated—and it was certain to break out with increased virulence in a short time. You went on with your enactments, and your tribunals enforced them. The jail was crowded with prisoners, the vessel was laden with convicts, the scaffold bent beneath its victims; there remained not the memory of those who fell in the deadly struggle, except the green grass that waved over their graves. All then went on in your own way. You had convictions enough; you had with you the executioner, the sheriff, the constable, the jailer, and the judge; and of these, the latter was the more harsh. Thus you have been going on for sixty years. The contest has so long continued, and every hour it does so makes it worse. The people did not at first fight against you. Carrickshock was then unknown to them; but such as Moonsoin, Rathcoormac, and Inis-

carra, which are now familiar to us, because they are so recent, have occurred a hundred and a thousand times, and stained the soil of Ireland with the blood of her people. The battle still continues; but there is a lull now—a cessation. Why? Because the people have a government and a governor, Lord Mulgrave, who is disposed to do them justice. He is the first man in that country who has made no distinction between sect and sect, or between parties; who has had the courage to reject partisans, however highly patronised; and the manliness to approve of honest men however lowly recommended. What! have we not had clergymen enough quite ready, in the name of the Lord, to go to war for tithes? Have we not had attorneys, too, to aid them? Have we not had swearing bailiffs in abundance; and, blessings on him, have we not a Chief Baron, who has invented a writ of rebellion—who has found it, where it was sleeping—for it was dead—and awoke it into life and activity on account of tithes! There has not been much blood shed of late; but it was hoped for. There was the expectation of it; there was the confidence that the parties who desire it would have succeeded with this Government as with others. In spite of the parties who thus struggled for collision—in spite of them, the Government has succeeded in proving to the people its anxiety to do justice to Ireland, and thus peace has been secured for a time. But will any man tell me that next winter can pass over in peace, if you do not do something? I put it, then, to English Members, who may vote against this Bill. Indeed, some of them have voted both ways. These are the persons who belong to every party, as it suits their purpose. No man has a better right to say than I have, that there are gentlemen amongst our adversaries. I boast of it. I then put it to those humane and honourable gentlemen to reflect, that next winter there must be blood, there must be ruin, there must be devastation—that those wives and children who are now lamented for as starving, that from them must come the widow's cry and the orphan's wail, if you allow this Session to go over without settling this question. I conjure you by your pity, I beseech you by your love of humanity, I adjure you in the name of the living God, to prevent the shedding of blood. I have heard some people call the Irish savages; but never yet amongst savages were taunt and ridicule adopted, were men called on not to shed blood. Am I to be blamed when I adjure you to

prevent the shedding of blood. Men of blood, as you are, then call for blood, [*cries of "Order" and cheers.*]

Sir *Stratford Canning* rose to order. He protested against the use of such language to those who sat on that side of the House.

The *Speaker* considered, that if the hon. and learned Member for *Kilkenny* meant to apply the term "men of blood" to those who had interrupted him, he had used a disorderly expression.

Mr. *O'Connell*: I stand corrected, as far as my expression may be used in that sense, and I shall not use it again; but if those were men whom I conjured, deliberately conjured, to stop the effusion of blood, and I found any man capable of meeting with a taunt that most humane proposition—a proposition that would, I think, be listened to, were we on the very verge of the *Seraglio*; if, out of this House, I met men who could meet such a call upon them with a taunt, I should have no hesitation in designating them as men of blood. I am not surprised that the same party who have inflicted so much misery upon Ireland, who have been the shedders of so much blood there, should not now, in the last scene, only regret this, that they could not possibly accomplish the shedding of more blood. Why, I ask, did not the right hon. Baronet, who quoted so much, not also quote from *Wentworth*, Lord *Strafford*? Oh! what a quotation he could have made from such an authority! Let him look to the summary manner in which *Wentworth* acted, when he insisted on having for the Crown two provinces in Ireland. The people had then charters and their titles; but of what avail were they? He sent down a Lord Chief Baron—for they had Chief Barons then also; and, as a letter of his states, to secure the services of the Chief Baron, five shillings in the pound were to be given to him out of each pound's-worth of property that he could persuade the juries to give to the Crown. "It is astonishing," said *Wentworth*, "how attentive the Lord Chief Baron had become." There, then, you perceive, they had Lord Chief Barons also. *Wentworth* also sent down two troops of horse, as "good lookers-on." The system that was then acted upon still exists. Is there any humane man in this House, any man who has not religion on his lips, and harshness in his heart, who would desire it to continue? It is for humane men, however, to

consider, whether some measure ought not to be adopted to put an end to it. It is not a dream, like that of the hon. Member's for *Southwark*, but a practical plan that is required, to put an end to those calamities. Look around you, and see the situation in which the country is placed? Is there a man that will tell me that he will not agree with me in saying, that something ought to be done for the pacification of Ireland. While in this situation, let us see what are the plans proposed? There are five schemes on this subject. The first of these is a favourite of mine, I shall be quite candid on the subject, I should like to have an absolute extinction of the tithes—call it extirpation if you will. But if you have the courage, if you were in the situation to do it, and the public mind were prepared for it, I should wish you to make a present to the land of the tithes, and to the manufacturing and commercial interests of the corn-laws; and let the clergymen be paid out of the Treasury. Thus you would put an end to the contest. I do not expect you to do this. I have not, upon this subject, the ardent expectations of the hon. Member for *Southwark*. My opinion is, that the first thing you have to do for Ireland is to make conscience perfectly free, and this by not calling upon one man to pay for the clergyman of another. I am for the voluntary principle. I repeat it, in order that the right hon. Baronet (*Sir R. Peel*) may have full time to take a note of it—I am for the voluntary principle. The right hon. Member for *Tamworth* pays me the compliment of saying that I am not. I reject—I deny his position. He has said, that my religion is intolerant. I do not know what his religion may be; I do not inquire into it. He says that I must be favourable to a Church Establishment: I deny it. The last state that has fought its way to liberty is one in which there is a Catholic population. I ask him, then, what Church establishment there is in Belgium? What Church establishment is there in France, unless the payment of all clergymen by the State be called an establishment? What Church establishment is there in Hungary? But I come back to the last and best example: What Church establishment is there in Catholic Belgium? I deny, I utterly repudiate its necessity. Let him not tell me then of my religion. I answer, I know it better than he knows it. I am, however, of opinion that there was a period in history when Church esta-

lishments were useful. When the Church was not under the State, but above the State. It was then the refuge of democracy, the shield of the people. That period is long since gone by. My conscientious conviction is, that a Church establishment is no longer necessary. I do not see any practical good it could effect. I do not wish for it. If I could hope to have a reasonable minority, I should divide the House upon this proposition; but I know that Ireland is suffering and in danger. I do not, then, pause at such a time upon abstract theories. The house is on fire, and I want the aid of good hands to extinguish the conflagration. Well, then, as this principle cannot be carried, is there any other? The next principle is this: I now put this to you, and I hope the right hon. Baronet (Sir R. Peel) will condescend to take a note of it. I say, that upon your own principle you ought to give an establishment to the seven-eighths of the people—to the Catholics of Ireland. If we had a Union such as it ought to be, that should be your duty. The Union, the parchment Union, has provided otherwise—that the Protestant Church Establishment shall continue. Were the people parties to that Union? No: a Parliament that was bought, made the Union, and one of the grounds for consenting to it was, that its mischiefs might be repaired, and its crimes obliterated. Your Establishment depends, according to your principle, upon the greater number of people. That is the principle of your Establishment—it is not a proselytizing Establishment. The people of England have a Protestant Established Church, as they ought to have it, there being eight millions of them—the Dissenters are coming near to them; I am told they amount to six millions, but the majority here have an Established Church. In Scotland, you endeavoured to force upon them your own Establishment. You tried it there, and for one hundred years there was the greatest turbulence, war, and crime. Scotland was your Ireland at that period. Scotland determined upon resisting you—her people took to the mountains—they drew their broad claymores—they gathered on the hills;—they encountered you at the bridges, —they stopped you at the rivers;—they stained the stones with your blood and their own—you often conquered; but they never abandoned the strife, until they secured for themselves not merely liberty of con-

science, but an Establishment. And now I ask you why is not Ireland to be treated in the same way? You give us the reason, the superiority of Protestantism! The treaty of the Union, which you have violated yourselves five hundred times, and properly too, for it ought not to be a treaty to prevent any scheme of amelioration. But the reason that you will not, I shall give. The people of Ireland repudiate an Establishment; and, as a Catholic, as sincere in my belief as my respected Friend is in his, tell you, with as much solemnity, as without profaneness one can speak for himself, I absolutely repudiate an establishment for my religion, because I know that it would lose its expansive power within the trammels of the State. It would lose that force of argument, which you know in your own country is bringing so many to worship at its altars. It would lose that force which it has over the human mind, although it might win to Catholicism some whose Protestantism is like that of the right hon. Member for Cumberland. It might win advocates of that kind. For my religion I wish to employ argument, and I wish it not to be stifled in the pride of an establishment. I therefore repudiate it—I leave to you your Establishment, I require it not. But if it be so left to you, what ought your Establishment to be? You have rectors and curates in every parish in Ireland. Why is there to be this enormous staff for only 800,000 persons? Does not this alone sufficiently demonstrate that there is a surplus? Oh! no, says the right hon. Baronet; and I now come to an admirable specimen of his candour. I will take the return from the diocese of Kilmore, says he, and show you that Protestant property is triumphantly the greater in Ireland, and that it is that property pays the tithes. The return upon which he relies is by whom? To whom? Is it a return by any legal officer? Oh no, unless it be an officer of the grand lodge. It is a return to Mr. Mortimer O'Sullivan's Conservative parliament in Dublin. This then is his splendid document. But then this is to be supposed fair, as showing an average of the Protestants and Roman Catholics! Now there are thirty-two dioceses in Ireland. Many of them were united before the Reformation. Kilmore stands the fifth in the list of Protestant dioceses. There are 47,000 Protestants in Kilmore. If I were to take Kerry, one-fourth of which belongs to Roman Catho-

ics, and said here are 297,000 Roman Catholics and but 7,000 Protestants, this is a specimen of the average of Protestants and Catholics of Ireland, how I should be hooted at by hon. Members opposite. This then is a specimen of the candour of the right hon. Baronet in selecting Kilmore! It is, too, a specimen of the accuracy of the Conservative Association, whose standing rule was, to admit no reporter, except one from *The Evening Mail*. This, then, is the document upon which he relies! But, then, shall I be told that tithe does not consist of three quantities, of labour, capital, and land? Is the labour not Catholic, and is not a great deal of land the property of Catholics? What are you quarrelling with us for, if there is no surplus? If you ask us what we are asserting? I answer, a principle. Ours is the conciliatory principle; yours, the repulsive principle. Is it the Catholic Church—is it the Catholic religion that wants the surplus? No. It is wanted for instruction. I, like the hon. Member for Weymouth, believe that the more instruction is given to the people, the more will my religion be promoted by it. I show that by my anxiety to give. You tell me that instruction is only wanted to induce the people to abandon my religion and embrace yours. I, at any rate, am desirous that the people should be instructed. I agree with the hon. Member for Southwark, that the people of Ireland will not believe that tithes are at an end by calling them rent-charge. The noble Lord, who thinks wisely except upon this subject, entertains a different opinion. I know well that the people of Ireland can well distinguish upon points more difficult to be determined than this. Mark the history of this transaction. The noble Lord who has shown himself such a friend to the Establishment, brought in his Bill in 1834—that was called my Bill. A resolution that I moved in the Committee gave to the Protestant clergyman 77*l.* 10*s.* in every 100*l.* If that Bill had passed the House of Lords, there would be an end to the strife that now exists. If that Bill had passed, the people would have been relieved to the extent of forty per cent., and the difference would have been made up out of the consolidated fund. If you will insist upon forcing the Protestant religion in Ireland, it is right you should pay for it; and the Protestant clergyman would not have been at all dissatisfied at

the arrangement, because the money came from the consolidated fund; he would have taken his 77*l.* 10*s.* and pocketed the affront, even though he had the trouble of going to the Treasury for it. But that Bill was thrown out, the collision was commenced, not by us, and let the shock fall on their shoulders who provoked it. The House of Lords threw out that Bill. Persons may suppose, perhaps, that they threw it out because it contained an appropriation clause; but the case was not so, that Bill contained no appropriation clause at all. But the history of their absurdity is not yet complete. Could any human imagination conceive any thing more ridiculous, more arbitrarily absurd, than this proceeding on the part of the House of Lords? My Bill gave the Protestant clergy 77*l.* 10*s.* per cent. I call it my bill for shortness; calumny attributed it to me at the time, and I certainly had a hand in it; and this Bill, which gave the Protestant clergyman 77*l.* 10*s.* per cent., was rejected by the Lords. Well, what took place afterwards? Next session the Bill of the Government of the right hon. Member for Tamworth came before the House, and this Bill proposed to give the Protestant clergyman only 75*l.* per cent., underbidding me, the Popish agitator, by 2*l.* 10*s.* The example being thus set by the right hon. Baronet was followed by the noble Lord, the Secretary for Ireland, when he came into office. He proposed to take off 2*l.* 10*s.* more, being 72*l.* 10*s.* for the clergyman, and so the Bill went up to the Lords. What did the House of Lords do with it? The House of Lords, who refused my Bill which gave 77*l.* 10*s.* to the clergyman, accepted as much of the noble Lord's Bill as gave him 72*l.* 10*s.*, and struck out the appropriation clauses of the Bill, which then was lost altogether. What has been the consequence of this? There has been another Dutch bidding, and the clergyman's share is to be reduced to 67*l.* per cent. The noble Lord opposite opposes the Bill of the Government, and what is his objection and what his object? He wants to obtain, not piety and knowledge, but gentility for his clergymen; he must have nothing but gentlemen, and of course in his estimate he has calculated the expenses of the dancing master. Oh! Sir, is it not too bad that Ireland should be subject to this protracted cruelty, this ingenious torturing, emanating

ting from those who pretend to be her guardians? There sits the doctor, [*pointing to the Opposition bench on which sat Lord Stanley*—there he sits—look at him—he has prepared a dose for Ireland—she must swallow it—it may not do her much good perhaps—true, she may die under the infliction of it, but swallow it she must. Now what is the noble Lord's plan? Let us go over his plan. He proposes to give the clergyman seventy-five per cent. of their tithes, thus at the outset, by-the-by, underbidding me by 2*l.* 10*s.* But I put it to the House and to the good sense of the people of England, whether that is not too much? I put it to them whether 6,000,500 men shall be made to pay for the religion of 700,000? Is it fair that the agricultural industry of the whole nation should be oppressed for the advantage of a few? Let us look to Paley on this subject—Paley says, that of "all incumbrances adverse to cultivation none is so noxious as tithes, not only was it a tax upon industry, but upon that industry which feeds mankind." After reading this, is it to be wondered at that the people of Ireland are now starving, in a land which produces food in abundance, which still tempts their lips, but which they never dare to taste? Such is the melancholy state of things in Ireland; and I tell you this to warn you, that what would be accepted as a remedy this year might not be taken next year, and that that which would have been received as an act of conciliation last year would be but an experiment now. I would not venture so far as to express a hope that the experiment would be a successful one; but of this I am certain, that what would have been accepted before, would not be accepted now if it came from adverse hands, with power to crowd the King's council and the Bench with partisans hostile to the liberties of the people—in such hands the benefit would be nothing, and I should advise the people of Ireland with one voice, to reject it. And I tell you rejection there will be. There are those who have influence, who are determined to make use of it to preserve in their places the present Ministers, who have honestly undertaken the cause of Ireland, and to defend them from the insidious attacks of those who seek to displace them. What will you do then? You may make war on Ireland; but I tell you this, Ireland will not make war on you in return—and further, I tell you this,

that if you do wage war on Ireland, you will not have the people of England to back you. What is more, you will have the people of England, almost to a man, against you. The fact is this—there have been normal schools of political knowledge established throughout the country, and in all the cities and towns of the kingdom. I have been to visit them; I have shaken hands with the pupils, who crowded round me as if I were a beast in the Zoological Gardens. You laugh, but they are there acquiring knowledge, which will teach them to laugh at your absurdities, and to esteem you as you deserve. The spirit of science and of knowledge is gone abroad amongst the people of England, and the consequence is, that the "No Popery" cry of their predecessors has dwindled away into a soft wailing from the mountains of Cumberland. The hon. Member for Bradford, with all his piety and purity, will doubtless be astounded to learn that the corporation of Bristol, the Tory corporation of Bristol, have sent up a petition for the emancipation of the Jews. I have now, I think, said enough to impress upon the House my feelings on this subject; I have poured out my whole soul before you, and in the warmest language of my heart I have intreated you to do justice to Ireland. I call upon you now to do it, if you be statesmen, and not empirics, if you be Christians with Christian charity in your bosoms, and not mere sectarians and pretenders to religion; if you believe in that retribution with which honest men ever visit those who have been guided in their actions by the mere trick of party spirit—or if, above all, you believe in that more awful retribution which shall be visited upon you by that omnipotent Being who must some day hence judge the motives and the secret intentions of us all.

Sir *Robert Peel*: I hope the hon. and learned Gentleman is not about to quit his place.—[These words were followed by the most deafening yells and cheering from the Opposition benches, which continued for some time. Mr. O'Connell left the House for a minute or two, and returned.] It certainly is much more agreeable to a person rising to notice observations made with considerable vehemence and warmth by another, that he should have the opportunity of noticing them in the presence of that person. And as the hon. and learned Gentleman did personally suggest to me,

the taking a note of what he was saying, and challenged me to give an answer to the statements which he was making, I think I could hardly have expected that the first act of his on closing his speech, would have been to deprive me of the opportunity of making my comments in his presence. The learned Gentleman commenced his speech by a warm eulogium on a speech delivered the other night by the Member for Weymouth (Mr. F. Buxton). He considered that speech as a complete exemplification of Christian charity; as a proof that it was possible for a man to maintain his own opinions and to urge strongly his own views, and yet do that without insulting his opponents—without imputing to them impure and corrupt motives for the conduct which they were pursuing. The learned Gentleman advised that, as a specimen of true Protestant feeling, the hon. Gentleman would not trust his speech to a reporter, but would report and publish it himself. For the purpose of giving force to the contrast, will the learned Gentleman report his own speech? He admires the example which has been set him, he admires this proof of Christian charity and truly Protestant feeling; but in the speech which he has made to-night, in his imagination, in the character of a West Briton, it is quite clear, that while he admires the example, we have not made him a convert to Protestant charity. The learned Gentleman says that it is right we should understand the Bill, as statesmen, before we pronounce upon it. I listened to him, having great doubts whether I did understand the Bill, having doubts whether I did comprehend the real motive from which it sprung, or the object which it professed to gain. I did listen with patience and attention to him for the purpose of having any deficiency of information supplied to me. The learned Gentleman was exceedingly severe on the hon. Gentleman beside me (Mr. Harvey) whom it is no part of my duty to defend—whom it is no part of my duty, because the hon. Gentleman, I think, opposed the proposal of the noble Lord, as he did the Bill before us. But I must say, after the avowals made by the learned Gentleman, that although it is no part of my duty to defend the Member for Southwark, I do not conceive why he was subjected to the attack of the hon. and learned Gentleman. The hon. and learned Gentleman says, that the Member for Southwark entertains extravagant notions on this subject, that he con-

templates the appropriation of tithes to the purposes of charity or of public utility; and then he says, that he will tell us what his own opinions on the subject are. Why, they appear to be about as extravagant as those of the hon. Member. He says that the true notion would be that of returning tithe to land, giving up the corn-laws to commerce, and paying the clergy out of the Consolidated Fund. Why, that seems to be pretty nearly as hopeless a proposition as that of the hon. Member. The hon. and learned Gentleman says that this Bill will settle the tithe question. [Mr. O'Connell: No.] Not effect an arrangement of the tithe question? [Mr. O'Connell: At present it will not.] Then why does he invite us to accede to it? If it is to effect no settlement, if it will continue the discontent and disorders which prevail, what is the argument by which the learned Gentleman asks the vote of the House to it? The learned Gentleman makes a speech, in which, professing to be an advocate for this Bill, he repudiates every one of the principles on which his Majesty's Government profess to rest it. At the same moment that he is professing his adherence to it, he uses arguments which preclude its acceptance by the people of Ireland. "Make this settlement," he says, "for the Church." "Do you wish," he asks, "to put an end to scenes of bloodshed that have caused pain to every feeling mind?" We do; but what hope have we of putting an end to those scenes of bloodshed if we are to accede to this arrangement, and then hear the comments which the hon. Gentleman makes? The Bill of his Majesty's Government proposes to allot 368,000*l.* to the maintenance of the parochial clergy in Ireland; that sum is to be raised by annual payments, according to the Bill—that Bill of which the learned Gentleman is the advocate, and which he condemns us for not acceding to. The whole change is to be a conversion of tithe composition into rent-charge, the rent-charge being paid, in the first instance, by the first estate of inheritance—by the landlord, but being subsequently paid to the landlord by the occupying tenant. The Bill maintains an Establishment. The hon. and learned Gentleman says no Establishment ought to be maintained. The Bill makes the support of that Establishment to fall on the occupying tenant, not by a direct payment, but indirectly it does so. The learned Gentleman says that he is an advocate for the voluntary principle; he thinks that no

man ought in justice to be required to pay for the support of a religion which he does not profess, and that the clergy of Ireland ought to be paid by the Consolidated Fund. Observe, these are arguments which he uses to induce the people of Ireland to adopt the Bill which is directly opposed to the voluntary principle for which he contends. They are to have tithe composition converted into rent-charge. He is opposed to redemption, which we propose; but "no," says the learned Gentleman, "I will not even give you leave to bring in your Bill; the real extirpation and extinction of tithes shall and must be part of the arrangement." They are to be called on for the annual payments, and the learned Gentleman who invites them to pay, says that he maintains the system of the voluntary principle, and the injustice of any man supporting a religion which he does not profess. The hon. and learned Gentleman says, that if we did justice, we ought to allot seven-eighths of the tithes to the Roman Catholics as an establishment. Is that the way in which he reconciles the Roman Catholics, who receive no part of the tithe, to pay the seven-eighths to the maintenance of the Protestant Establishment? And finally, the learned Gentleman says, that Scotland did not effect the establishment of her religion by this tame acquiescence—that her people went out in the morning on the mountain sward with their claymores—that they were not content with liberty of conscience, but demanded establishment, and with establishment an ascendancy. And the hon. and learned Gentleman, with his boasted influence over the people of Ireland, thus demonstrating his view of the injustice of this arrangement, tells us that we may hope the next winter will pass in quiet, and that there will be a universal and cheerful acquiescence, because tithe-composition is converted into rent-charge. The learned Gentleman, too, calls us men of blood, and insinuates that we view without horror—almost with satisfaction—the melancholy consequences of enforcing legal rights. He details, as is his wont, the scenes of Rathcormac; he tells us of the widow and of the orphan; and by this enumeration of horrid details he works on the feelings and on the passions. Now, let me ask of the learned Gentleman, after the views which he has expressed of the injustice of maintaining an establishment, if the wrong of departing from the voluntary principle, and the grievous oppression of withholding from the people of Ireland

seven-eighths of this fund, for an establishment of their religion—if for an establishment they were disposed—let me ask of the learned Gentleman what security he can give that next winter, without the shedding of blood the enforcement of his rent-charge will be possible? Will he abandon it to the first threat of opposition, or if opposed will he enforce the law—and if the civil power be insufficient, will he call in the aid of the military force? If he will, he will be responsible, as he attempts to make us, for the scenes of suffering which he details—for the cries of the widow and the orphan. If, on the other hand, he advises, that on the first show of resistance you should abandon your right, then let me ask you what becomes of your security for the rent-charge? There have been many speeches delivered in the course of the debate, many parts which I should have been glad to notice, but on account of the lateness of the hour, and because I feel how completely exhausted the subject is, I shall refer only to their speeches which were peculiarly important, either from the ability which they manifest, or the station of those who delivered them; and first, and shortly, I shall refer to the speech of the learned Gentleman (the Member for Weymouth), which has excited the admiration, but has not insured the imitation of the learned Gentleman. That hon. Gentleman (the Member for Weymouth) has, I think, for some reason or other—I am sure a conscientious one—abated somewhat of his anxiety for the Protestant Establishment. The anxiety and apprehensions which he expressed last year have been considerably diminished. The hon. Member then insisted that ample precaution should be taken in case of an increase of the number of the Protestant Establishments, for holding ample reserves for the purpose of insuring the spiritual care for their increased numbers; and he now makes his vote for this Bill dependent on one condition—he, a determined friend of this Bill, was yet prepared to withhold his assent from it and oppose it, unless he received some assurance that immediate inquiry should be instituted into the subject of Irish education. But can the hon. Gentleman be surprised at other persons entertaining a similar jealousy? If the hon. Gentleman thinks that there is a *prima facie* case for inquiry—and he is prepared to withhold his assent to the Bill unless inquiry be conceded, let me ask him what he would do supposing inquiry were con-

ceded, and the result to be unfavourable? Surely, if there be ground sufficient to withhold your assent from an important measure unless inquiry be granted, it follows as a matter of course, that, assent ought to be withheld if the result of inquiry should be unfavourable; and can the hon. Gentleman be surprised if, when he thinks it necessary to demand inquiry, the Members of the Establishment in Ireland should view with some reluctance and apprehension, before the inquiry, the irrevocable alienation of their property by Act of Parliament, for the purposes of advancing the object of this Bill. The hon. Gentleman says, "You contend that there is no surplus, and if then," he triumphantly asks, "there be no surplus, what can be the possible objection to appropriation?" I tell the hon. Gentleman, in the first place, that to discuss hypothetical questions with respect to excess of property, is dangerous to all property. I say that it signifies not what the character of the property be; I may see the distinction between corporate and individual property—I may recognise that the one is a trust, and that the other belongs to individuals without a condition annexed to it. But although there be that distinction in the character of the property, let me tell the hon. Member that the danger to all property of discussing hypothetical cases with respect to excess is precisely the same. Establish the fact of a surplus, and with your principle, having determined the amount, proceed to appropriate. But there is danger, you being uncertain whether there be a surplus or not, in your assuming the contingency and providing for its appropriation. Suppose the hon. Gentleman said to 'a man engaged in trade, or having large landed possessions, "we will provide that in case of there being an excess of property, more than is sufficient for your wants, it shall be devoted to some other purposes." If that were objected to, the answer would equally apply, that "if there be no surplus where is the harm done?" It is a bad precedent to establish, and on that account it is objectionable; it is objectionable to set the precedent of legislating for hypothetical cases. If the hon. Gentleman has watched the course of legislation this Session, he must have seen that we have enough to do with practical matters. This is the 3rd of June, and we have made no great advance in practical matters. The clap-traps of the last Government have been held up to public scorn; but so satisfied is the hon. Gentleman of the progress which we have

made in the remedy of grievances, and in administering practical measures of relief, that he is content to provide, on an assumption of the future, for contingencies which may never arise. But there is another evil. If there be no surplus, you are practising a gross and unjustifiable delusion. You are deluding the tithe-payers of Ireland. You have not taken a surplus from the Irish Church. You have appropriated nothing from the Irish Church. You have taken 50,000*l.* from where? From the Consolidated Fund. Who provides the Consolidated Fund? The tithe-payers of Ireland, by taxation, contribute towards it; and the delusion which you practise on them is this—that, after the lapse of years, you will perhaps be enabled to obtain something from the surplus of Church property for the payment of that 50,000*l.* which you now take from the Consolidated Fund. The noble Lord told us, that it would be years before a surplus arose for that purpose. And this is the question about which we are debating. This is the matter on which apparently parties are at issue; then, years hence, a few hundreds will be raised for the purpose of paying a surplus which does not exist, but which you are giving a fictitious existence to by taking it from the produce of the general taxation of the country. That, then, is my answer to the hon. Gentleman—that if there be no surplus, although in one sense the concession of appropriation may be small, it is objectionable in principle, as endangering property, and objectionable in fact, because it is a delusion. The three speeches to which I wish more particularly to refer are the speech of the noble Lord, the Secretary of State for the Home Department, the speech of the noble Lord, the Secretary for Ireland, and the speech of the learned Gentleman, the Member for the county of Tipperary. I select these three speeches because I consider them of importance themselves on account of the abilities of those by whom they were delivered, and on account of the station of the two noble Lords, and also because one of them, as we are told, indicated the principle on which the Government has proceeded. That was the speech of the noble Lord, the Secretary of State for the Home Department. The speech of the noble Lord, the Secretary for Ireland, administered what he called in his jocular phrase "a dose of calculation." The speech of the learned Gentleman was important, he being the able and eloquent Representative of a class, and explaining the grounds on which he gave his apparently cordial

support to this proposition. The noble Lord, the Secretary for Ireland, told us last night, that in the speech of the noble Lord, the Secretary for the Home Department we must look for the principle of this measure. He said, that the measure was founded on broad and fundamental maxims, and that those should be explained by the noble Lord, the leader of the House of Commons; he intended to perform the part—which he performed with great ability—the subordinate part of supplying the arithmetical calculations. He said, “important as are the principles—although we rely on them—although they are broad and fundamental—and although we are almost inclined to disregard statistical and arithmetical calculations, yet the inferences which we draw from our philosophy are confirmed by our arithmetic; we stand on the double ground—we defy opposition, and, fortified by philosophy and figures, we are prepared for the contest.” I want to examine both the philosophy and the facts. I first want to examine the principle on which this rule professes to be founded; and then the principle having been established, I want to ascertain whether the calculation be correct. I want to show that not acting on my own assumption—not defending the abuses in the Establishment—not urging extravagant compensation for sinecures, or insufficient duty—the arithmetical calculations of the noble Lord fail him. I want to show—taking his own data, with the new amendments which have been introduced into the Bill—he has been again deceived. I am almost afraid to do this, because the noble Lord next year will tell me that the scheme is mine. I expect that, because I assume the principles of the Government—because I attempt to show that on their own data, they have hardly the means of executing their own intentions. The noble Lord will hereafter tell me, “this was your plan of Church Reform, and you ought to be satisfied, because we have adopted your suggestions.” The noble Lord (the Secretary for the Home Department) had risen professedly to reply to the noble Lord, the Member for North Lancashire, who, the question turning necessarily on arithmetical details, had confined himself naturally to this narrow compass, not whether in the case a large surplus should be proved to exist, it would be proper to appropriate it in such and such a manner, but whether any surplus at all did exist or not. The noble Lord, the Member for North Lancashire, had gone on

step by step throughout his speech to show that if the clergy of Ireland were adequately provided for there would be no surplus. The noble Lord, the Secretary for the Home Department, gave a short explanation of the principle on which the measure was founded, and then, having made a declaration against figures as of very little importance, the noble Lord flew into a declamation on the course which he stated we were about to take. “On the same grounds,” said the noble Lord, “on which you brought in or acquiesced in the Coercion Bill, or in the same spirit in which you resisted corporate reform, and in which you have misgoverned Ireland for seven centuries—on the same grounds and in the same spirit you now refuse to appropriate a contingent surplus, and I cannot condescend to argue the question when placed in this its true light.” Such was the declaration of the noble Lord. But was the principle a new one on which this measure professed to be founded? I thought, until the noble Lord had spoken, that the principle adopted by his Majesty’s Government was, that the first claim on the revenues of the Church was for the purposes of the Church. “I thought, that on that view the claims of the Roman Catholic population were necessarily excluded, not only here, but by the Government, until the fact of the existence of a surplus was ascertained. But,” said the noble Lord, “you talk of 200*l.* per annum for the Protestant clergyman, and for supplying the spiritual wants of Protestants; but you omit from your calculation the 6,500,000 Roman Catholics: you consider them as aliens in blood—as subjects of a lower class than yourselves; you totally forget their claims on the Church revenues.” Sir, for myself, I disclaim entertaining any such view with respect to my Roman Catholic fellow-countrymen. I have always said this, and I repeat it, that civil disabilities having been removed, I admit no civil distinctions between any of the classes of his Majesty’s subjects. They stand in that respect upon a perfect equality. But if I admit that the first claim on the revenue of the Established Church is the spiritual wants of the Church, I have a right to exclude the claims even of the 6,500,000 Roman Catholics. I don’t say neglect those claims—I don’t say withhold the means of supplying the deficiencies on which they rest—I don’t doom the Roman Catholics to the darkness of ignorance and eternal deprivation of the light of knowledge—I say, consider their condition and

ameliorate it; and if they are in such a state of ignorance as they have been represented, surely this kingdom is powerful and prosperous enough to find the means of enlightening such a class of his Majesty's subjects. I do not, therefore, exclude the 6,500,000 Roman Catholics from a share in the benefits to be derived from instruction and knowledge. I only doubt the legitimacy of their claims until the spiritual claims of the Church of England in Ireland are satisfied. I only say, don't satisfy these claims from that source. I do not say that these claims do not exist, neither do I say, postpone the consideration of these claims, and doom those who urge them to ignorance. All I maintain is, that their instruction should be provided for from sources not affecting the revenues of the Established Church. When I heard the noble Lord declare his willingness to try a new principle with respect to the Church Establishment, I thought that new principle would at least be a common one. This I know, that the principle I have laid down was a common principle. What new colleagues the noble Lord may have, or how he may have been compelled to change his opinion, I know not. Having no surplus, your arithmetical calculations fail you. Your old principle not answering your present object, it became necessary to devise a new one. With that I have no concern, but I would prove to you that your old principle was in conformity with my views. In the year 1833, the noble Lord (Stanley's) scheme for Church reform was proposed. It was that scheme by which extensive and important reforms were effected. The number of Bishops were reduced from twenty-two to twelve; provisions were made for the complete extinction of all sinecures; power was taken of dealing with every existing living, and apportioning to them stipends of not more than 800*l.*, and not less than 200*l.* per annum. He who proposed the Bill explained the principles on which it was founded, and the means taken by his Majesty's Government with respect to the principle of the appropriation of Church revenues. The noble Lord who was the Secretary for Ireland, is now considered as entertaining extreme opinions on the subject of the Irish Church, and on the inalienable nature of the revenues of that Church. But was that Bill proposed by the noble Lord? No, but by Lord Althorp, who, as if to give more emphatic proof of the fact that it was not the Bill of an individual, but the measure of Go-

vernment, distinctly declared, in proposing it, that "it had been agreed that this measure should be brought forward as a measure of the Government; and it had been thought best, on the present occasion, as on former occasions, by a person who filled the situation in the House that he filled, rather than the particular Minister with whose department in the Government of Ireland the measure was more especially connected."* The noble Lord, in the course of that speech, having explained the details of the measure, continued—"However great the differences of opinion may be, as to the right of Parliament to apply the property of the Church to the purposes of the State, both those who think it has no right to transfer it, and those who think that it has, all are agreed, I think, in this, that the first claim on the property of the Church is, the Church itself.† No parties are likely to dissent from this opinion, except those who either think that there ought to be no church establishment at all, or those who think that a different Church ought to be established in Ireland. The noble Lord repudiated the notion that seven-eighths of the property of the Church Establishment should be disposed of, in proportion to the number of those who differed from it in religious opinions. "We have heard, said the noble Lord, frequently of benefices in which no duty is performed at all, or where there is no church, or where there is no resident minister. We have heard these statements frequently made; but it is also well known that there are many places where there are congregations in which there is a difficulty in the due performance of public worship; and that the working clergy, whilst their superiors enjoy large revenues, have very inadequate incomes, and are frequently placed in the most distressing circumstances. There are 200 livings in Ireland of less value than 100*l.* a-year. Whilst this is the case, where there are Protestant congregations who require to be supplied with the means of attending divine worship, it cannot surely be said by any one that the Church of Ireland ought not to have the first claim on the property of the Church."‡ These were the opinions adopted by the Government of 1833, and explained by Lord Althorp. Then, Sir, what is the principle now assumed by the noble Lord? I took a note of his words. I hope it will

* Hansard, (Third Series) vol. xv. p. 56*l.*

† Ibid. p. 56*l.*

‡ Ibid. 56*l.*

be found accurate. I hardly think there is a mistake in it. Now observe, that the opinion of Lord Althorp and the Government of the year 1833 was, that in case you admitted the Established Church to the first claim upon the revenues of the Church, it follows as a necessary consequence, that you must have this country divided into districts of a convenient distance, and a proper stipend attached to each. But the principle which the noble Lord maintained was this—"When you talk," said he, "of the State, I contend that it is the duty of the State not to choose or select a religion which shall be in accordance with the religious opinions of the Legislature or supreme authority, but to secure the means of inculcating instruction and morality amongst the great body of the people. If we were to maintain any other opinion, we must extend the Established Church of this country to Hindostan, and the clergy of our Established Church should repair thither, in order to spread throughout these and all our other dominions one religion, and to enforce a conformity to one faith." Now I have heard of an established religion, of which the propagation of its doctrines was not the main object. If that object be not the propagation of its doctrines, there is an end to the Establishment. How is that possible, but by inculcating the subscription to those doctrines which the professors of that religion maintain? "But," says the noble Lord, "it is the duty of the State not to select a religion in accordance with what the Legislature or the supreme authority may consider right, but to inculcate instruction and morality amongst the people." I say, that doctrine is fatal to the Reformation. It may be the duty of the State to take measures for the general instruction of the people—it may be the duty of the Legislature to provide the means of moral instruction in a country circumstanced as Ireland is—it may be proper to provide some mode of supplying instruction on a national principle, precluding the prevalence of any special religious doctrines from such a system—but if an establishment is kept up at all, it should be for the purpose of maintaining the doctrines which it was established to enforce. What are these doctrines? The doctrines of Protestantism, as opposed to the creed of the Church of Rome. If we are not ashamed of the Protestant faith, can we maintain the principle that it is not the duty of the Legislature to provide the means of inculcating,

not merely the moral instruction of the people, but affording the inhabitants of the country the means of worshiping God according to the rites of the Protestant religion, and selecting the ministers of that religion with the view of inculcating it. And if we determine on this course, the noble Lord argues that we must extend to Hindostan the clergy of the Established Church. Why? What! is the Church of Ireland placed in such a position as to make the question whether the established religion should be extended to Hindostan an analogous case. Is not the Protestant religion introduced by law into Ireland. Is not the King sworn to maintain the Protestant religion in Ireland? Does not the Act of Union guarantee its maintenance? And shall I be told that the question of the maintenance of the Protestant religion and establishment of it in a portion of the empire, with respect to which its continuance is guaranteed by the compact of the act of Union, should be argued in the same way as the question whether the Protestant clergy should be diffused over Hindostan? If there be one established religion, the inculcation of its doctrines—let the noble Lord say what he will—is an essential condition of it, and it cannot exist without it. If it be not our duty to inculcate the especial doctrines, it is our duty to abolish the Establishment. Paley argues that the religion of the majority should be the established religion. But if Paley were right, and we were wrong, still it must follow, as a necessary consequence, that the doctrines of the established religion must be inculcated. The question whether you choose the religion of the State, in conformity with what the supreme authority considers the truth, or whether you take the religious belief of the majority as the foundation for your establishment—and the latter proposition seems to have had the support of Paley—may be open to doubt. But whether Paley were right or wrong, that after you had selected the religion of the State, you are bound to inculcate its doctrines, seems to me to be a principle altogether incontrovertible. If, indeed, the noble Lord's principle be correct; if it be our duty to inculcate general, moral, and religious instruction, rather than the doctrines of the Established Church; then, indeed, the noble Lord is justified in maintaining that the revenues of the Church should not, in the first instance, be applied to Church purposes, but without reference to the demands of the

Church, the order of distribution should be reversed, and moral and religious instruction be administered to the people through other means than that which the Establishment supplies. But the system of instruction proposed by the noble Lord, and to the support of which the supposed surplus is to be applied, excludes all reference to religious doctrines. The noble Lord's intended system excludes all reference to religious opinions, and the first claim on the revenues of the Established Church is to provide means for the maintenance of such a system. If Lord Althorp's principle be adhered to, namely, that the first claim on the Church revenues is the supply of the spiritual wants of the Protestants, we are entitled to see what is really required to satisfy those wants. If, however, that noble Lord's principle be correct, we are bound to inquire, not what may be requisite for upholding the Protestant Church, but what may suffice for affording moral and religious instruction to the people. But how does the noble Lord satisfy the conditions of his own proposition? If it be the duty of the Legislature not to support the Establishment, but to devise means for promoting the moral and religious instruction of the people, why does he consent to postpone it? If it be his duty to the people of Ireland to take from the revenues of the Protestant Church, why does he make a boast of a plan which is to depend upon a contingent surplus, and which must take many years before it can be carried into execution? The noble Lord having assumed the principle of Lord Althorp, that the first claim is the wants of the Establishment, I will prove to him that his large surplus would have no existence if the reasonable wants of the Church were supplied. The whole question turns on the accuracy of the noble Lord's calculations. Now I am going to question their accuracy, and without ascertaining whether his magnificent surplus should be devoted to general moral instruction or not, I intend to show that his estimates are fallacious, and if he was prepared to uphold his own expressed intentions with regard to the Protestant Church, there will, in point of fact, be no surplus. And if that be the case, then I say, it furnishes an undeniable argument in favour of the amendment of the noble Lord, and I have a right to call on you not to countenance those delusions, and not to hazard the security of the Church and of the peace of Ireland by holding out expectations which

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cannot be realised, and which can only end in disappointment. I will make no allusion to the fund for the building of churches, but I entreat the noble Lord's attention to a scrutiny of his calculations. The noble Lord proposed that 1,250 benefices should be continued in Ireland. He had, with a view, as he said, of consulting the feelings of the people of England, given, as an average amount of income for each clergyman, 295*l.* a year. Of this 295*l.*, forty-five pounds were to be supplied by glebe; and, consequently, 250*l.* would remain to be supplied by tithes. The total revenue which the noble Lord, according to his plan, would require for the parochial clergy of 1,250 benefices, would be 368,750*l.* Deduct the glebe—for that calculation included glebe, which amounted to 56,000*l.*—and the sum which the noble Lord would require from tithes would amount to 312,750*l.* There is an error in the noble Lord's calculation; but I will take the noble Lord's own figures. The noble Lord estimated ecclesiastical tithes at 511,500*l.*: he thought they only amounted to 507,000*l.*, but he would take the noble Lord's estimate, and, deducting the thirty-two and a half per cent, which would amount to 166,000*l.*, from the 511,500*l.*, and there would remain 345,500*l.* The tax on benefices is 7,300*l.*, which will reduce the amount of ecclesiastical tithes to 338,000*l.* The noble Lord calculated on 250 curates, which was a large reduction on the present number of 450. The curates were to be allowed 100*l.* each; 75*l.* of which is to be paid out of the general fund, and 25*l.* by the clergyman. Still, though drawn from different sources, 100*l.* a year must be drawn from tithes. The fund thus created will amount to 25,000*l.* The amount of tithes has already been reduced to 338,000*l.*, take from it 25,000*l.*, and there will remain 313,000*l.* The noble Lord said not a word about re-opening compositions, or the purchase of glebes, which, in my opinion, will amount at least to 20,000*l.* I have already reduced the sum to 313,000*l.*, and if I am correct in the statement of what is to be allowed for the purposes just stated, it will reduce it to 293,000*l.* But to this must be added, 10,000*l.* ministers' money, which, upon his own showing, will raise the sum calculated upon by the noble Lord to 303,000*l.* Out of that sum 1,250 benefices are to be provided for at 250*l.* which will amount to 312,000*l.* By deductions from the noble Lord's own principles it is plain that he wants

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312,000*l.*, and he having only 308,000*l.*, instead of there being any surplus, it is plain that there will be a deficiency of 10,000*l.* Where will this surplus be derived from? It can come from no other source whatever but the sale of Church lands. The noble Lord has taken power by the Bill to sell Church lands on the next avoidance; tithe is uncertain property, but land is not. They left, as the Bill stood, the clergy in the possession of a rent-charge, and they took the power of selling every acre of Church land into the hands of the Crown. What is the case which they heard stated to-night? There was a clergyman deprived of every shilling of his tithes; but having the good fortune to have twelve productive acres of land, and God having blessed him with sons able and willing to work—ashamed to beg, but not ashamed to dig—he contrived to eke out a miserable subsistence by the produce of some potatoes, gleaned by the sweat of his own sons' brows. The noble Lord last night made a great impression on the House, by attempting to show what is the amount of duty committed to an English clergyman, compared with that of an Irish clergyman. The comparison which the noble Lord instituted between a clergyman in Scotland and in Ireland is wholly inapplicable. The noble Lord estimated the average extent of parishes in Ireland at ten thousand acres, the area of an English living at 3,460 acres, or five square miles. Now, it did not at all follow as a necessary consequence that the duties of a clergyman were in proportion to the number of the inhabitants of his parish, for a small number scattered over an extensive area would impose duties much more burdensome than a larger number living in a small extent. In Ireland the noble Lord computed there were 10,000 acres in a parish comprising an area of thirteen to fourteen square miles. But that estimate is altogether incorrect; and if I prove that, what confidence can be placed in such statements, and what becomes of the conclusion that the Irish clergyman is assigned a sufficient stipend for the duties which he has to perform? There are 20,000,000 statute acres in Ireland. Divide 20,000,000 acres by 1,250, the number of the benefices, and there would remain 16,000 statute acres for every parish. The noble Lord's estimate is 10,000, so that here is an error of 6,000 acres. The noble Lord also said, that the limit of the area was fourteen miles. But there are 640 statute acres in a mile; and

divide 16,000 by 640, and it will be found that the noble Lord has made an error about twelve square miles, when he estimated the area of the parishes in Ireland at thirteen to fourteen miles. The average is twenty-five square miles, instead of fourteen. The average number of Protestants in each benefice is 650, who will be intrusted to the charge of every minister of the Church of Ireland. Now there being 650 members of the Church, and the duty being extended over twenty-five square miles on the average in every benefice, is it just to limit three-fourths of the Establishment to 250*l.* per annum at the *maximum* of emolument? Why, then, talk sarcastically of acres? That is a wretched sophism put forth to extort a cheer from a party. And you who have repeated with so much levity this doctrine, will you allow me to read to you what was said by Lord Althorp when the Church Temporalities Bill was under consideration. The noble Lord's words were:—

“Sir, a great deal has been said with respect to the number of Bishops in Ireland, as compared with the number of Bishops in England. I do not consider that, however, to be quite a fair mode of making the comparison, because the duties of the Bishops in Ireland does not depend wholly on the number of Souls in their Dioceses, but on the space over which those duties are to be exercised: the duty of a Bishop requiring the regular visitation of the different parts of his diocese.”*

So that Lord Althorp admitted, that the consideration of space ought to be one of the elements of the question. Now what is the scheme with which I have been finding fault? My object is to show you, that even taking your own plan of supporting the Church, even with the scanty pittance which you dole out to its ministers, you can have no surplus. I shall take the dioceses of Cashel and Tuam, comprising very nearly one half of Ireland, for those dioceses contain nearly 10,000,000 statute acres, and include the counties of Tipperary, Limerick, Kilkenny, Waterford, Cork, Kerry, Galway, Clare, Roscommon, Mayo, King's County, Queen's County, and Sligo. In these two dioceses, by your plan there will be only eleven livings exceeding 300*l.* a-year, and which must be under 400*l.* a-year. What hopes of advancement can be held out to the clergy, when for one-half of Ireland there will be only eleven benefices exceeding 300*l.* per annum? In

* Hansard (Third Series) vol. xv. p. 573.

the diocese of Cashel there are 469 benefices; in Tuam only 103; making a total of 572 benefices; and in the two dioceses there are 423 churches. Now out of the 572 benefices, by this Bill of his Majesty's Government, 489 can in no case exceed the value of 200*l.* per annum, and may be only worth 100*l.* I have, however, that confidence in the noble Lord opposite that I do not believe, while he holds the office of Secretary for Ireland, that he will ever hesitate to use the power he will possess, to raise the 100*l.* livings to 200*l.* per annum. Thus, then, out of the 572 benefices, the prizes are to be eleven livings varying from 300*l.* to 400*l.* per annum. I know that the number of Protestants in these districts is small, and that Roman Catholics have the preponderance; but still I never shall believe that it can be for the interest of the Established Church, that for one-half of Ireland there should be allotted only 100*l.* a-year for each of 489 livings. I share, in common with the noble Lord opposite, all the revolting feelings he so strongly manifested when he stated the other night how painful it was to discuss what ought to be the lowest stipend of a minister of the Church. If this were *res integra*—if this were an allotment out of the Consolidated Fund, there might be something in the proposition; but this is an allotment to be made to the clergy out of property which is their own. I am as ready as the noble Lord to say, "prohibit sinecures, abolish pluralities, curtail superfluities;" but when it is said, that there exists a necessity for limiting stipends to 200*l.* a-year, I really must ask from what cause does that necessity arise? Is it a necessity created by engagements into which the Government has entered? Is it entailed by the obligation imposed upon them of finding a surplus revenue? or is it a necessity produced by a provident view to the wants and interest of the Church? 200*l.* per annum for a minister of the Church? Is that the great inducement to be held out to the ordained servants of that Church? Look to the inducements held out to members of other professions: take, for instance, the Poor-law Commissioners, the Assistant-Commissioners, the Commissioners for Consolidating the Criminal Laws, with the grants to them of 5,000*l.* and 10,000*l.* per annum. Do I mean to say that this remuneration has been too great for the Gentlemen forming these bodies?—Certainly not; but I call upon the House to maintain at least

some decent proportion in dealing with members of a profession, of at least equal respectability. If it be desired to degrade the Church—to banish from it men of educated and enlightened minds, able to defend the doctrines they inculcate—if it be wished to expel such men from the service of the Church;—tell them at once, that they must expect nothing but the mere means of daily subsistence, and that they must abandon all thoughts of independence of character—and your object will then be understood; but if it be intended that the minister of religion should be enabled, not only to exist himself, but able, as he ought to be, to relieve the wants of the distressed and wretched—consider not his interests, but the interests of charity and of religion; and allot to him, at least, a decent stipend, and give him some hopes of, at least, moderate advancement. There are many men who now hear me, possessed of ample fortunes, acquired by their own industry—there are others enjoying property, which has been gained for them, and handed down to them by their fathers;—to these I would say, "You know what a stipend of 200*l.* would be to a clergyman with a large family—a man who has to pay 20*l.* on receiving his appointment to a living; do not grudge an increase to him—if you will not grant it for the sake of the individual, at least do so for the sake of religion." Compare his position with that of the member of any other profession—of the bar, the army, or as connected with commerce. Remember, not only to what, by this Bill, he is limited, but also that which he is ever precluded from attaining. Let hon. Members compare the position of the Irish clergy, with that of the messengers of this House. In the early part of the session, the hon. and learned Member for Kilkenny put a notice on the books, of which I certainly have since heard nothing, that he would move a special instruction to the Committee, on the fees and salaries of the messengers and door-keepers, to provide for the vested interests of those officers during their lives. Here is an acknowledgment of the necessity of providing, for important offices, men of respectability. God forbid! that I should throw any disparagement upon any situation; but even in these days of apology, I will offer none to these officers, whose interest are thus watched over, for saying that I do not think them superior to the ministers of the Established Church of Ireland.

Neither shall I shock their feelings by saying that all situations are not equal. From the Report of the Committee, however, it appears that there are three door-keepers, and one of them, Mr. Pratt, returns that he has received, annually, on an average of the seven years 1829 to 1835, the sum of 1,060*l*. The Committee, however, are of opinion that his income might be fairly taken at 911*l*., and they recommend that he may be allowed that sum in lieu of all perquisites. The Select Committee, in 1835, recommended that the salary of the head door-keeper should be 500*l*.; but the last Committee recommends that in any future appointment to those offices, after Mr. Pratt and Mr. Williams shall retire, the salaries of the door-keepers, be 400*l*. each. The Report concludes thus:—

“Your Committee having consulted Sir William Gossett, the Serjeant-at-Arms, respecting his department, agree in opinion with the Committee of 1835, that the future establishment should consist of two door-keepers, as already recommended; of one head messenger to be designated “Assistant to the Serjeant-at-Arms,” with an annual income of 425*l*.; of four messengers at 300*l*. each; of two messengers at 200*l*. each; of four extra messengers at 105*l*. each, increasing to 120*l*. after ten years’ service, with discretionary power in the Serjeant-at-Arms, to employ, on any emergency, according to the recommendation of that Committee, an extra door-keeper and such temporary messengers, at weekly wages, as may be wanted during the temporary pressure of business.”

Such is the amount of remuneration which the House of Commons thinks just and reasonable for the purpose of securing the services, in places of trust, of respectable men. This scale of remuneration is not, in this instance, thought extravagant. Now what is expected from the Irish clergy? The noble Secretary for Ireland last night said, that he hoped ever to see the clergy of that country, now, as well educated, able, enlightened, learned, amiable, and men of refined manners. If they enforce the law, when unhappily they are driven to do so, with what vigilance are they watched! The utmost courtesy is expected from them,—the qualifications of angels are required in them,—the long-suffering and forbearance of martyrs;—and is it, then, too much to ask the House to allot to men, in whom all these qualifications are expected, half the amount of stipend which is considered necessary for the salaries of the door-keepers of the House of

Commons? I have already trespassed so long upon the attention of the House, that I should feel inclined to pass by the speech of the hon. and learned Member for Tipperary, did not that speech,—eloquent as it unquestionably was—prove that the question now under discussion is not—whether 50,000*l*. shall be allotted out of the revenues of the Church for purposes of education? On the contrary, the question, according to the views of the hon. and learned Gentleman, is neither more nor less than this,—shall the established religion of Ireland be Protestant or Roman Catholic? If it be not so, why did the hon. and learned Gentleman refer to the example of Scotland? Why did he say that Scotland, having banished episcopacy, has assumed the aspect of a flourishing country? Why did he say, that agriculture is creeping up her mountains,—that commerce has filled her coffers since she has relieved herself of episcopacy,—if he did not anticipate that the same results would follow a similar course on the part of Ireland? The hon. and learned Gentleman has called upon the House to settle the question of tithes, by passing the Bill introduced by his Majesty’s Government. What guarantee, however, has he afforded that this Bill will be a settlement? The arguments by which the hon. and learned Member has supported the measure, are fatal to the proposition itself. It would be acting with perfect consistency if, after the passing of this Bill, the hon. Member for St. Alban’s should move to reduce the number of Bishops to four, and the hon. and learned Member for Tipperary were to say, that the Roman Catholic religion was entitled to be established in Ireland. On these grounds I distrust the assurances of the hon. and learned Gentleman, that this measure will prove a settlement of the question. I always listen to the hon. and learned Gentleman with the greatest attention, and I much admire his powers of imagination; but I must say—and I do so with all respect—that I distrust his sagacity as a prophet. The hon. and learned Gentleman says, “settle this question now, and all will be peace in Ireland.” The hon. and learned Gentleman, long ago, said—“settle the Roman Catholic question, and all will be peace in Ireland.” The two measures, it is true, rest on perfectly different grounds—the one was a definite measure, for the restoration of civil equality, and the abolition of every disability affecting the Roman Catholic subjects of

the realm. The other, that now before the House, contains nothing definite, and there are, according to the supporters of the plan, many other questions left, of which a satisfactory settlement will, in due time, be demanded. With respect to the definite and "final" measure of Catholic relief, this was the language of the hon. and learned Gentleman, himself, in 1825? The hon. and learned Gentleman was asked:—

"Do you think, in case the general question of Catholic Emancipation were settled by Parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?"

He answered,—

"I am convinced that it would not be in the power of any man, no matter however great his influence might be, to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much passion and so much inflammatory matter is conveyed through the country."

Such was the prophecy made by the hon. and learned Gentleman well acquainted with the character and feelings of his countrymen; that prophecy has not been fulfilled, and therefore I now distrust the hon. and learned Gentleman in his character as a prophet. Let me, however, beg of the House to observe these remarkable words. On the same occasion, to which I have just referred, the hon. and learned Gentleman proceeded to say:—

"Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made for the purposes of rhetorical excitement, and not with any serious view, on the part of the speaker, to disturb that which, in my humble judgment, is perfectly indissoluble. In answer to the question, I beg to add this; that I am perfectly convinced that neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited. At present, individuals feel themselves aggrieved by the law, and it is not so much from public sentiment, as from a sense of individual injustice, that they are marshalled and combined together."

The hon. and learned Gentleman may probably find it difficult to afford a solitary instance of the verification of this prophecy. I can, however, find an instance to the contrary, and that instance is the hon. and learned Member for Tipperary himself. This is the more striking, as the

hon. and learned Gentleman declared to the Committee, that at least he could answer for himself, that if he had a fair chance of rising in the profession for which he had endeavoured to qualify himself—if the exasperating impediments to advancement in that profession which grew out of his religious creed were removed,—he should give himself no further concern about politics; but should devote himself exclusively to his professional avocations. I hope the hon. and learned Gentleman, after this failure, and his prophecy of last night, will endeavour to lay some better claim to the character of a prophet, and will forbear from exerting, in agitation, the great talents he unquestionably possesses. I do not know that there is any other speech to which I need advert, except that of the hon. Member for Waterford, who complains that out of a revenue of 760,000*l.*, an allotment for the purposes of education, 50,000*l.* is refused. Can the hon. Member guarantee that there exists a revenue of 760,000*l.*? If he can, *cadit questio*, and I shall be perfectly content. If any one can show that out of tithes, after the deductions contemplated by this Bill, there will be a revenue, not of 760,000*l.*, but even of 400,000*l.*, I will admit Ireland to be in a much better condition than I have supposed. I have now stated the reasons for which I have supported the Bill, which has been proposed on this side of the House, and opposed that which has been brought forward by his Majesty's Government. Why is it that the hon. and learned Member for Tipperary, with his strong feelings against an Establishment, is able to consent to the Bill of his Majesty's Government? How is this mystery to be unravelled, when the hon. and learned Member holds that an Establishment for the minority is fatal to the peace, tranquillity, and happiness of Ireland? With these sentiments, how is it that the hon. and learned Gentleman can give his support to the Bill? The supporters of the measure submitted from this side of the House, profess a readiness to cure abuses, to reduce superfluities, to abolish pluralities, and destroy sinecures; they do not want to make the Church Establishment a source of political influence, they contend for an equal distribution of its preferments. Do I believe that the hon. and learned Member for Tipperary expects to gain anything by the allotment of 50,000*l.* a year, out of the revenues of the Church? No; I believe that the hon.

and learned Member gives his consent to this Bill because he, a Roman Catholic, is convinced that, coupled with this allotment and a reduction of income, there is involved in the measure a principle which, once admitted, will be fatal to the independent character, and the very existence of the Protestant Church. Take away the glebes from the Church, enable the Crown to dispose of them, to re-allot them, and will not that alter the whole character of the Church Establishment? And will it not, instead of being an independent corporation, possessed of its own property, become, and be placed on the footing of, a mere stipendiary Church? Is this desirable? Is it politic? For what object is it that the dignity of rector is to be abolished, and that future incumbents are to be mere vicars, removable at the will of the Privy Council? Is this in accordance with Lord Althorp's views, who thought that even the Church Commissioners should be independent of the Government? A portion of the security of the Church rests, not merely on its possession of its own lands, but upon its self-government. I repeat, that this Bill would alter the Church from an independent corporation to a mere stipendiary Church, and would shake its very existence. I have very carefully looked through the whole of the Bill, and, in my opinion, the least prejudicial part of it is that which takes from its revenues the sum stated. The great evil of the Bill is to be found in the provisions which divest the Church of its property, which change its character, and destroy its independence. The noble Lord opposite has justly stated, that between the views of two conflicting parties on this question, the good sense of the people of England must be the arbiter. In that I fully concur. It must be left to the people of England to determine whether I and those with whom I act are or are not warranted in refusing to be parties to the Bill of the noble Lord. I do not hesitate to say that I view the condition of the Church of Ireland with the deepest regret and anxiety—that so far from rejoicing in the application of force, or the execution of process for the payment of dues, I declare, before God, my object would be to cause a cessation of all religious discords, to put an end to all religious distinctions, and to obliterate for ever all former animosities. Such, of all others, are the objects I would most cordially cherish; but, at the same time, believing the Church Establishment in Ireland to be

perfectly consistent with the political rights of my Roman Catholic fellow-countrymen—believing it to imply no degradation to them—conceiving that Establishment to be essential to the best interests of religion, and conducive to the permanent happiness of the empire,—I cannot consent, unless convinced by reasoning, to the introduction of a principle, which, I believe, will be fatal to both. I wish to see an amicable arrangement of the question effected; and it would be a most ungrateful return for the Church of Ireland to make to the people of England, who have shown such a generous sympathy in her behalf, if her members were to manifest a less anxious desire to expedite that settlement. If the people believe that I, and those with whom I am associated, have, in our opposition, any sinister object in view, or any wish to protect abuses for political purposes, they will decide against us, and ultimately overthrow us; but I trust the people of England will not expect from us, that if we are not satisfied by fair argument, that the measure of the Government is essential to the interests of religion, but on the contrary, if we believe it is necessary for the interests of religion, that the Protestant minister should be enabled to support his family in decent competence,—then, Sir, I am sure, the people of England will not expect from us, that we should betray our duty to the Church, by pretending to be convinced by arguments, the transparent fallacy of which we have exposed,—or by calculations, the glaring inaccuracies of which we have demonstrated. On the contrary, remembering that penal laws, and civil disabilities have ceased—believing that the progress of knowledge will ensure adherents to the pure doctrines of our Church—relying upon the justice of our case—we shall firmly refuse to cut off from that Church its means of usefulness—to reduce its ministers to a state of stipendiary dependence on a department of the Government;—and we will not consent to strike a blow fatal to the interests of civil liberty, and of true religion, by destroying the independence of the Establishment, and by degrading the character of its ministers.

The Chancellor of the Exchequer: I am very unwilling to take up the time of the House; but some of the statements of the right hon. Baronet have been so entirely beside the question, that unless some notice be taken of them, they may produce a most erroneous and unjust impression. Was it

worthy of the right hon. Baronet—was it worthy of the cause he supports—was it worthy of any great or generous principle—to draw a comparison between the incomes of the clergy and the salaries paid to the door-keepers of this House? If the right hon. Baronet's argument deduced from that comparison be sound, what becomes of the Bill of his noble Friend, the Member for North Lancashire? Why has not such a test been applied to the Church Temporalities Bill and to other measures? Remuneration ought always to be proportionate to the duty done. If it were proved that nothing was done, it appears to me to be impossible to escape from the conclusion that no remuneration should be given. If but little were done, then the remuneration ought to be small. The argument of the right hon. Baronet, drawn from a comparison between the salaries of the door-keepers and the incomes of the Protestant clergy, would go to show that the Consolidated Fund ought to be poured out for the purpose of increasing the latter. The argument of proportion, if it be good for any thing applies as well to that which now exists, where the income is less than that which the noble Lord opposite has stated ought to be the *minimum*, as it would do to any state of things that may occur after this Bill shall have been passed. Notwithstanding, then, the lateness of the hour, I wish to refer to a few of the observations which have been made by the right hon. Baronet, the Member for Tamworth. The reply to many of those observations I should have deemed it better to leave to the individuals to whom they directly apply, except that throughout the whole of the debate on this question, no opinion has been expressed by any Gentleman generally favourable to the Government, which it has not been attempted by hon. Gentlemen opposite to fix upon Ministers, as an opinion for which they were responsible. Ministers are no doubt responsible, and ought to be held responsible for their own expressed opinions and for their own measures; but even if, upon the present occasion, they are to be held responsible for the arguments used by some of their usual supporters in the course of the debate, I must be allowed to say, that the construction put upon many of those arguments by the right hon. Gentlemen opposite was not fair. Take, for an instance, what was said with respect to the arguments used by the hon. and learned Member for Kilkenny. It is perfectly true that

that hon. and learned Gentleman declared his opinion to be in favour of that from which I entirely and unequivocally dissent—namely, the voluntary principle. But at the same time that the hon. and learned Gentleman made that declaration, he said:—

“I know that that is an opinion which will not receive the support of the House; and, therefore, not being able at the present moment to advocate it with a prospect of success, I will take this measure, which, though it be not exactly all that I could wish, is still calculated to improve the present state of things in Ireland.”

I now come to some of the more serious misrepresentations which have been made by the right hon. Baronet, and which interest me the more deeply because they relate to my noble Friends who sit near me. I do not understand, that my noble Friend, the Secretary of State, has, on this occasion, laid down or announced any new doctrine, in respect of Church property in Ireland. I do not understand my noble Friend to have stated any thing on this occasion different to what he stated on the 18th of July, 1832, when he expressed himself on the subject of Church property in Ireland in these terms:—

“He thought that the Protestant Church of Ireland was too large, not only for the purpose of giving instruction to that part of the population of Ireland which professed the Protestant faith, but he thought it too large for its own permanent stability. Therefore, whenever the question might arise in its proper day and at its appointed time, he should be ready to maintain the views which he had formerly expressed. It was certainly the opinion which he had always held, that it was the duty of the Legislature to provide for the religious and moral instruction of the people of Ireland in a way that had never yet been done. What was intended by our ancestors in the establishment of the Church of Ireland for religious and moral purposes had not answered that end, and as the Legislature had now to consider anew in what way that end might best be attained, it was bound to respect (as he believed every Member of that House was ready to respect) the right of those who had existing interest in the present arrangements. Preserving to the Church those rights of property which it justly claimed, the Legislature might provide for its future welfare, at the same time that it would deliver the people of Ireland from the state of ignorance in which they were proved to be by the daily accounts from the newspapers, or from other sources of information. To that ignorance he attributed all the evils by which Ireland was afflicted, and until effectual measures were

taken to educate the people, it was vain to legislate for the preservation of property or for the maintenance of peace, good order, and tranquillity in that country.”*

If I had wished for an announcement of the Bill now upon the Table of the House, I could not have had it more clearly or more distinctly made than it is in that statement of my noble Friend. The authority of Lord Spencer also has been appealed to by the hon. Gentleman opposite, as adverse to the present measure. On the 2nd of June, 1834, Lord Spencer, speaking upon this subject, expressed himself thus:—

“ Church property was trust property, and if the amount of it were greater than was necessary for the accomplishment of the objects of the trust—if it were greatly greater than was required for the maintenance of the Established Church for the benefit of Ireland, so far from injuring the religious interests of that Church—so far from injuring the religious interests of the Protestants, he thought that to apply a part of the revenues to the religious and moral education of the people would tend much to promote the prosperity of the Protestant Church.”†

These were the declarations made by the two noble Lords, to whose opinions such repeated reference has been made in the course of this night's debate. The first declaration, the one made by my noble Friend, the Secretary of State, was made when the noble Lord, the Member for North Lancashire, was sitting by his side, and acting with him in the government of the country. The second declaration, that of Earl Spencer, was made after that noble Lord had separated himself from his former colleagues. These things are material in themselves, but they become much more so from the words employed by the right hon. Baronet, the Member for Tamworth, in the course of his speech of this evening. I wish, indeed, that those words had been put forward by the right hon. Baronet a little more distinctly, because I should then have had it in my power more closely to grapple with them. But when the right hon. Baronet speaks of the new doctrines and of the possible new lights which the Government may have been compelled to adopt, I am rejoiced to have the opportunity of meeting him upon the point; and I tell the right hon. Baronet, and I tell the House and the public, that the Government have not been compelled to take any forced step

—that we have not been driven into the making of any arrangements;—and I say further, that a falsèr, more malicious, or more calumnious charge, than that which attributes to us any kind of restraint—other than that which we owe to our conscience, our Monarch, and our country,—never was preferred by any party or set of men against the members of any Administration which ever has been intrusted with the government of the affairs of the British empire. I deny the charge with indignation;—it is untrue—it is a disgraceful calumny. I have now answered the observations which had reference to the speech made by my noble Friend, the Secretary of State, in 1832, and by Lord Spencer in 1834. I come, Sir, to another point. It has been said, and possibly there are many hon. Gentlemen about to vote on this question, who honestly believe, that this very Bill embodies a compromise of principle, which has purchased for the Government the support of many Irish Members. My noble Friend opposite does not believe that to be the fact. My noble Friend knows that the principle of appropriating some of the property of the Church in Ireland, for the purpose of instructing the people of that country, was a principle conceded and ready to be acted upon at the time when we were associates in the Government, and when he evinced the strongest animosity to the persons with whom he was then acting. A Bill, involving the principle of a surplus of Church property in Ireland, and the appropriation of that surplus to purposes of education, was in print for the use of the Government previous to the dissolution of Lord Melbourne's first Administration. Such a Bill was prepared and positively in print at the time when the very individuals, on whose account the present concession is supposed to be made, were opposed to the Government. This fact is material; because I know that there is a spirit amongst Englishmen of every class, and of every description—a spirit which exists alike on both sides of the House—which should induce them to look with contempt and scorn on any Government composed of men who could be compelled by any consideration on earth to take a course which they did not in their hearts honestly believe to be the right one. I have shown, that my noble Friend, the Secretary of State, professes no new principle on the present occasion. The very preamble of the present Bill involves the principle which the right hon. Baronet,

* Hansard (Third Series) vol. xiv. p. 377.

† Ibid. (Third Series) vol. xxiv. p. 15.

the Member for Tamworth, assumed to have been thrown over by my noble Friend. The Bill assumes, that the performance of spiritual duties, to an extent adequate to the wants of the Protestant population in Ireland, ought to constitute the first charge upon this property. If I did not believe that, after all those wants were provided for, there would remain a considerable surplus,—I should not, for any consideration under Heaven, give my consent to the appropriation of a single farthing of it to other than Church purposes. But I do believe, that there will be a considerable surplus, and with that belief firmly impressed upon my mind, I contend that I have a right to deal with it. And I contend further, that it is for the interest of the Church itself, that I should deal with it in the manner proposed in the present Bill. At this late hour of the night, and more especially when I anticipate that we shall have the opportunity of discussing the Bill in its future stages,—I do not feel myself justified in trespassing at much greater length upon the patience of the House. When the dial tells us that it is now past two o'clock in the morning, it would be unwarrantable in me to follow the right hon. Baronet through the statement of figures into which he has entered. The right hon. Baronet said, however, that he differed from the noble Lord, the Secretary of State, in some of the calculations which have been made, and upon which many of the provisions of the Bill depend. I must be allowed to differ from the right hon. Baronet in turn. The right hon. Baronet stated the present available income of the clergy at only 70,000*l.* a-year. What is the fact? By a return made by the Revenue Commissioners in the present Session, it appears that the value of glebe lands alone amounts to 73,000*l.* a-year. — [Sir Robert Peel : You include the Bishops' lands.] No; of glebe lands alone. The value of glebe lands alone, therefore, exceeds the calculations made by the right hon. Baronet. With respect to the Church territory, my noble Friend, the Secretary of State, took it upon the estimate of the noble Lord, the Member for North Lancashire, at 10,000*l.* This was considerably under the mark; but my noble Friend took it upon the noble Lord's own showing, and argued this point upon the supposition that that showing was correct. But I shall not dwell longer upon these statements of figures. The right hon. Baronet, the Member for Tamworth,

referred to the averments made by several Irish Gentlemen, and particularly by the hon. and learned Member for Tipperary, who is not now in his place, as to the prophecies that were made of the tranquillity which was to ensue upon the passing of the Roman Catholic Relief Bill. Does the right hon. Baronet remember that those prophecies were made in the year 1825? Does he not know, that if the policy of Lord Liverpool's Government had not been opposed to a measure which many of the Members of the Cabinet at that time believed ought to be carried—does he not know, that if the policy of that Government had not opposed the passing of the measure of Catholic relief at that time, the predictions hazarded in 1825 might have been fulfilled? Theright hon. Baronet, then, has no just ground on which to taunt the hon. and learned Member for Tipperary, and other Gentlemen from Ireland, with being false prophets. But have there been no other political prophets? If unverified prophecies are to be made matters of taunt, do we not all recollect the memorable day when the Reform Bill was carried, and when guns in honour of the event were fired within hearing of the House. Do not hon. Gentlemen remember that they were then told, that the next time those guns were fired they would be shotted? That prophecy probably was made, too, by one whose ears could distinguish between shotted guns, and those which were loaded only with blank cartridge, as well as any man in the country. I shall not taunt that hon. Gentleman with being a false prophet; but a mistaken prophecy, made in the year 1825, is no reason for our opposing the present measure. Let the House consider the manner in which the question has been debated. On a former occasion, the noble Lord, the Member for Lancashire, stood forth as an opponent of the Government upon it. On the present occasion he does the same. What is the meaning of all this? What is the meaning of the amendment which the noble Lord has moved? Why, instead of offering this description of opposition to the Government Bill, does not the noble Lord, in a straight forward and manly manner, move for leave to introduce his own Bill? Let the two Bills be laid upon the Table of the House, and let the House judge between them. I will yet hope that the noble Lord will adopt this course. Let him move for leave to bring it in on Monday. Government will not deprive him of the opportunity of

doing so. But no; it is not the introduction of his Bill that the noble Lord desires. His real object is, by an indirect means, to dispose of the question altogether. It is very convenient for those who do not like to grapple with the principle of the measure, to assist the noble Lord in making a diversion by which it may be virtually, but not directly, overthrown. The course adopted on the present occasion induces me to think that there are many more Gentlemen in the Opposition, who are ready to support an indirect, rather than a direct resistance to a measure of this description. The right hon. Baronet, the Member for Cumberland, stated, that the House was spell-bound upon this question. I believe it will be found that the people of England are spell-bound upon it also, I believe that the cry of "the Church in danger," which it has been attempted to raise will have a beneficial effect upon the country, if the measure of the Government be such as it has been represented to be. If we dared to overthrow the Protestant Church in Ireland—if we dared to leave the Protestants in that country without adequate religious instruction—I believe that there would be, as there ought to be, throughout the whole of England, one general feeling that would induce the people not to acquiesce in the measure. But when it is proposed to sustain Protestantism in Ireland—to maintain the ministers of the Protestant Church—to pay them proportionably to the duty which they have to perform, and to apply the surplus of Church property, when these objects shall have been fully and adequately provided for, to the moral and religious instruction of the people, I, for one, am not afraid of the decision at which the people of England will arrive upon the question. I feel that common sense and common justice are with us, and, therefore, I believe that the people of England will support us. On former occasions, as well as on the present, our opponents have been afraid to meet us in front; and why? Because the Resolution of the House of Commons upon the subject of Church property in Ireland, stands recorded upon our Journals. The present House of Commons determined that the surplus of Church property should be applied to purposes of moral and religious instruction. What has occurred since to induce the House to desert its own Resolution—to abandon the opinion it formerly expressed? But it would seem, from the statement of the hon. Gentleman opposite, that the Resolution was originally proposed

for party purposes. It was moved for no party purposes, but with the view of improving the condition of the Church. Was it for party purposes that we originally moved the Resolution—party purposes meaning the turning out of office of the right hon. Baronet, the Member for Tamworth? Was it for party purposes that we issued the Church Commission, when we ourselves were in office, and when we stated distinctly, on issuing the Commission, that our object was to come to a fair and equitable adjustment of this very question of appropriation? Could it be with a party or a personal object that we undertook the responsibility of sending out that Commission, pledging the government—Lord Althorp in one House, and Lord Grey in the other—that the Church Commission should be acted upon, *bona fide*, when the return was made. In introducing the present measure, therefore, the Government are only fulfilling what they have long promised. The right hon. Baronet has fallen a victim to the opinions which he professed upon the subject, and the present Government has risen by the support which the House has given us in the views which we took with respect to it. Under these circumstances we should have been disgraced if we had deserted or flinched from our opinions. We have not done so. We have maintained our position, and are determined to adhere to it, not as the noble Lord opposite assumes, — from false pride or false shame—but from principle, and because we think it right; and I, as an Irishman and a Churchman, tell the noble Lord, that my motive for thinking it right is because, as an Irishman, I believe it will give tranquillity to my country—and as a Churchman, that it will give security to the Establishment. Gentlemen who differ from me upon this point have no right to suppose that I have a less regard than others for the welfare of a country on which my dearest affections are placed. I never doubt the sincerity of those who differ from me upon the subject of the Church in Ireland; but as they are ever ready to give their testimony to the opposite doctrine, I beg on this occasion to be taken as a witness myself, and as an Irish proprietor I undertake to say, that we can have no peace, no repose, no safety to the Church in Ireland, whilst this question is left unsettled. Is it worth while to fight for 50,000*l.* a-year? If the concession of 50,000*l.* a-year will give, as I believe it will, tranquillity to the country and peace to the

Church, I, for one, shall feel disposed to rejoice that the sum is so small, rather than quarrel with it for not being larger. The present Bill is a recognition of the principle, not of spoliation, but of preservation. It is a principle which tells the people of both parties that their interests have been considered and regarded; therefore I entreat the House to preclude the necessity of violence—to save the Irish Church—to save itself from the perpetual revival of these painful discussions. Every moment of delay augments the difficulty of a final and satisfactory settlement. The appropriation clause is quarrelled with now, and yet former Bills, without the appropriation clause, have been equally objected to. What the future may be, I shall not pretend to prophesy; but, judging from the past, we at least know, that every year that has been allowed to elapse has tended to make the difficulty of a satisfactory settlement of the question still greater.

The House divided, on the original motion: Ayes 300; Noes 261—Majority 39.

List of the AYES.

Acheson, Visct.	Bowes, J.	Conyngham, Lord A.	Holland, E.
Adam, Sir C.	Bowring, Dr.	Cookes, T. H.	Horsman, E.
Aglionby, H. A.	Brady, D. C.	Cowper, hon. W. F.	Howard, R.
Ainsworth, P.	Bridgeman, H.	Crawford, W. S.	Howard, hon. E.
Alston, R.	Brocklehurst, J.	Crawford, W.	Howard, P. H.
Andover, Visct.	Brodie, W. B.	Crawley, S.	Howick, Lord
Angerstein, J.	Brotherton, J.	Crompton, S.	Hume, J.
Anson, hon. Colonel	Browne, R. D.	Curteis, H. B.	Hurst, R. H.
Anson, Sir G.	Buckingham, J. S.	Curteis, E. B.	Hutt, W.
Astley, Sir J.	Buller, C.	Dalmeny, Lord	Jephson, C. D. O.
Attwood, T.	Buller, E.	Denison, W. J.	Jervis, J.
Bagshaw, J.	Bulwer, H. L.	Denison, J. E.	Johnston, A.
Bainbridge, E. T.	Bulwer, E. L.	D'Eyncourt, righthon.	Kemp, T. R.
Baines, E.	Burton, H.	C. T.	King, E. B.
Baldwin, Dr.	Butler, hon. P.	Divett, E.	Knox, hon. J. J.
Ball, N.	Buxton, T. F.	Donkin, Sir R.	Labouchere, rt. hn. H.
Bannerman, A.	Byng, G.	Duncombe, T.	Lambton, H.
Barclay, D.	Byng, rt. hon. G. S.	Dundas, hon. J. C.	Langton, W. G.
Baring, F. T.	Callaghan, D.	Dundas, hon. T.	Leader, J. T.
Barnard, E. G.	Campbell, Sir J.	Dundas, J. D.	Lee, J. L.
Barron, H. W.	Campbell, W. F.	Dunlop, J.	Lefevre, C. S.
Barry, G. S.	Cave, R. Q.	Ebrington, Lord	Lennard, T. B.
Beaucherk, Major	Cavendish, hon. C.	Edwards, J.	Lister, E. C.
Bellew, R. M.	Cavendish, hon. G. H.	Elphinstone, H.	Loch, J.
Bellew, Sir P.	Cayley, E. S.	Etwall, R.	Long, W.
Bentinck, Lord W.	Chalmers, P.	Euston, Earl of	Lushington, Dr.
Berkeley, hon. F.	Chapman, L.	Evans, G.	Lushington, C.
Berkeley, hon. G.	Chetwynd, Capt.	Ewart, W.	Lynch, A. H.
Berkeley, hon. C.	Chichester, J. P.	Fazakerley, J. N.	Mackenzie, S.
Bernal, R.	Childers, J. W.	Fellowes, hon. N.	M'Leod, R.
Bewes, T.	Churchill, Lord C.	Fergus, J.	M'Namara, Major
Biddulph, R.	Clay, W.	Ferguson, Sir R.	M'Taggart, J.
Bish, T.	Clements, Lord	Ferguson, R.	Maher, J.
Blackburne, J.	Clive, E. B.	Fergusson, rt. hn. R.C.	Mangles, J.
Blake, M. J.	Cockerell, Sir C.	Fielden, J.	Marjoribanks, S.
Blamire, W.	Codrington, Admiral	Fitzgibbon, hon. Col.	Marshall, W.
Blunt, Sir C.	Colborne, N. W. R.	Fitzroy, Lord C.	Marsland, H.
Bodkin, J. J.	Collier, J.	Fitzsimon, C.	Maule, hon. F.
		Fitzsimon, N.	Methuen, P.
		Folkes, Sir W.	Molesworth, Sir W.
		Fort, J.	Moreton, hon. A. H.
		French, F.	Morpeth, Lord
		Gaskell, D.	Morrison, J.
		Gillon, W. D.	Mostyn, hon. E.
		Gisborne, T.	Mullins, F. W.
		Gordon, R.	Murray, rt. hn. J. A.
		Grattan, J.	Musgrave, Sir R.
		Grattan, H.	Nagle, Sir R.
		Grey, Sir G.	O'Brien, C.
		Grey, hon. Col.	O'Brien, W. S.
		Grosvenor, Lord R.	O'Connell, D.
		Grote, G.	O'Connell, J.
		Guest, J. J.	O'Connell, M. J.
		Hall, B.	O'Connell, Morgan
		Handley, H.	O'Connor, Don
		Harland, W. C.	O'Ferrall, R. M.
		Hastie, A.	O'Loghlen, M.
		Hawes, B.	Oswald, J.
		Hawkins, J. H.	Paget, F.
		Hay, Sir A. L.	Palmer, General
		Heathcoat, J.	Palmerston, Visct.
		Heneage, E.	Parker, J.
		Heron, Sir R.	Parnell, rt. hn. Sir H.
		Hindley, C.	Parrott, J.
		Hobhouse, rt. hn. Sir J.	Pattison, J.
		Hodges, T. L.	Pease, J.
		Hodges, T. T.	Pechell, Captain

Pelham, hon. C. A.
 Pendarves, E. W. W.
 Philips, M.
 Phillips, G. R.
 Philipps, C. M.
 Ponsonby, hon. W.
 Ponsonby, hon. J.
 Potter, R.
 Poulter, J. S.
 Power, J.
 Price, Sir R.
 Pryme, G.
 Pusey, P.
 Ramsbottom, J.
 Rice, right hon. T. S.
 Rippon, C.
 Robarts, A. W.
 Robinson, G. R.
 Roche, W.
 Roche, D.
 Rolfe, Sir R. M.
 Rooper, J. B.
 Rundle, J.
 Russell, Lord J.
 Russell, Lord
 Russell, Lord C.
 Ruthven, E.
 Sanford, E. A.
 Scholfield, J.
 Scott, J. W.
 Scrope, G. P.
 Seale, Colonel
 Seymour, Lord
 Sharpe, General
 Sheil, R. L.
 Simeon, Sir R.
 Smith, J. A.
 Smith, hon. R.
 Smith, R. V.
 Smith, B.
 Stewart, P. M.
 Strickland, Sir G.
 Strutt, E.
 Stuart, Lord D.
 Stuart, Lord J.
 Stuart, V.
 Talbot, C. R. M.
 Talbot, J. H.
 Talfourd, Sergeant
 Tancred, H. W.
 Thomson, rt. hn. C. P.
 Thompson, Colonel
 Thornely, T.
 Tooke, W.
 Trelawney, Sir W.
 Troubridge, Sir E. T.
 Tulk, C. A.
 Turner, W.
 Tynte, J. K.
 Verney, Sir H.
 Villiers, C. P.
 Vivian, Major C.
 Vivian, J. H.
 Wakley, T.
 Walker, C. A.
 Walker, R.
 Wallace, R.
 Warburton, H.
 Ward, H. G.
 Wason, R.
 Wemyss, Captain
 Westenra, hon. H. R.
 Westenra, hon. J. C.
 Whalley, Sir S.
 White, S.
 Wigney, I. N.
 Wilbraham, G.
 Wilde, Sergeant
 Williams, W.
 Williams, W. A.
 Williams, Sir J.
 Wilson, H.
 Winnington, Sir T.
 Winnington, H. J.
 Wood, C.
 Wood, Alderman
 Woulfe, Sergeant
 Wrightson, W. B.
 Wrottesley, Sir J.
 Wyse, T.
 Young, G. F.
 TELLERS.
 Steuart, R.
 Stanley, E. J.

List of the NOES.

Agnew, Sir A.
 Alford, Lord
 Alsager, Captain
 Arbuthnot, hon. H.
 Archdall, M.
 Ashley, Lord
 Ashley, hon. H.
 Attwood, M.
 Bagot, hon. W.
 Bailey, J.
 Baillie, H. D.
 Baring, F.
 Baring, H. B.
 Baring, W. B.
 Baring, T.
 Bateson, Sir R.
 Beckett, Sir J.
 Bell, M.
 Bentinck, Lord G.
 Beresford, Sir J.
 Bethell, R.
 Blackburne, I.
 Blackstone, W. S.
 Boldero, H. G.
 Bolling, W.
 Bonham, R. F.
 Borthwick, P.
 Bradshaw, J.
 Bramston, T. W.
 Brownrigg, S.
 Bruce, Lord E.
 Brudenell, Lord
 Bruen, F. Y.
 Buller, Sir J.
 Burrell, Sir C.
 Calcraft, J. H.,

Campbell, Sir H.
 Canning, rt. hn. Sir S.
 Castlereagh, Lord
 Chandos, Marquess of
 Chaplin, Colonel
 Chichester, A.
 Chisholm, A. W.
 Clive, hon. R. H.
 Codrington, C. W.
 Cole, hon. A.
 Cole, Lord
 Compton, H. C.
 Conolly, E. M.
 Cooper, E. J.
 Coote, Sir C.
 Corbett, T. G.
 Corry, right hon. H.
 Crewe, Sir G.
 Cripps, J.
 Dalbiac, Sir C.
 Damer, G. L. D.
 Darlington, Earl of
 Dick, Q.
 Dottin, A. R.
 Dowdeswell, W.
 Duffield, T.
 Dugdale, W. S.
 Dunbar, G.
 Duncombe, hon. W.
 Duncombe, hon. A.
 East, J. B.
 Eastnor, Lord
 Eaton, R. J.
 Egerton, W. T.
 Egerton, Sir P.
 Egerton, Lord F.
 Elley, Sir J.
 Elwes, J. P.
 Entwistle, J.
 Estcourt, T. G.
 Estcourt, T. H.
 Fancourt, Major
 Fector, J. M.
 Feilden, W.
 Ferguson, Sir R. A.
 Ferguson, G.
 Finch, G.
 Fleming, J.
 Foley, E. T.
 Follett, Sir W.
 Forbes, W.
 Forester, hon. G.
 Forster, C. S.
 Freshfield, J. W.
 Gaskell, J. Milnes
 Geary, Sir W.
 Gladstone, T.
 Gladstone, W. E.
 Glynn, Sir S.
 Goodricke, Sir F.
 Gordon, hon. W.
 Gore, O.
 Goulburn, rt. hn. H.
 Goulburn, Sergeant
 Graham, rt. hn. Sir J.
 Grant, hon. Colonel
 Greene, T.,
 Gresley, Sir R.
 Grimston, Lord
 Grimston, hon. E. H.
 Hale, R. B.
 Halford, H.
 Halse, J.
 Hamilton, G. A.
 Hamilton, Lord C.
 Hammer, Sir J.
 Harcourt, G. G.
 Hardinge, rt. hn. Sir H.
 Hardy, J.
 Hawkes, T.
 Hay, Sir J.
 Hayes, Sir E. S.
 Heathcote, G. J.
 Henniker, Lord
 Herries, rt. hn. J. C.
 Hill, Lord A.
 Hill, Sir R.
 Hogg, J. W.
 Hope, H. T.
 Hotham, Lord
 Hoy, J. B.
 Hughes, H.
 Jackson, Sergeant
 Jermyn, Lord
 Ingham, R.
 Inglis, Sir R. H.
 Johnstone, Sir J.
 Johnstone, J. J. H.
 Jones, W.
 Jones, T.
 Irton, S.
 Kavanagh, T.
 Kearsley, J. H.
 Kerrison, Sir E.
 Ker, D.
 Kirk, P.
 Knatchbull, right hon.
 Sir E.
 Knight, H. G.
 Knightley, Sir C.
 Law, hon. C. E.
 Lawson, A.
 Lees, J. F.
 Lefroy, A.
 Lefroy, right hon. T.
 Lemon, Sir C.
 Lewis, D.
 Lewis, W.
 Lincoln, Earl of
 Longfield, R.
 Lopes, Sir R.
 Lowther, hon. Col.
 Lowther, Lord
 Lowther, J. H.
 Lucas, E.
 Lushington, rt. hn. S.
 Lygon, hon. Colonel
 Mackinnon, W. A.
 Maclean, D.
 Mahon, Lord
 Manners, Lord C. S.
 Marsland, T.
 Mathew, G. B.
 Maunsell, T. P.

Maxwell, H.
Meynell, Captain
Miles, W.
Miles, P. J.
Miller, W. H.
Mordaunt, Sir J.
Morgan, C. M. R.
Mosley, Sir O.
Neeld, J.
Neeld, J.
Nicholl, Dr.
Norreys, Lord
North, F.
Owen, H. O.
Packe, C. W.
Parker, M.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Peel, right hon. W. Y.
Pelham, J. C.
Pemberton, T.
Penruddocke, J. H.
Perceval, Colonel
Pigot, R.
Plumtre, J. P.
Plunket, hon. R. E.
Polhill, F.
Pollen, Sir J. W.
Pollington, Lord
Pollock, Sir F.
Powell, Colonel
Praed, J. B.
Praed, W. M.
Price, S. G.
Price, R.
Rae, right hon. Sir W.
Reid, Sir J. R.
Richards, J.
Ross, C.
Rushbrooke, Colonel
Russell, C.
Ryle, J.
Sanderson, R.
Sandon, Lord
Scarlett, hon. R.
Scott, Sir E. D.

Scourfield, W. H.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Stewart, Sir M. S.
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Colonel
Thompson, Alderman
Tollemache, hn. A. G.
Trench, Sir F.
Trevor, hon. A.
Trevor, hon. G. R.
Twiss, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.
Wall, C. B.
Walpole, Lord
Walter, J.
Welby, G. E.
West, J. B.
Weyland, Major
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Wortley, hon. J. S.
Wyndham, W.
Wynn, rt. hn. C. W.
Wynn, Sir W. W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

Paired off—Not-Official.

AYES.

Hallyburton, hn. D. G.
Pryse, P.
Martin, T.
Kerry, Lord
Tynte, Colonel
Gully, J.
O'Connell, M.
Clayton, Sir W.
Sheldon, R.
Speirs, A.
Oliphant, L.
Finn, W. F.
Wilks, J.
Williamson, Sir H.
Tracy, C. H.
Goring, H. D.
Ord, W.

NOES.

Mandeville, Lord
Barneby, J.
O'Neill, General
Smith, T. A.
Peel, E.
Smyth, Sir H.
Sinclair, Sir G.
Palmer, R.
Clive, Viscount
Bruce, C. L. C.
Pringle, A.
Bruen, Colonel
Hanmer, Colonel
Noel, Sir G.
Fleetwood, H.
Chapman, A.
Davenport, J.

Hector, C. J.
Humphrey, J.

Cartwright, W. R.
Houldsworth, T.

HOUSE OF LORDS,

Monday, June 6, 1836.

MINUTES.] Bills. Read a third time:—Consolidated Fund.
Read a second time:—Postage Duties.

Petitions presented. By Lords Byron and Prudhoe, from Newcastle-upon-Tyne and Gateshead, for the Better Observance of the Sabbath.—By Lord Fitzgerald and Vesel, from Killy, in favour of the Amendments made by the Lords to the Municipal Corporations Bill (Ireland).

BISHOPRIC OF DURHAM.] The Marquess of Londonderry, on presenting a petition against the Bishopric of Durham Bill, expressed a hope, that as the Court of Pleas in that county was to be retained, so would also the Court of Chancery, for the inhabitants of the county were favourable to the retention of that Court, deeming it highly advantageous for the suitors who had occasion to resort to it.

The Marquess of Lansdowne moved to discharge the order of the day for receiving the Report of the Bill to which the petition bore reference, on the ground that, as the amendments consequent on the retention of the Court of Pleas required great care and attention, and as the advice of counsel respecting them was needful, he proposed to take the Report into consideration on Friday next. Their Lordships, appeared to acquiesce in the suggestion of the noble and learned Lord for the Court being preserved; and as several petitions had been presented on the subject in favour of that course, the Court in question would not be abolished.

Lord Lyndhurst rose for the purpose of offering a few observations as to the propriety of retaining the Court of Chancery also. It was not because he himself had any professional experience respecting that Court, that he now submitted whether it ought to be retained, but he had that morning received a communication from the noble Earl (Lord Eldon) who had so long presided on the Woolsack, who assured him, that the Court of Chancery was very advantageous for the people of that part of the country; and when he mentioned that the noble Earl had himself practised for many years as counsel there, and consequently had ample opportunity of knowing what the opinion of the people was upon the subject—he thought that their Lordships would be inclined to think the Court was beneficial. He would also beg to call the attention of the noble Mar-

quess to the petitions which were now upon the table in favour of the continuation of the Court of Chancery, they being almost as numerous as those in favour of the Court of Pleas. If it were desirable that a portion of the jurisdiction formerly exercised in the county of Durham should be abolished, it was but reasonable to see what ground there was for such a course; for it was not usual for Parliament to act in the way which the Bill proposed, without there was no necessity for the Court to continue, or without showing that justice had been improperly administered. For his own part, as he had stated, he had no personal experience in the matter, but he had never heard that any complaints had been urged against the continuance of the Court alluded to.

The *Lord Chancellor* thought it was not quite fair to represent the object of the Bill to be to abolish the Courts alluded to. Such was not properly the object of the measure, for it was to place the county of Durham, as regarded the legal jurisdiction of the Courts, on the same footing as the other parts of the kingdom. He should, however, feel it his duty, after what had now transpired, to make himself acquainted with the facts of the case, as regarded the Court of Chancery in the county Palatine of Durham.

Lord Abinger, from the acquaintance which he possessed of the administration of justice in the Court under discussion, could bear his testimony in favour of it. Men of high legal attainments had presided over it in his day, among whom, were *Lord Eldon* himself, who was succeeded by *Sir Samuel Romilly*, and the last learned Gentleman was followed by a Gentleman of high legal attainments—*Mr. Williamson*. He (*Lord Abinger*) considered that it was the duty of the Government to listen to the petitions of the people of that part of the kingdom, to whom the existence of the Court was of great importance.

Lord Lyndhurst observed, as he had previously stated, that he had no personal knowledge upon the subject, but he had heard no complaints against the Court; and he had that morning received a letter from the noble Earl, to whom he had before made allusion, stating that the Court as very beneficial to the people of that part of the country.

Order of the day discharged.

HOUSE OF COMMONS,

Monday, June 6, 1836.

MINUTES.] Petitions presented. By *Mr. Ewart*, from Liverpool, that Newspapers Containing only Advertisements, and Circulated Gratis, may be Exempt from Duty in the Alteration; and from Retailers of Beer in various Places, that they may be placed on the same Footing as Licensed Victuallers.—By several MEMBERS, from various Places, against Turnpike Trust Consolidation Bill.—By several MEMBERS, from various Places, praying the House to adhere to the Municipal Corporations' Act (Ireland) as originally passed by them.—By *Mr. Macmillan*, from the Manufacturers of Carpets, Rugs, &c., Middlesex, for the Prevention of Fraud in their Trade.—By several *Hon. MEMBERS*, from various Places, for the Amendment of the Factories' Act.—By *Sir George Strickland*, from Denby, for Revision of the Criminal Code.—By several *Hon. MEMBERS*, from various Places, in favour of Excise Licences' (Ireland) Bill.—By several MEMBERS, from various Places, against Spirits being Allowed to be sold by Grocers (Ireland).—By *Mr. Callaghan*, from Cork, against the Amendments introduced by the Lords in Municipal Corporations' (Ireland) Bill.—By several MEMBERS, from various Places, for Repeal of the Duty on Newspapers.

TRADE WITH PORTUGAL.] *Mr. Robinson* had given notice last week of his intention to put a question to the noble Secretary for Foreign Affairs relating to the commercial relations between Great Britain and Portugal. His reason for giving that notice was, that after the expiration of the treaty of Rio Janeiro on the 30th of April last, and before any new commercial relations had been entered into with Portugal, the Portuguese Government suddenly, and without notice, notwithstanding the assurance to *Lord Howard de Walden*, directed duties to be levied of twenty-nine per cent., instead of fifteen per cent., in all the ports of the kingdom with the exception of Lisbon and Oporto. A vessel belonging to some friends of his (*Mr. Robinson's*) had called off the port Viana, thinking that the cargo would only be chargeable with a duty of fifteen per cent; but, being informed that it had been raised to twenty-nine per cent., it had proceeded to Oporto. This, certainly, was an extraordinary and unfriendly proceeding on the part of Portugal. He begged to ask the noble Viscount, what were the present commercial relations between this country and Portugal, for British merchants were not aware to what duties they were or were not liable?

Viscount Palmerston replied, that with regard to the particular case referred to by the hon. Gentleman, although he was not officially informed upon the subject, yet he believed that the additional duty imposed in the port of Viana had been laid on by the local authorities for local pur-

poses, and not in consequence of any order from the Court of Lisbon. At the same time, the treaty having expired, the Portuguese Government was at full liberty to make such changes in the duties as it thought expedient, and such would remain the case until a new treaty had been concluded. If, therefore, the duty had been raised from fifteen per cent. to twenty-nine per cent., by order of the Government, this country could have no just ground of complaint. It was perfectly true that great inconvenience arose from the present uncertainty of our commercial relations with Portugal; but when the hon. Member asked for information, as to the probability of the signature of a new commercial treaty, all he could say in answer was, that negotiations for the purposes were in progress. He could not possibly inform the House what was the precise state of those negotiations. Two or three changes of Administration had occurred in Portugal; it was well known how such changes in this country retarded, or defeated, public business; and, in Portugal, the difficulty was greater than in England. He did not wish to conceal from the House that many persons in Portugal entertained very strong, but utterly unfounded prejudices, in favour of protecting duties, with a view to the fostering of their own particular manufactures. He trusted that these prejudices would not prevail so far as to impede the conclusion of a treaty between the two kingdoms, founded upon principles of just reciprocity and mutual liberality; but he could not too strongly impress upon Members, that if foreigners entertained prejudices on the subject, those prejudices had been sometimes too much encouraged by speeches made in that House upon foreign trade. When the Government of Great Britain urged upon foreign Governments the advantage of unrestricted commerce, subject only to such duties as were necessary for revenue, the answer had now and then been, "This is a very good doctrine for England, which by means of restrictive duties has attained her present enviable prosperity; but we shall pursue the same course of protection and prohibition, and when we have equalled England in prosperity, we will imitate her in liberality." It was in vain to tell such persons, that England had flourished, not by the aid of, but in spite of, protecting duties; and that her progress had been greatly retarded by the vicious

system of former times. As long, however, as persons in foreign countries unfortunately found their prejudices supported by language sometimes held in that House on those subjects, the difficulties of Government in persuading other countries to conclude commercial treaties upon liberal principles, would be considerably increased. He could assure the House, that no efforts had been, or should be wanting, to persuade the Government of Portugal to conclude a new treaty of commerce upon principles of just reciprocity; but if Portugal resorted to prohibition, it would remain for this country to consider whether that system should be retaliated on the produce of Portugal, and whether her wines and fruits should be subject to duties of the same description as she imposed on the woollens, cottons, and other manufactures of Great Britain.

Mr. *Robinson* added, that he had not wished to provoke a discussion; he understood the application of the observations of the noble Lord, and on Thursday next he hoped to have an opportunity of answering them. What he complained of was the breach of a positive engagement on the part of Portugal, for he held in his hand the copy of a letter from Lord Howard de Walden, in which due notice of any change in the duties was stated to have been promised by the Government of Lisbon. What had been done at Viana was without notice, and he should like to know what security merchants had for carrying on trade, if municipal bodies in different parts had the power to increase the duties? The noble Lord did not seem to know the facts of the case, or not to understand their application.

Viscount *Palmerston* said, that although he was not officially informed that the duty at Viana had been increased from fifteen per cent. to twenty-nine per cent. by the local authorities, he had good reason to believe that such was the case,

BURY ST. EDMUND'S.] Earl *Jermyn* presented a petition from Bury St. Edmund's, complaining of the appointment of some, and of the non-appointment of other Magistrates for that Borough; and his Lordship entered into a statement upon the subject, no part of which reached the gallery.

Mr. *Scarlett* supported the prayer of the petition, and referred to the case of Norwich, where the Magistrates had been

nominated from party and political motives. Those persons in whom the inhabitants had most confidence, from long knowledge, had been left out of the Commission.

Mr. *Roebuck* spoke to order. The hon. and learned Member was debating on a petition.

The *Speaker* decided that such a course was very inexpedient.

Lord *John Russell* having been particularly appealed to by the noble Lord who presented the petition, would either make his statement now or on a future day, to which the debate might be adjourned. It seemed to him rather an extraordinary course to present a petition to the House upon the subject before an appeal had been made to the Secretary of State or to the Lord Chancellor. That was the proper course; and if justice were then refused, an appeal might be made to the House of Commons. He had never heard that any want of Magistrates was felt at Bury St. Edmund's; if any were wanted, he was quite ready to add to the number already appointed. Out of the list presented by the Town-council, he had rejected three persons; the absence of one of those he had nominated might possibly occasion a temporary inconvenience. One person he had named was certainly an attorney, although his practice had been to reject attorneys when a sufficient number of respectable and competent persons could be found without them. This, however, afforded no sufficient reason for resorting to the House in the first instance. The noble Lord had not complained that the persons appointed were not respectable; and if they were not numerous, as he had said before, he was quite willing to appoint others. If the town-councils of the kingdom recommended individuals of liberal principles, he thought it would be some time before the House of Commons entertained that objection, and decided that the parties were, therefore, not eligible. During twenty years that he had sat in the House, he had constantly seen magistrates appointed from party and political motives, but he had never on this account thought it his duty to complain, as long as the individuals were persons of respectable character, and adequate to the administration of justice. Now, indeed, a different rule of conduct seemed to prevail, and a course was taken which he had

never ventured to adopt. He knew that the great majority of Magistrates in England and Wales had long been opposed to him in politics, but he did not think that a constitutional objection to their being in the Commission. That party could not now bear to lose any of its power; and although he did not complain of the petition, he thought that the House could not properly entertain the question. It was quite impossible for Parliament to institute an inquiry into the particular political opinions of different individuals; and to say that because this or that man, however good his character, and however large his fortune, had, at a certain time, voted in favour of certain measures, therefore, he was not a fit person to be placed in the Commission of the Peace—that was a proposition which he never ventured to make when he sat on the opposite side of the House; and he was sure that the noble Lord, after the very fair manner in which he had stated the case of the petitioners, would not altogether venture to assert that doctrine, a doctrine in his (Lord John Russell's) opinion, most injurious to the prerogative of the Crown.

The *Solicitor-General* had the honour of holding the situation of Recorder for the Borough of Bury St. Edmund's, and he regretted that he had not been aware of the intention of the noble Lord to present the petition on this occasion; because, if he had, he would have been in his place when it was first brought forward. He had received from the borough a communication, informing him that a meeting of the inhabitants of that town had been duly convened by the mayor, at which they had come to certain resolutions, which they had requested him, on this petition being presented, to state to the House. It was not necessary for him to state them at length; he would confine himself to stating the substance of them, which was this:—that the inhabitants being duly convened by the mayor, in consequence of a report that such a petition as the one now before the House was about to be presented, met, and came to the conclusion that they did not know that any public meeting of the burgesses had taken place on the subject. [*Earl Jermyn*: It was not pretended to be a public meeting]. Very well; that got over the difficulty as to the reception of the petition; at the same time it materially diminished the weight and importance of

it. At the meeting of the inhabitants, several resolutions were come to, the last of which was, "That this meeting fully believe, that those persons whose names are already inserted in the Commission of the Peace, as well as those since recommended by the Town-council to the Crown, are suitable and proper persons to act as justices of the peace for this borough, and that they do not believe that the burgesses have in any instance been deprived of that proper adjudication of their concerns which Parliament has provided for them by legislative enactment."

Earl *Jermyn* hardly knew whether the debate should be adjourned or not. It was very unfortunate that the noble Lord had thrown so much asperity into the debate already, because he (Lord *Jermyn*) had merely stated the facts that were complained of by the petitioners. He was not himself personally aware of them. In presenting the petition which had been intrusted to him by a considerable portion of his constituents, he had done no more than his duty. There was nothing in the petition which made it at all irregular or improper to present it to the House. He was sorry he had not the opportunity to communicate to the Solicitor-General his intention to present the petition to-day. He did communicate the fact to the noble Lord on Saturday last, and also on Friday. With respect to the counter-resolution, referred to by the Solicitor-General, it did not appear to him that the circumstance of the meeting being held in the absence of the mayor altered the facts of the case as stated in the petition. He thought the hon. and learned Gentleman had given too much importance to the meeting at which those resolutions were passed. With regard to one statement made by the noble Lord, he begged to assure the noble Lord that this was the first time he had ever heard that any communication had been made of a wish on the part of any persons in the borough for the appointment of a gentleman of Conservative principles to the magistracy. He was aware that a wish had been entertained for the appointment of a gentleman who was neutral in politics, but not for any one of Conservative principles.

Lord *John Russell* begged to assure the noble Lord that he found no fault whatever with the course pursued by the noble Lord; on the contrary, the noble Lord had given him fair notice of his intention to present the

petition. He complained of those who had signed this petition, and had intrusted it to the noble Lord, for not making correct representations to the noble Lord, of the real state of the facts before he presented it.

Petition to lie on the Table.

REGISTRATION BILL.—HALF-PAY OFFICERS.] Lord *John Russell* having moved the Order of the Day for the further consideration of the Report of the Registration of Births, &c., Bill,

Sir *Edward Codrington* said, that he was anxious to bring before the House the cases of those officers who had been deprived of their half-pay without a trial, in order that they might be properly investigated. This was the only instance in which British subjects were punished without inquiry and without being heard in their defence, and in which individuals had to endure great indignity and injury, without having any means of redress in their power. The right hon. Baronet opposite had, on a recent occasion, compared the incomes received by the clergy of the Irish Church with those of the doorkeepers of the House. He was willing to admit, that the revenues of the Irish clergy were reduced to a very low ebb, but he did not consider that they had any more reason to complain in that respect than the officers of the navy. The oldest post-captain on the list, and who had held that rank for thirty-five years, was in the receipt of half-pay amounting to no more than 264*l.* a-year. Those of thirty years standing received only 228*l.*, and the others only 191*l.* But officers were not allowed to enjoy even such slender pittance as these in security; they were liable at any moment, without a trial, without being brought face to face with their accusers, or allowed an opportunity of proving their innocence, to be struck off the half-pay list. A commander of fifty years standing was only entitled to a half-pay of 182*l.* 10*s.*, and if promoted to the rank of captain he would never receive more than 191*l.* He hoped, then, that gentlemen opposite, who had dwelt so much on the poverty of the Irish clergy, would be induced from the same motives which actuated them in that case to give their support to his proposition. The noble Lord opposite had appealed to the House of Commons as gentlemen in favour of the Irish clergy, and he (Sir *E. Codrington*) claimed the same consideration

tion for officers of the navy. Hon. Gentlemen were little aware of what those of that profession underwent; they were exposed to dangers and difficulties to which no other class was liable; even peace brought no repose from exertion; and yet their remuneration was proportionately less than that of any other class of the community. He was not now contending, however, for an augmentation of half-pay, all that he now asked was, that they might not be deprived of the pittance allowed them without any reason being assigned for it. The Secretary of the Admiralty had charged him with a desire to procure these papers from mere motives of curiosity; but the design he had in view was, to give an opportunity to officers to assert their rights. He could not consent that an officer should be swindled out of his commission, as he must affirm had more than once been done. The hon. Gentleman had asked what was to be done to an officer who was proved to have acted in a manner unbecoming the character of a gentleman? Why, such a man's name ought to be erased from the list; but what ground could there be for depriving a deserving officer of his commission? When they demanded a reform of the Pension List, they were told, that the pensions, even of those who had never done anything to deserve them, must be regarded as vested rights; but it appeared that the receipt of half-pay for forty or fifty years was not sufficient to constitute such a right. The right hon. Baronet opposite had said, that if ever he should return to the station he had occupied—that of First Lord of the Admiralty—he would advise the Crown to strike his (Sir E. Codrington's) name off the list, if he did anything unbecoming the character of an officer or a gentleman. The expression used by the right hon. Baronet seemed to imply a doubt whether such a power rested with the Crown only, or might be delegated to the Admiralty. Admiral Vernon had been similarly punished by the Admiralty for writing a pamphlet which gave offence to them, but had been reinstated by the King, after the twelve judges had been consulted. He thought that this case proved, that this prerogative could only be exercised by the Sovereign himself. But he begged to ask the right hon. Baronet what he considered to be conduct unbecoming the character of an officer or a gentleman? If he were to

employ his Majesty's ships in the conveyance of building materials for a private residence, he should like to know if that would be so considered. He wished for an answer, that he might know what risk he ran of losing his own commission. He was of opinion that the Admiralty ought not to possess the arbitrary power of ruining an officer, and, even if they did, ought never to exercise it. The hon. and gallant Admiral concluded by moving for returns of the names of all officers, of whatever rank, who had been deprived of their half-pay without their consent or the investigation of a court-martial, from the year 1790 up to the present period, with the alleged reasons for such deprivation; also a return of any persons whose half-pay had been restored to them, subsequently to such deprivation, with the alleged reasons for such restoration.

Lord John Russell would not enter into the question raised by his hon. and gallant Friend. The Order of the Day was for proceeding with the Bill for the Registration of Births, Marriages, and Deaths, and if his hon. and gallant Friend, had any motion to bring forward, he thought it necessary for him to show that the House should not entertain that Bill, and that that proposition was of such a peculiar and urgent nature that the Order of the Day should be postponed. He did not mean to advance any argument for or against the motion, but no reason had been given why the House should not now consider the Bill which stood first among the Orders of the Day.

Sir Edward Codrington complained, that whenever he brought forward this subject, he was always met by a point of form. He should however take an opportunity of again submitting the motion before going into a Committee of Supply.

Motion withdrawn.

Order of the Day read; and the House went into a Committee to re-consider the Report on the Bill for the Registration of Births.—On the first clause,

Mr. Goulburn said, he rose to state his main objection to the Registration Bill, as regarded Births, at that early stage of the discussion, because it was of such a nature as could not, he apprehended, be removed by any verbal alteration of the clauses in the Committee. He owned he had some reluctance to explain that objection to the Committee, because it was one connected with the religious obligations, and

advantages which belonged to the Established Church; and he knew, that of all places in which it was possible to state objections of a religious character, perhaps the House of Commons was the least fitted for discussing them. But a strong sense of duty induced him not to permit this measure to pass through the House without pointing out those objections which on the score of religious principles, he believed attached to it. The Bill provided for the Registration of Births in this way, that in the case of every birth, the parent was bound to give notice of that birth, and to state the name of the child at the same time. Now the complaint that he (Mr. Goulburn) made of this arrangement was, that its tendency would be to dissociate the naming of the child from the baptism, and in the case of ignorant persons it would induce them to withhold the inestimable benefit of that rite from their children. It was impossible to conceal from ourselves, that however anxious the Church was, that the humblest of her Members should be fully acquainted with the importance of her Sacraments, there were many among her professing Members, who, from ignorance, did not fully appreciate the benefits which the rite of baptism conferred upon their children, and who were now only led by the temporal consideration of the necessity of giving those children names, to give them the benefit of the ordinance of baptism, because without submitting them to the latter they could not, at the present time, assign to them the former. If the two were dissociated by Act of Parliament, he (Mr. Goulburn) believed it would go far to increase that ignorance which already prevailed too widely on this subject, and apparently to sanction the persuasion that the child once named, the religious ceremony might be omitted. He thought every Member in that House (whether members of the Church of England or not) would sympathize with him as to the importance of not excluding the innocent children of ignorant parents from the inestimable benefits resulting from the rite of baptism: and if the effect of the Bill were such as he had reason to apprehend it would be; viz. that many who were brought to be registered would never afterwards be brought to the baptismal font, he thought they would agree with him in saying that, however great and numerous the advantages of the Bill in other respects might be,—however necessary to procure correct statistical information,—however useful and valuable for legal inquiries—an evil would be caused for which

none of these advantages could compensate. When the noble Lord, the Secretary for the Home Department, brought forward a measure upon this subject in 1834, he stated that he forbore to press it, because in his opinion the expense it would entail upon the country was too great, and was a sufficient reason for reconsidering it; all he (Mr. Goulburn) asked of the noble Lord was, that he would give equal consideration to the objection which he was urging,—of far greater importance than a mere pecuniary objection; one connected with the spiritual interests of these innocent children. He did not ask the noble Lord to forego the benefit of a general registration: all he begged was, that the noble Lord would not hold out to Members of the Church of England an inducement to forego, on behalf of their children, the advantages derivable from a religious ordinance, by dissociating, in his act, what had been from the earliest period of the Christian Church associated together, the naming of a child and the rite of Baptism. Would the noble Lord gain anything by this dissociation? The Bill of the noble Lord only afforded, after all, secondary evidence: while under the present system, there was the best evidence that could be afforded,—the certificate of baptism. Under the Bill of the noble Lord, there was no evidence but that which was drawn from intermediate persons, who might have an interest in stating the facts incorrectly, and coming before a Court of Justice, it could only be received as secondary evidence. What objection could there be to having an additional column, in the present Register, in which the clergyman might insert the period at which the child was born, along with the name? This plan would have one great advantage over that proposed by the noble Lord, that it would not impose upon the members of the Church of England any additional trouble: for under this Bill they would have, whether they baptised their children at the Church or not, to give the regular notice to the registrar. It was very possible under the Bill of the noble Lord, for some of the districts to be of very great extent; and individuals residing in those districts would have either to incur the penalty affixed to non-compliance with the provisions of the Bill, or to incur any inconvenience, or injury, which might attend their journey to the registrar. Take the case of a labouring man, residing a considerable distance from the Registry

of the district to which he belonged. He would either have, on the birth of every child, to incur the penalty imposed on him for not obeying the provisions of the act, or to lose the profit arising from a day's labour, (to him perhaps no trifling matter) and run the risk of offending, or even injuring by his absence, the employer on whom he depended for daily subsistence. But, by acting on the plan which he (Mr. Goulburn) proposed, the labourer would be spared the double duty of attending the registrar, and also the Church, to obtain baptism for his child, while you would have the same degree of evidence as the Bill of the noble Lord provided. It might be said, that he (Mr. Goulburn) ought to have prepared clauses to carry into effect the alterations he had suggested, and proposed them in Committee: but the reason he had not done so was, that he thought those alterations could be rendered far more effectual by those who had framed the whole of the Bill, and who therefore understood the correspondence and connection of its several parts, than by any individual Member of the House. He had now stated what appeared to him the main objection to this Bill so far as regarded the Registration of Births: viz. that he could not consent to dissociate what had, from the earliest period of the Christian Church, been associated, he could not consent to the holding out by those clauses in this Bill which effected this dissociation, that which he believed would operate as a Parliamentary sanction and encouragement to the opinion, that the naming of the child was the first and most important thing to be considered, and that the rite of baptism was but of secondary consideration. He begged the Committee to consider, if the Bill passed as it at present stood, what a situation the conscientious clergy of the Established Church would be in; they would feel themselves bound naturally to exhort their flocks, both in season and out of season, not to forego the rite of baptism, and to lay before them the necessity of bringing their children to the font. And he (Mr. Goulburn) could not but fear, that their conscientious endeavours to arouse the ignorant and the indolent, to a true sense of the advantages of the rite of baptism, would produce in the lower orders of the people a dislike of the provisions of the statute, which required them to bring their children to be registered, whether baptised or not.

Lord John Russell: Sir, the right hon. Gentleman, the Member for the University of Cambridge, has acted very properly in stating his objections at the present stage of the Bill, because undoubtedly they are objections which go to the very principle of the Bill,—the establishment of a civil Registry of Births, Marriages, and Deaths. It is the opinion of those who framed this Bill, that with respect to Births, the State ought to establish a civil registry, common to persons of all religious persuasions, not a registry of members of the established Church only; or of any other denomination, but one, in the benefits of which all might alike partake. Now, Sir, such being the object of the Bill it is quite evident, that what the right hon. Gentleman opposite proposes could not be effected without entirely foregoing that object,—without framing the Bill in a totally different way. He says, the Bill might be framed in such a manner, as that the clergyman, at the baptism, might enter in the registry the time of the child's birth. But he seems to forget, that there are a great many persons who would not be inclined to administer to their children the ordinance of baptism, according to the forms of the Church of England.

Mr. Goulburn: I referred only to the case of Members of that Church,—I do not wish to interfere with the Members of any other.

Lord John Russell: Exactly. And then arises the very objection which I have just stated: viz., that the plan of the right hon. Gentleman will impose upon persons not belonging to the Church of England, the burden of a ceremony not according to their belief, or it will make necessary two separate registers:—one register, belonging to Members of the Church of England, the other, those who differ from her. With respect to the births and deaths of parties, they are matters which no doubt concern the welfare of the community, and in which no religious difference ought to be admitted: therefore, I say, there should be one register,—and that that should be a register taking notice of no religious creed, but common to all the members of the community. The right hon. Gentleman said (and I know it is an objection which is often urged against this Bill) that in as much as you ask only the name of the child and do not require the baptism to be stated, you thereby produce an impression in the minds of the ignorant, that the rite

of baptism may be dispensed with: and that the name having been registered, they would never attend the Church, for the purpose of having their children baptised. Sir, that is, as the right hon. Gentleman properly said, an objection founded on the ignorance of the lower orders of the people; and I say, that if that ignorance does exist (and I am sorry to hear it stated by the right hon. Gentleman, as well as by many others, that it does to a great extent prevail) I say the cure for that is to give the people knowledge, to dispel that ignorance. I say it is the fault of Parliament,—I do not say it is the fault of the Church,—but the fault of Parliament, which has left the people in that ignorance. I do not think we should frame our laws for that ignorance or that you should give up the benefits of a national register, because you wish to connect two things,—the registering of the name,—I do not say the giving of the name, but the registering of the name and the rite of baptism. If you wish the people to avail themselves of a certain rite of the Church, I say they ought to be taught by the State, and sufficiently enlightened in the duties of their religion. I am not prepared to say, that you ought to encourage their ignorance, and hold out a premium to that ignorance, by refusing to pass a Bill for a national register. Therefore, certainly, I adhere to my original opinion; that you ought to have a register for persons of all religious persuasions. Even if it were necessary or expedient to effect the object which the right hon. Gentleman has in view, it might be effected in a much simpler manner. You might enact that the Christian name should not be entered in the register till after the baptism; but I think it will be impossible to attain the great end we have in view,—the establishment of a general register—but by some machinery similar to that provided in this Bill: the right hon. Gentleman has not explained how he would propose to deal with those persons who hold the doctrine of adult baptism:—in their case it would be necessary to ascertain the period of a birth which took place perhaps eighteen or twenty years back. It is evident of how little value the evidence of the Church register would be in this case: it would in fact be no evidence at all. Upon the whole, therefore, I think you ought to make your register, a register, not of baptisms, but of births.

Sir Robert H. Inglis thought, that the

difficulty which the noble Lord apprehended might easily be met by there being a provision to this effect—that registers of the births and deaths of Dissenters should be opened at Dissenting meeting houses, and that copies of them should periodically (annually, biennially, or at other intervals, as the provision might be) be forwarded to the Central Registration Office. This, he thought, would supply the State with the necessary information, whether for national or for legal purposes, while, at the same time, it would obviate all the objections which had been raised to the plan proposed by the Bill, on the score of the mischievous influence it would have upon certain classes of the population in tempting them to forego the rite of baptism according to the ordinances of the Established Church. He admitted the principle laid down by the noble Lord, that a register was absolutely necessary for national and legal purposes; but he could not think that there was any necessity for running counter to the opinions and to the principles of a large body of the public, the members of the Church of England, and the clergy. He had many other objections to the Bill as it now stood. For instance, it was difficult to be seen how the registry was to be induced among certain classes of the population. If it was to be voluntary, there was then no occasion for a general register, because the members of the Church, being satisfied with the present system, let the Dissenters maintain their own register. If, on the other hand, it was to be compulsory, whether the compulsion was by way of fine or of domiciliary visit, considerable objection must arise. If by fine, was it to be a fixed amount, or was it to be proportioned to the means of the payer? If fixed, it must operate partially as between rich and poor, and if proportional it must induce a species of minute inquiry into the affairs of individuals. If it was by domiciliary visits that the practice of registering was to be enforced, the persons intrusted with the office would require to be armed with such powers as Englishmen would not readily submit to. On the score of expense, too, he objected to the plan, as it would lead to the necessity of imposing a burthen on parishes for the maintenance of a registry-office. But after all, his main objections to the Bill were religious ones. He objected to the Bill, because, for the first time, it separated the form of naming the

child from the rite of Christian baptism—a rite which had been observed and respected since the existence of the Church. He objected to it also because it went to tempt certain classes of the people, consequently to forego the right of baptism; and, finally, he objected to the measure because it tended to bring the regularly ordained minister of the Church of England to the level of the ambulatory minister of fluctuating congregations; and because it would have the effect of degrading and bringing into contempt a portion of the service of the Church of England, which had always hitherto been regarded as sacred and essentially necessary.

Dr. Lushington said, the right hon. Gentleman, the Member for the University of Cambridge, had urged as his principal objection to this Bill that, by requiring the registry of the name of a child, prior to the administration of the rite of baptism, injury would be done to the cause of religion, and the Established Church. Now he, (Dr. Lushington) felt as much as the right hon. Gentleman the impropriety of attempting to discuss any question in this House, which had the slightest reference to matters of religion. But at the same time he must be permitted to observe, that he could not anticipate anything like that extent of evil which the right hon. Gentleman seemed to dread. He (Dr. Lushington) could not think, that the great bulk of the members of the Church of England, if they were convinced of the value of the rite of baptism would be deterred from obeying the directions of their Church, because they were required to register their children within a given period after their birth; nor could he think that such a provision could fairly be characterized as tempting the members of the Church of England to depart from the directions of their church. The only evidence he had seen, which would warrant him in ascribing to this Bill the effects which the right hon. Gentleman had ascribed to it, was the evidence of persons inhabiting the district of St. Giles. He (Dr. Lushington) thought that those persons greatly undervalued the understanding of the people of this country, and the vast increase in knowledge which had taken place during the last thirty years, who imagined that they would be at once neglectful of one of the duties which their religion imposed, and regardless of the advantages which flowed from its ob-

servance. The right hon. Gentleman proposed, that with the name of the child should be inserted in the Church register, at the time of baptism, the date of its birth. With great deference to the right hon. Gentleman, he (Dr. Lushington) would suggest, that it was notorious the baptism of children in the Church did not take place within a month, six months, or even sometimes twelvemonths after the birth; and did it follow that the person, who brought the child to the font would be necessarily acquainted with the circumstances attending its birth? Even taking it for granted that they were, was there not a great difference in the evidence of a person, as to a certain fact given a few days after it occurred, and when given after the lapse of a considerable time. Under the present system of registration, it would be impossible to arrive at anything of certainty respecting the facts which were to be entered in the register. The clergyman entered the names as he performed the ceremony; it was no part of his duty to make any inquiry, in order to ascertain the correctness of the facts he was to enter. Would the right hon. Gentleman require the clergyman before he administered the rite of baptism, to put questions to the parties attending with the child for that purpose. First, he (Dr. L.) would remark, that as he had just stated, the evidence in many cases would be of little value, being given after a long lapse of time; and next, it would be imposing an onerous duty upon the clergyman, and one which, in his opinion, it was not fair to impose upon him. Besides, how were the members of the Church of England to be distinguished from those of other denominations,—for, was it not likely that many would assume that title in order to get rid of the provisions of the statute as regarded registration, if the exemption proposed by the right hon. Gentleman were to be made. In short, it was clear in his (Dr. L.'s) opinion, that under the plan of the right hon. Gentleman the register would be totally ineffective. He (Dr. L.) utterly denied that the object of the Bill was to afford relief to the Dissenters. He considered the question embraced in the Bill to be one of great national importance, and to those who understood anything about the difficulties which were experienced in the tracing of pedigrees its advantage would be too manifest to need explanation. At present searches after pedigrees were

attended with immense delay and expense, persons had to go all over the kingdom to ascertain where such a person was buried—where another was born, and so on; and, in the majority of instances, their search was after all unsuccessful and unsatisfactory. And he (Dr. L.) considered that the members of the Church of England were fully as much interested as Dissenters, in the Establishment of a national register. It had been said, that this Bill would for the first time separate two things, which from the earliest period of the Christian Church had been associated—the naming of the child, and the rite of baptism. That was not a correct representation, for though the Bill required the parent to state the name which he intended to give to his child at the time of registration, there were express provisions in the Bill to this effect, that he might change the name of the child if he thought fit at the baptism; and it was too much to suppose that any parent of common understanding would say, “I have now given my child the benefit of a civil registry, therefore I will not give him the benefit of the ordinance of baptism.” The scheme of the hon. Baronet, the Member for the University of Oxford, was this—that the ministers of all Dissenting congregations should have the power of keeping their own registries. He (Dr. L.) was surprised at such a proposition. Did not his hon. Friend know that one of the principal objects of a registry was, that it should be kept in a state of the best possible security, combined with easiness of access. And how could these objects be attained among Dissenting congregations—the ministers of which were always moving, and in some denominations only continued for a short period at any station. The hon. Baronet had asked how the Bill was to be carried into operation? He considered that such an objection should have been taken at an earlier period. But he must observe, in his opinion, when they were making an experiment of such great importance as the establishment of a general register, they should take the best means of giving effect to the provisions of the Bill, they ought not to be made at first too onerous upon the public. And with regard to the case which had been put by the right hon. Gentleman opposite, (Mr. Goulburn) of the loss which the poor labourer would incur in some cases, from

the extent of the districts in which he resided, in registering his children, he (Dr. L.) would take it upon himself to assert, that very few labourers would (even allowing one child a year for ten years) feel it a great burden that he had to spend one day a-year in obtaining for his children the advantages resulting from inserting their names in the national register. He allowed, that the penalty in case of non-compliance with the provisions of the Act (20s.) was small; but was it not better far, in making a great experiment of this kind for the first time, to run the risk of erring by too small, than too large penalties. Information would spread rapidly upon this subject. When this Bill had passed there would not, he (Dr. L.) ventured to assert, be an alehouse in the country in which its merits would not be discussed; it would be matter of discourse every where, and there would be soon, not an individual in any rank, or any denomination, who would not become acquainted with it, and duly estimate its advantages. With regard to the existing system of registration, the result of his experience was this. A great improvement had undoubtedly taken place, during the last twenty years, in the state of the registers throughout the country, and the manner in which they were kept and preserved. But there had been cases in which sufficient care—he would not use a harsher word—had not been exercised over them, to prevent loss or obliteration. And when it was considered that they were very often kept, not in the Church, but at the minister's residence, and that during a vacancy (which often lasted for a considerable time) there was no person who had the care of them, the wonder was, not that so many, but that so few were lost, or injured. Upon the whole, he (Dr. L.) was of opinion, that the objections urged by the right hon. Gentleman, the Member for the University of Cambridge, and the hon. Baronet, the Member for the University of Oxford, were not of any weight, and that neither of their propositions could be acceded to without giving up the object for which the Bill was introduced. He had only one word more. The hon. Member for the University of Oxford had said, that the reason for introducing this measure had been to degrade the clergy. He (Dr. L.) could not but consider such expressions as ill-calculated to uphold the character of the Church of England, and to produce

that harmony and good feeling among all denominations of Christians, which all must desire to see. On the contrary, he (Dr. L.) must say, that it was calculated to prejudice the character of the clergy of that Church, and to hold them up to the odium of the people of England, to say that a measure which professed to confer a great public benefit, could not be carried into effect except through the medium of their degradation.

Dr. *Bowring* thought, that the object of the Bill had been misunderstood by those who objected to it. It had nothing whatever to do with baptism, because that was a religious act in which the whole community were not concerned, but what it had to do with was the fact of birth—a fact which was important to the whole community. What was wanted in this country was a registration of those facts with which the community were interested; the birth, the marriage, and the death of individuals. In most countries those facts were registered, so that it was easy to trace any individual from the time of his birth to his death by means of the National Register. It had been suggested that the clergy should continue in the custody of the Registers. On that point he (Dr. *Bowring*) would only state the following fact, given in evidence by a friend of his before the Registration Committee. At the last Revolution in France and Belgium, the clergy endeavoured to regain possession of the right of registration. But the civil registration had become so popular, so useful, so efficient, that the Legislature refused to give it them. In the present system of registration, he (Dr. *Bowring*) must observe, that there was no distinction made between legitimate and illegitimate children, and consequently no security to the public in cases of disputed titles to property. This Bill supplied that deficiency, and would be in his opinion of great advantage. He could not refrain from making one remark in conclusion. He had observed, (and it was the case here) that whenever opposition was made by the great body of the clergy to any measure useful and advantageous to the whole community, there was always to be found at the bottom of that opposition, something in the shape of fees or emoluments.

Mr. *Potter* expressed his great satisfaction that such a measure as that before the House had been introduced.

Mr. *Estcourt* observed, that in most cases the clergyman, before baptism, inquired as to the age of the child, and who were its parents. That, however, was not, he knew, sufficient to render the registry of baptism evidence of birth; but if the Legislature would enable the clergy to register both circumstances at the period of baptism the object which they had in view would be ascertained without the complicated machinery of this Bill, which he agreed would operate to discourage the members of the Church of England from having their children baptised.

Mr. *Pease* said, the great object of this Bill was to effect a system of registration which would be complete and satisfactory, not to any particular body, but to the community at large. He thought the Bill would effect that object. He entirely agreed in the sentiment expressed by the right hon. Member for the University of Cambridge, that it was improper to place burthens upon the necks of one denomination of Christians, which would induce the members of that denomination to neglect a religious rite. But the same principle should be carried out to Church-rates, imposed as they were upon the members of different denominations, who had in addition to support their own religious services. He (Mr. *Pease*) thought the idea, that this Bill would tempt the members of the Church of England to neglect a rite of that Church, was perfectly absurd. He (Mr. *Pease*) could say on behalf of his denomination, that though there might be some trifling inconvenience connected with this Bill as it regarded them in particular, yet they were perfectly satisfied with it as a whole, as being a measure calculated to confer a great benefit upon the community at large, in establishing a system of universal registration.

Mr. *Baines* said, the objection which had been raised as to the inconvenience this Bill would occasion to heads of families, fell to the ground, because it was not necessary for the parents personally to attend the Registrar, a letter, or a messenger, would convey the information equally as well. And with regard to what he might term the conscientious objection, that this Bill would encourage the omission of the rite of baptism, he (Mr. *Baines*) considered it would have the contrary effect; it would induce clergymen to be more zealous in laying before their congregations the importance of attending

to that ordinance. He was sorry that the hon. Baronet, the Member for the University of Oxford, had not spared the injurious reflections which he had made on the Dissenting meeting houses, in the comparison which he had made between them and the Church. Both would be, he (Mr. Baines) trusted, roads to Heaven; and, therefore, whether the Church was to be reduced to the level of the meeting house, or the meeting house elevated to the dignity of the Church, was of very little consequence.

Mr. Goulburn said, he was not hostile, on the contrary, he was favourable, to a general register, and the plan he proposed would not interfere with the attaining that object. But if it could not be obtained but at the sacrifice of a religious rite, he (Mr. Goulburn) did not feel prepared to purchase it with all its advantages at such a price. It did not follow, however, that because the registers of the Church of England were to be retained, that they might not all be carried into a general Register.

Clause agreed to.

On Clause 27th, which provides for the expences of registration, by imposing a certain charge on the parish rates,

Mr. Trevor declared, that this expense, which was obviously for a national object, ought not to fall on the parochial funds, but on the Consolidated Fund.

On this point the Committee divided, when there appeared for the original Clause: Ayes 71; Noes 28—Majority 43.

Clauses to 33, agreed to.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Tuesday, June 7, 1836.

MINUTES.] Bills. Read a first time.—Judicial Ratifications (Scotland).

Petitions presented. By the Marquess of DOWNSHIRE from Newry, in favour of Amendments made by their Lordships to the Irish Municipal Corporations Act. By several noble Lords from various places for the better Observance of the Sabbath.

ROMAN CATHOLIC CLERGY (IRELAND)]

Lord Lyndhurst rose to present a petition from a Roman Catholic clergyman of Ireland, complaining of great injustice and oppression to which he had been exposed, and requesting the interposition and protection of their Lordships' House. He (Lord Lyndhurst) certainly could not in that instance venture to say, that their Lordships could afford the petitioner the

redress for which he prayed; but as the petition was respectfully worded, and as the facts to which the petitioner referred appeared to him (Lord Lyndhurst) to be well authenticated, he felt it his duty to state them to their Lordships. The petitioner, whose name was Dr. Mulholland, had for many years held a Roman Catholic living in the county of Louth, and, according to testimonials which he had seen, Dr. Mulholland, had obtained respect and esteem for his piety and good conduct from all persons in the district in which he resided. It happened, however, that he had the misfortune to bring upon himself the animosity of the Roman Catholic priest in an adjoining parish, and that individual thought himself justified in circulating calumnies greatly to the prejudice and disadvantage of the petitioner. Under these circumstances, in justification of his character, he applied to the titular Roman Catholic Archbishop of the province, at that time Dr. Kelly. Dr. Kelly saw the propriety of the appeal, and directed his vicar-general to investigate the matter. The result of the investigation was, that the vicar-general came to the conclusion that there was no foundation whatever for the charges preferred against the petitioner, and he accordingly directed the person preferring them to make a public apology. This, however, that person refused to do; and under these circumstances, the petitioner had no alternative but to bring an action in one of the civil courts for defamation of character. The action was brought in the Court of Common Pleas in Ireland, and after a full investigation of the whole matter, a verdict was pronounced by the jury in favour of the petitioner. His conduct having thus been twice investigated—first before the domestic tribunal appointed by the titular Archbishop, and afterwards before a jury of his countrymen, he felt that his character was completely vindicated, and of course expected that the matter would there have been allowed to rest. In a very short time afterwards, however, he was removed from his living by the authority of the titular Roman Catholic Primate, without any reason whatever being assigned for his removal, except the circumstance of his having instituted the civil action against a brother priest. It appeared extraordinary to the petitioner, and he thought it must also appear extraordinary to their Lordships, that this course should be adopted;

because, adverting to the testimony that was given by the Roman Catholic bishops before the Commissioners of Education, and in particular of an individual of great eminence, Dr. M'Hale, he found it stated over and over again, in the most distinct terms, that, in vindication of a civil right, it was no violation of the rules of the Roman Catholic Church in Ireland, notwithstanding the Pope's bull to the contrary, for an ecclesiastic of that Church to institute proceedings before a civil tribunal against a brother divine. If their Lordships referred to the evidence given before the Education Commission, they would see, that questions upon that particular point were put in a great variety of forms, and in a manner the most sifting, and, that over and over again the same answer was returned. Under these circumstances, the petitioner, feeling himself deeply injured, appealed to the superior authority of his Church at the Court of Rome. There again the matter underwent a fresh investigation, which terminated by a rescript being forwarded from Rome to the Roman Catholic Archbishop in Ireland, recommending, in the strongest terms, that the petitioner should be reinstated in his living. In the meantime Dr. Kelly died, and Dr. Crolly was appointed titular Primate in his stead. The rescript was handed to that reverend person; he read it, considered it, said that its recommendation should be obeyed, and that the petitioner should be reinstated in his living. Thus the petitioner supposed that every thing was done according to his wish, and as the justice of the case seemed to require. In a short time, however, Dr. Crolly told him that he had altered his mind—that he should not reinstate him—that the love and veneration which he felt for the memory of his reverend predecessor, Dr. Kelly, was such that he could not by possibility reinstate one whom that excellent ecclesiastic had seen reason to dispossess. The petitioner asked Dr. Crolly if he had any thing to find fault with in his character or conduct? "Quite the contrary," said Dr. Crolly, "I consider you a model of piety and good conduct; but for the reason I have stated I cannot reinstate you." At the same time Dr. Crolly expressed himself so completely satisfied with the petitioner's conduct, that he gave him a paper attesting his merits in the strongest terms, and stating that he was distinguished in the highest degree for zeal, piety, and doctrine. Under these

circumstances the petitioner again thought it right to appeal to the tribunal at Rome, where the matter was again investigated with the same results. Meanwhile the petitioner was requested not to leave Ireland, and Dr. Murray, the titular Archbishop of Dublin, requested him, for the sake of maintaining peace and harmony in the Roman Catholic Church in Ireland, to accept of a curacy. The petitioner offered at once to do so. "I will accept a curacy," said he, "if Dr. Crolly will appoint me." Dr. Crolly promised to do so, and the petitioner relied on the fulfilment of that promise. In a few days, however, Dr. Crolly again told him, that he had changed his mind—that he would not give him a curacy in Ireland, but that he might, if he thought proper, go to America, or elsewhere. These were the facts of the case. A clergyman was calumniated—he appealed for redress to the domestic tribunal appointed under his immediate ecclesiastical superior, an investigation took place—he was acquitted of all blame—his conduct was approved—the party calumniating him was desired to make amends—this the party refused to do—he then appealed to the laws of his country, which he was justified in doing—which a due regard to his character bound him to do—which, according to the authorities to whose testimony he (Lord Lyndhurst) had referred, was no offence against the rules of his Church—a jury of his countrymen, after a full investigation of the matter, completely vindicated his character, and pronounced a verdict against his calumniator—he was described by his ecclesiastical superior as highly distinguished for zeal, piety, and doctrine—and yet, under all these circumstances, he was stripped of his living because he dared to make an appeal to the laws of his country. In the course of his statement he (Lord Lyndhurst) had referred to a document to which he begged to call their Lordships' attention, because it showed how little attention was paid to those prohibitions and restrictions which were imposed at the time that Parliament was granting what was considered a great boon to the Roman Catholics. By the 24th Clause of the Act for the Removal of the Disabilities of the Roman Catholics, it was enacted that no person should assume the title of Archbishop of any province, Bishop of any diocese, or Dean of any deanery, who was not entitled thereto by the law of the land.

That was a prohibition which was acceded to by the Roman-Catholics at the time that the Act passed, and which their Lordships had every reason to suppose, and every right to expect would be obeyed. Yet the document to which he (Lord Lyndhurst) had referred, was signed by Dr. Crolly, describing himself as Archbishop of Armagh, and authenticated by Mr. Mathews M' Cann, describing himself as vicar general of the same province. He would not longer detain the House. He was sure their Lordships would feel the hardship of the petitioner's situation, and the injustice which had been done him, and that they would be anxious, if possible, to afford him some redress. He came before their Lordships, feeling himself aggrieved by his ecclesiastical superior, for no other reason than that he sought to obtain redress for an acknowledged injustice from the laws of his country. Under these circumstances he was sure their Lordships would feel disposed, if possible, to afford redress; at all events, they would justify his bringing these facts to their knowledge, and would allow the petition to lie on their table.

Lord Holland thought it most extraordinary that the noble and learned Lord should bring forward a subject so entirely alien to the functions of their Lordships' House as that which was then laid under their consideration. He (Lord Holland) had always been for throwing open the doors of the House to petitioners as much as any one within its walls; but he had always thought it was improper for their Lordships to receive any petition which was either couched in disrespectful language to the House, or called upon the House to do that which the House had not the power to do—which called upon the House, in fact, to exercise a jurisdiction where jurisdiction it had none. It was extraordinary, indeed, that the noble and learned Lord, above all other Lords in that House, should think it a part of the duty of that House to attend to the discipline of the Roman Catholic Church—for what else did the petitioner in this instance pray? The noble and learned Lord had told them a long story—he would not call it a cock-and-a-bull story, though it had something of the bull in it—a good deal was said about a bull of the Court of Rome; but the noble and learned Lord had told them a long story about the grievances of this Catholic clergyman. When that story was commenced, he ex-

pected to hear that the person whose petition was presented had not received justice at the hands of the constituted courts of law of the country; but it appeared that he brought his action, and that a verdict was given in his favour. The noble and learned Lord did not tell them exactly what that verdict was, but he concluded that the benefit of that verdict, as against his libeller, was received from the justice of his country. But because a Church not recognised, not paid, not established by the Government of this country—because that Church chose to interfere with this person, a member of its own body, for having (as the petitioner alleged) sought redress in one of the courts of law—though it did not appear, from anything else than what the noble and learned Lord had stated, that that was the real cause—because his own Church, for some reason or other, thought fit to dispossess him from the living which he had previously held, their Lordships were called upon to interfere and to afford redress. Did their Lordships confer the living upon him? Had they the power either of taking it from him, or of conferring it upon him? The noble and learned Lord described all the Roman Catholics in Ireland as aliens in blood, in religion, and in disposition. Were their Lordships, then, entitled to regulate their spiritual concerns?—because it came to that. Were their Lordships to interfere in the exercise of the Church discipline, or in the spiritual affairs of those who received no temporal or secular advantages from the Government of the country? As far as he understood the present petition, it appeared to him to be one which their Lordships could not properly receive. But whether they chose to receive it or not, of this he was certain—it was one upon which their Lordships ought not and could not act. For even supposing it were more consistent with the usages of the House, their Lordships would recollect that it complained of a grievance received by one man at the hands of another, and they would also remember that that House had no original jurisdiction, even if it were a question between Protestant and Protestant, and still less when it was a question between a Catholic priest and a Catholic archbishop. He always suffered pain when any person felt himself aggrieved, and came to Parliament for redress, that Parliament should not entertain his complaint. But still he thought their

Lordships should pause and consider before they received a complaint of such a nature as that contained in the present petition. If this complaint were entertained, it would be impossible to refuse a like indulgence to others; and were their Lordships really to enter into the question of how far the Church of Rome, in the discipline of its members, was actuated by correct and proper principles?

The Earl of *Wicklow* said, if the noble Baron, who had just sat down, was astonished at his noble and learned Friend for presenting the petition, he was in no degree less surprised at the tone which the noble Baron had adopted. He had understood, or at least had always believed, that it was the duty of every Member of that House not to refuse to present any petition properly and respectfully worded, from any oppressed person in the country, if the constitution of the realm did not afford that individual redress in any other quarter. When it was clearly evident that a person had been grossly injured, and when, under the constitution of the country, there was no court to which he could appeal for redress, he (Lord *Wicklow*) maintained, notwithstanding the doctrine of the noble Baron, that it was the duty of a Member of their Lordships' House to bring the subject under their Lordships' consideration. The petitioner, in the present instance, had requested him (Lord *Wicklow*) to support the prayer of his petition, and he certainly did so with the most unfeigned alacrity. He felt that the petitioner had been most severely and most unjustly treated—that a tyrannical power, unknown to the constitution of the country, had been exercised upon him; and for no other reason upon earth than that he had presumed to exercise the birth-right of every British subject. Was it to be endured that any British subject should be deprived of the means of support at the will or dictation of any individual, and that solely because he dared to appeal to the laws of his country in a civil case? The petitioner had shown him testimonials of character from some of the most distinguished members of his own Church, and especially from the Roman Catholic Lord-Lieutenant of his own county, Sir Patrick Bellew, who deeply lamented the injury he had sustained, and strongly condemned the means by which that injury had been inflicted. It was truly surprising that the noble Baron (*Holland*), professing as he did Whig and liberal principles, should

be the first to raise his voice against the reception of a petition coming from an individual claiming redress in the only court in which he could now hope to obtain it. When the prisoner waited upon him to communicate his complaint, and to ask his support, the first question he put to him was, "Why do you not appeal to those persons who profess to be the representatives of your own persuasion? Why do you not appeal to some of those great patriots of your own country, who declare themselves to be friends of the oppressed—who are, in fact, the representatives of the order to which you belong—who owe their seats in Parliament to the support which they receive from those of your persuasion? Surely, the matter would come with greater weight before Parliament if it were introduced by one of those in the other branch of the Legislature." But these individuals knew too well the dangers to which they were exposing themselves; they would not venture to bring upon themselves the censure of those through whose instrumentality they obtained their entrance into Parliament. He had in his possession the answer of the individual who considered himself the representative, not only of the Catholics, but of the whole body of the Irish people, in which he refused indignantly to undertake the case of the petitioner, assigning as a reason that he (the petitioner) ought rather to submit to any injury which the discipline of the Church might bring upon him, than attempt to obtain redress from the ordinary tribunals of the country. In acting otherwise, the petitioner showed that he trusted rather to the fairness of the British public than to the justice of those of his own community. He thought an application of the kind extremely well-timed, now that persons of the Roman Catholic persuasion were endeavouring to impose upon the country, by making them believe that the doctrines they professed in no way interfered with the enjoyment of civil rights and civil privileges. It was well that the country should have an opportunity of seeing what was the real despotism of the Roman Catholic Church. In his opinion it was the bounden duty of his noble and learned Friend to present the petition.

Viscount *Melbourne* observed that both the noble Lords had allowed that the House could do nothing in the case in question. The petition was from a Roman Catholic clergyman, who said, that he had

been treated with great injustice by his superior, who had dismissed him from his ecclesiastical station, and that he had not been restored by the successor to that superior, notwithstanding the rescript which had proceeded from the highest authority in the Romish Church. It was clear, therefore, that the question was entirely one of ecclesiastical discipline. But the noble Earl said, the petition was an appeal to public opinion through that House; that was, in other words, that the petitioner stated alleged facts in censure of the conduct of another person, under cover of a petition to that House, into the merits of which petition the House could not enter. Now, although he (Lord Melbourne) could not in all respects reprobate such a mode of proceeding, yet he could not put it out of his consideration that it might be carried further in other cases, and indeed to an extent that would prove very inconvenient. Under these circumstances he doubted the prudence and policy of the noble and learned Lord in presenting such a petition. There was one observation made by the noble and learned Lord to which he wished briefly to advert. The noble and learned Lord read from some documents proceeding from the episcopal authorities of the Romish Church, the titles of Bishops and Archbishops, and then contended, that the use of such titles was a violation of one of the clauses of the Act for removing the disabilities of Roman Catholics. Now he apprehended that the clause in question only prohibited those titles from being taken in ordinary style. To abolish their use in the Roman Catholic Church, would be to abolish that Church itself; for to that Church the existence of episcopal ordination and episcopal authority was indispensable. In the internal discipline of the Romish Church, the use of episcopal titles, and the exercise of episcopal authority, were essential.

The Duke of *Wellington* must say, that the objections which had been made to the character of this petition, appeared to him to be most extraordinary; and above all, 'it appeared to him to be most extraordinary that the noble Baron opposite, of all persons in the world, should object to a petition from an individual with reference to a subject on which he could have no redress in any other quarter; for, if he were not greatly mistaken, he had heard the noble Lord

himself present a petition from certain clergymen of the diocese of Peterborough, complaining of the questions put to them by the Bishop of that diocese preparatory to ordination. But, at all events, he had never heard such an opinion expressed by any one (the noble Viscount had been too prudent and discreet to express it) as that expressed by the noble Baron, that the petition ought not to be received. Would the noble Baron move as an amendment to his noble and learned Friend's motion, "that the petition be rejected?" For that was the course which the noble Baron ought to take, if he seriously thought that the petition ought not to be received. It was very true that, as the noble Baron had said, that House could not take any steps to redress the grievance of which the petitioner complained; but he had never heard of any instance, and, in his opinion, the noble Baron would be unable to find any instance, of the rejection of a petition to their Lordships, respectfully worded, only because no ulterior steps could be taken respecting it. The noble Baron said, that in some former debate in that House his noble and learned Friend had talked of the Roman Catholic clergy as aliens in religion, aliens in feeling, aliens in principle to the rest of the country. But he (the Duke of *Wellington*) begged to ask their Lordships whether, if the circumstances which had been stated by his noble and learned Friend respecting the present petitioner were true, his noble and learned Friend was not justified in speaking of the Roman Catholic clergy of Ireland as he had spoken of them? He wanted to know whether an inhabitant of this empire, going to Rome on a subject of this kind, and thereby appealing to a foreign tribunal, was not in the state which had been described by his noble and learned Friend? He would now advert to some of the arguments which had been used by the noble Viscount. The noble Viscount asserted, that the Act of Parliament for relieving Roman Catholics from civil disabilities, could not be supposed to prohibit the use of certain titles used by certain persons in the exercise of their religious authority, because, forsooth, the Roman Catholic Church was an Episcopal Church, and, therefore, that it was absolutely necessary to use Episcopal titles in its administration. But did we never hear of Roman Catholics in any other part of the world but Ireland?

The law had forbidden, and had succeeded in preventing, the use of episcopal titles by the Roman Catholics in England; but although the law had equally forbidden, it had not succeeded in preventing, the use of episcopal titles by the Roman Catholics in Ireland. The law, the execution of which at present rested in the hands of the noble Viscount, was, it appeared, not successful in preventing the use of episcopal titles by the Roman Catholics in Ireland? The use of these titles had been abolished in this country, and ought to be abolished in Ireland,

The Marquess of *Lansdowne* observed, that what had fallen from the noble Duke showed the inconvenience of entertaining such petitions as that which had been presented by the noble and learned Lord; for the noble Duke justified the terms in which the noble and learned Lord had recently spoken of the great bulk of the population of Ireland, by assuming the accuracy of the statement made in the petition—a statement resting on no authority but that of the petitioner himself. Now how was it possible to know whether that statement was accurate or not, except they were prepared to enter into an inquiry on the subject. Did the noble and learned Lord propose or invite such an inquiry? Did the noble Earl opposite propose or invite such an inquiry? And yet their Lordships were told, that this was an appeal to public opinion made through their Lordships, although that assertion was unaccompanied by any proposal to inquire into the veracity of the assertions. But it was on the assumption of that veracity alone that the noble Duke could think the noble and learned Lord justified in the never-to-be-forgotten taunts, which he had, on a late occasion, thrown out against the bulk of the population in Ireland. In his opinion, the noble and learned Lord would have exercised a sound discretion if he had declined presenting this petition. As to the rejection of the petition, the House had the right, if they chose to exercise it, of refusing to receive any petition. If they received this petition, and acted consistently, they must receive all petitions from persons who were, or fancied they were, aggrieved by others; and where would that end? Were all persons in subordinate situations, stewards, clerks, and others, complaining of the conduct of their superiors, to have the privilege of making that House the channel of an appeal to the public on their cases? They had no more

right to take such a step, than any of their Lordships' servants, or tenants, would have, although their case might be—as possibly the present case was—one of great hardship and injustice. He was much surprised at the comparison which had been made by the noble Duke, between the present petition and the petition complaining of the questions put by the Bishop of Peterborough to candidates for ordination. Was the Roman Catholic Church an Established Church? Were we to interfere with a Church which we neither recognised nor paid, because we had a right to interfere with the discipline, emoluments, and possessions of a Church which we both recognised and paid? We had no right whatever, to interfere with the discipline of any Church which we neither recognised nor paid unless that Church were guilty of some contravention of public law. The petitioner in the present case had a remedy at law. That remedy he had sought and obtained. Whether the petitioner had been unjustly treated or not, he (Lord *Lansdowne*), having heard only an *ex parte* statement, could not say; but this he would say, that if their Lordships received this petition, they could not refuse the petition of any other clergyman of the Roman Catholic religion, who complained of his superior. This might be attended with great inconvenience. At the same time, if the noble and learned Lord pressed the reception of the petition, he (Lord *Lansdowne*) would not oppose it; for it certainly was his opinion that great latitude ought to be allowed with respect to petitions, however it might be ultimately inconvenient and even mischievous.

The Duke of *Wellington* wished to explain what he had said respecting the petition presented against the Bishop of Peterborough. He did not dispute the right of their Lordships to inquire into any subject, the consideration of which might be submitted to them in a petition. But there ought to be something like prudence and propriety on the part of the petitioners; and certainly, the subjects of the question which a Bishop might think fit to put to candidates for ordination, was as improper and imprudent a subject for a petition as could be imagined.

Lord *Holland* begged permission to say a few words in answer to the personal observations which had been made upon him by the noble Duke. There was nothing analogous in the two petitions in question. The noble Duke said that the petition

which he (Lord Holland) presented against the Bishop of Peterborough for putting certain questions to candidates for ordination, was improper and imprudent. If the noble Duke would look back to the circumstances of that case, he would find they were these, that the law of the land required certain qualifications and testimonials from the candidates for ordination, and that the Bishop introduced others, which he was not authorised to introduce. But, in the present case, was there any allegation of a departure from the law of the land? Did the law of the land declare that a Roman Catholic Bishop should not dismiss any Roman Catholic clergyman from the exercise of his functions? The noble Duke had said, that of all men in the world, he (Lord Holland) was the last from whom he should have expected an objection to receive this petition. Now, at all times, whether sitting on one side of the House or the other, he had always expressed an opinion, that every petition ought to be received, which was couched in respectful language, and which did not relate to subjects of which the House had no cognizance. For many years that House had enjoyed *de facto*, though perhaps not *de jure*, an original jurisdiction between one man and another. But in every case like that which he had just described, where a petition referred to a subject of which the House had no cognizance, he had always refused to present such petition; and he had recommended a similar course to other noble Lords placed in similar circumstances. Suppose any of their Lordships were to dismiss an old servant for having brought an action of which they disapproved, would that servant be entitled to present a petition complaining of his dismissal? How could they enforce rights, the existence of which was not acknowledged by the law? He would not, however, press his opposition to the reception of the petition to a division, but should be satisfied with saying "Not content."

The Marquess of *Westmeath* denied that there was any thing in the petition which should disincline their Lordships to receive it. The intolerant, inquisitorial, and tyrannical spirit of the Church of Rome was well known; and the object of the petition, as of many other petitions, was to obtain redress for an unjust act which the law could not reach. The noble Baron might recollect the case of the rev. Charles O'Connor Beg, a Catholic priest, who wrote on the veto, and on several

points of the Catholic religion, and who was brought to an untimely end by the oppression and tyranny of a Catholic Prelate. It was endeavoured to raise proceedings in his favour, but the interference came too late. In the present case, there was a tyranny beyond the reach of the law; and as one of the Representative Peers of Ireland, he could not consent to the withdrawing of the petition.

Viscount *Duncannon* observed, that in the first instance the gentleman who now petitioned their Lordships did apply for and obtain the redress which a court of law could afford him. He had been chaplain to the titular Archbishop, Dr. Kelly, and Dr. Kelly removed him from that situation. Could the House interfere in such a matter as that? The noble and learned Lord spoke of the high character which the petitioner had received from the Catholic Lord-Lieutenant of his county. It was very true, that the petitioner had applied to that gentleman for a character, but he (Lord *Duncannon*) was authorised to say, that that character was not given with any view of its being brought forward in that House, and that in giving it, there was no intention to countenance the object which the petitioner now had in view.

The Earl of *Wicklow* remarked, that the Catholic Lord-lieutenant in question knew all the circumstances of the petitioner's case, and, therefore, that his giving the petitioner a high character, was a tacit approval of his conduct in those circumstances. He could state, that the Catholic titular Bishop of London, notwithstanding his knowledge of the facts, had given the petitioner leave to exercise his functions in every chapel in his diocese.

Viscount *Duncannon* replied, that so far was the Catholic Lord-lieutenant in question from approving of the conduct of the petitioner in the circumstances which occasioned his removal, that he approved of the removal.

Viscount *Melbourne* observed that, as so much had been said upon the subject, it would be but fair to read to their Lordships a letter from Dr. Crolly respecting it. The noble Viscount read the letter. It stated that Dr. Kelly had been informed that Mr. Sergeant Jackson was about to present a petition to the House of Commons from the petitioner, and as it was probable that reference would be made to the circumstances of the case, Dr. Crolly thought it right to declare, first, that the petitioner never had a living, but was chaplain to

the Bishop, and was only administrator to a parish; secondly, that he had dragged a worthy clergyman before a court of justice, where he had obtained only a farthing damages, and was adjudged to pay the costs; thirdly, that his conduct on that occasion was universally disapproved of, and that his removal from the office of administrator was confirmed by the proper authority; fourthly, that he (Dr. Crolly) had offered him the choice of three curacies before two Catholic priests, who were prepared to give evidence that he contemptuously refused them all; fifthly, that at the last conference at Dundalk, he (Dr. Crolly) had offered to confirm the petitioner as the associate of any parish priest, but that he refused to be so associated; and the parish priests were as unwilling to be appointed with him, as he was to be associated with them. These statements he hoped would satisfy the minds of their Lordships with respect to the merits of the case.

Lord *Lyndhurst* trusted their Lordships would allow him a few words in explanation. With respect to the allusion of a noble Marquess, to what he (Lord *Lyndhurst*) had said, or was supposed to have said, on a former occasion, he could assure the noble Marquess and the House, that he was never disposed to shrink from the responsibility attached to any expressions which he had really used, and least of all was he disposed to do so on the present occasion. With respect to the present petition, what other course could he have pursued than that which he had taken? A gentleman came to him, told him that he had been unjustly and oppressively treated by an individual having authority over him. That gentleman produced the highest testimonials to his character, even from the individual from whom he had received the injury. By that individual he was declared to be *insignem zelo, pietate et doctrina*. Another document from the same individual, after the transaction in which the whole affair originated, also contained the highest eulogiums on the petitioner's character. Under such circumstances was it possible that he could refuse to present the petition? But it had been said, that the statement in the petition was only the statement of the petitioner. Why, what was the statement in any petition, but the statement of the petitioner? But in the present case, he found the statement of the petitioner vouched for by the very person of whom the petitioner complained. He

was glad to see the noble Viscount reading the petition, and he would now ask that noble Lord if he had stated the facts or not? Had he attempted to give them a false colour? Had he done more than it was his duty to do, namely, to state to their Lordships as plainly and intelligibly as he could, the substance and the prayer of the petition? The noble Viscount seemed rather to have mistaken the meaning of the clause in the Act for removing the civil disabilities of the Roman Catholics, to which his noble Friend (the Duke of Wellington) had alluded. The clause ran thus—"Be it therefore enacted, that from and after the commencement of this Act, it shall be lawful for any person other than the person thereunto authorised by law, to assume, or use the name, style, or title of—Archbishop?" No;—"Archbishop of a province;" Bishop? No; "Bishop of a Bishopric." It was not a violation of the law to assume generally the title of Archbishop or Bishop; but it was a violation of the law to assume the title of "Archbishop of any province; or Bishop of any Bishopric in England or Ireland." That was the statement of his noble Friend; and to that statement the observations of the noble Viscount were not an answer. If the noble Lords opposite wished the subject to be investigated, he (Lord *Lyndhurst*) was quite prepared to enter upon that investigation. All he now asked, however, was, that the petition might lie on the table.

Lord *Holland* wished to know if their Lordships were to understand, that if any petition were to be presented from Dr. Crolly, that was also to be inquired into? It might be that a petition might be presented from Dr. Crolly directly contradicting the statements of Mr. *Mulholland*.

Lord *Lyndhurst* said, that if Dr. Crolly signed that petition as Bishop of Armagh, he should object to its being received [*a laugh*]; otherwise he should never object to the reception of a petition complaining of injustice, come from what quarter it might.

The Marquess of *Lansdowne* asked, if a petition was presented from Dr. Crolly, as Dr. Crolly, and not as Archbishop of Armagh complaining of great injustice, would it be received?

The Duke of *Wellington* spoke to order. It was irregular to ask noble Lords how they would vote on a hypothetical case.

The petition to lie on the table.

HOUSE OF COMMONS,

Tuesday, June 7, 1836.

MINUTES.] Bills. Read a first time:—Charitable Trusts. Petitions presented. By Lord G. BENTINCK, from Retailers of Beer, Lynn, for Amendment of Beer Act.—By Mr. BURNARD, from Gravesend, for the Abolition of Gavelkind.—By Sir JOHN RAE REID and Sir JOHN YARDEN BULLER, from various Places, for Repeal of the Duty on Marine Insurances.—By Mr. H. GRATTAN, from various Places, for Abolition of Tithes (Ireland), and that the House will adhere to the provisions of the Irish Municipal Corporation Reform Bill, as originally passed by the House.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By Mr. C. RIFORD, from Gateshead, against Bishopric of Durham Bill, and from Sunderland, for Repeal of Duty on Newspapers.—By Mr. C. FERGUSON, from the Legal Profession, Dursley, for Repeal of Duty on Attorneys' Certificates.—By Mr. HERR, from Kingston-upon-Hull, for Mitigation of the Criminal Code.—By several HON. MEMBERS, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. FITSIMON, from Tullamore and Kullbride, for Ballot, and from Eglisli, for Poor-laws (Ireland).

MALTA.] Mr. Ewart said, that he rose to present a petition from the clergy, nobility, and other inhabitants of Malta, praying for a redress of the grievances under which they laboured. As the subject was one of importance, he felt it his duty to state as briefly as he could the grievances of which the petitioners complained, and the remedies for which they prayed. The grievances that affected the Maltese were pretty well known in that House, as they had been the subject of several former debates there, and he trusted that the period was at length arrived, beyond which the correction of those grievances would not be delayed. There had been many instances of colonial misgovernment on the part of this country, but he would venture to say, that the hitherto ill-conducted government of Malta had been pre-eminent for its mismanagement. In no one of our colonies was to be found such a number of highly-salaried officials, whose remuneration was generally in the inverse ratio of the duties which they had to perform. The petitioners complained that they had long wanted a Council or Legislative Assembly, and that under the old Constitution of Malta they had an assembly of that description. They stated, that they petitioned the Crown some years ago for such a Council, and that a Council was established, consisting, however, of only eight persons, the majority of them holding office under the Government, and the whole of them being under Government influence and control. They stated, that this was a mere mockery of the assembly

that they had sought for, and they now prayed that such a Legislative Assembly, constituted upon the principles of the British Constitution, would be granted to them. The next prayer of the petitioners was, that they should, for the benefit of the population there, get a well-digested and properly compiled code of laws, the decisions under it to be propounded, not in secret, but before the public, and open to public inspection and animadversion. The next prayer of the petition was, that they should enjoy the advantage of a free press in Malta. He was happy to say, that the wise liberality of his hon. Friend at the Colonial Department had already induced him to comply with this demand of the people of Malta, and that the press there was now free. With a free press at their command, the Maltese would not fail to make known their grievances and wants, and he was sure that, under the present Administration, the evils of that colony would be redressed. The next prayer was, that a system of general and popular education should be introduced into Malta. Under a former Government a University had been established at Valletta, but it was conducted on exclusive principles, and had not given satisfaction to the people at large. The petitioners next referred to the restrictions and burdens which fettered and injured the trade and commerce of Malta. Their complaints on that head well merited the attention of the House. The supply of grain to the island had long been conducted under a complete system of Government monopoly. There formerly existed an institution in the island for supplying the inhabitants with grain. The Government had taken that department under its control, and the supply was now completely in the hands of Government. The petitioners truly stated, that the wants of the population, and the interests of Malta, required that there should be a free trade in grain. He (Mr. Ewart) hoped that, under the auspices of his hon. Friend, this unjust institution would no longer be allowed to remain, and that the merchants and inhabitants of Malta would get the benefit of a free and unrestricted commerce. The petitioners further complained, that the quarantine laws of Malta were different from those established in any other of our colonial possessions. Under our general colonial law our merchants and traders were exempted from

paying any thing for the support of the quarantine establishments, but to that Malta was an exception. Our merchants and traders there were obliged to pay for the quarantine, which, being a Government establishment, should, on general principles, be maintained by the Government. His hon. Friend beside him would present a petition from the merchants trading to Malta, and he would no doubt call the attention of the House to the commercial policy pursued towards that island. It appeared to him obvious that Malta should be made a free port and *entrepôt* for our commerce in the Mediterranean. It seemed to have been constructed by nature for such a purpose, and upon no other principle could the government of Malta be conducted with advantage to the inhabitants and the empire at large. Since this petition had been forwarded to him, he had learned from his hon. Friend, that it was the intention of the Government to send out a Commission to inquire into the grievances of the Maltese, and to suggest the remedies that might be deemed advisable for their removal. On the part of the petitioners, he was ready to assent to that arrangement, upon this understanding, however, that the Commission should be based upon the principle of full and free inquiry—that no opposition on the part of official characters in Malta should be allowed to stand in its way, and that its proceedings should be open to the free and unrestricted observation of the public press. He assented to the Commission, he repeated, on the understanding that it should be conducted as the Commission of Municipal Inquiry had been conducted in this country—in open court, and upon the genuine British principle of doing justice to all parties. But though this Commission should go out, he hoped that his Majesty's Government would not suspend the application of remedies to such evils as were pressing, and required immediate amendment. He trusted, that the Government, in such matters, would take counsel from the merchants trading to Malta, and he also hoped that there would be no objection to the Commission reporting from time to time, such reports to be laid upon the table of the House. Entertaining the confidence that he did in the present Colonial Government, he would consent to the sending out of this Commission, reserving, however, to the petitioners the power,

should the Commission prove unsatisfactory to them, of appealing to Parliament, and bringing the whole of their grievances before the House of Commons and the country.

Petition to lie on the table.

Mr. *Holland* said, that he held in his hand a petition from the merchants connected with the trade to Malta; and, as it was intimately connected with that just read, he would take the liberty of presenting it now. The petitioners prayed the House to abolish the charges levied for quarantine, and to render the trade with Malta free and unrestricted. These petitioners had been often before the House on this subject, and it was only a few months ago that they had presented a memorial to the Colonial Department with regard to it. On that occasion they had experienced nothing but kindness and courtesy, and since he had come into the House that evening, he understood from the hon. Baronet (Sir G. Grey) that it was the intention of the Government to make an alteration regarding the corn trade of Malta; indeed, he understood the hon. Baronet to say, that it was the intention of Government no longer to interfere with the grain trade of that island. It appeared from the returns on the table, that the customs' duties collected in Malta, from 1825 to 1834, amounted to 97,797*l.* 17*s.* 6*d.* This gave an average of about 9,800*l.* per annum. The expenses of collection during that period amounted to 27,598*l.*, which reduced the net annual revenue derivable from the customs to 7,041*l.* In the quarantine department, in 1834 the amount collected was 3,717*l.* 18*s.* 2*d.* The expense for collection during that year was 4,727*l.* 14*s.* 6*d.* This department was therefore a losing concern. In the Report of the Commissioners of 1830, it was recommended that the salaries, &c., in Malta, should be reduced to the amount of 15,000*l.* per annum. If the Government would act upon that recommendation, the customs' duties there could be dispensed with, and the quarantine expenses confined to the collection of duties from vessels under foreign flags.

Petition to lie on the table.

Mr. *Hume* presented a petition from Charles Vere, who had been imprisoned in Malta for having opened a school without a licence. He hoped that the petitioner's case would be inquired into.

Sir George Grey would briefly state to

the House the course which the Government had adopted with respect to the complaints made. They had found that much was to be done. In the first place, there was but one press in the island, and that was in the hands of the Government, so that nothing could be published through the press but with the sanction of Government. The Government had felt, that a minute inquiry was necessary, and with the concurrence of Sir F. Ponsonby, the Governor of Malta, who was now in this country, had determined to send out a Commission to inquire into the several complaints made. They thought that a Commission on the spot would be a much more effectual mode of getting at the facts of the case, than an investigation by a Parliamentary Committee. As to the composition of that Commission, it would be such as no objection could be made to. With respect to the reduction of the customs' duties, he would only say, that it would be impossible to sacrifice so large an amount as 10,000*l.* or 11,000*l.* of annual income, until it was ascertained what reductions of expenditure could be made. For the same reason he could not speak at present as to the reduction of the quarantine charges. In Lord Aberdeen's time the sum of 3,000*l.* of quarantine expenditure had been charged on the revenues of the island. He thought it would be impossible to charge that expenditure on the consolidated fund. He did hope, through the inquiries of the Commission, to effect many beneficial changes in the island, but it would be impossible to proceed with any until the inquiry had been made.

The petition to lie on the table.

PLAGUE IN LONDON.] Mr. *Wakley* was very desirous of putting a question to the President of the Board of Trade, and he trusted that the pressing nature of the subject would be a sufficient excuse for now interfering. He had last night been informed that five persons had died of the plague in Tottenham-court-road, and on his return home he met a gentleman in extensive practice near Bedford-square, whom he asked if he had heard of these cases, or of any others resembling the plague? The gentleman instantly answered in the negative. The report, however, was still prevalent, and had created great alarm, and it was material, therefore, that distinct information should directly be

given to the public. He had understood also that a deputation had waited on the President of the Board of Trade on the subject, and he begged to know of that right hon. Gentleman whether it were true that the disease had made its appearance, or whether the reports were wholly without foundation.

Mr. *Poulett Thomson* was very glad that the question had been put, as it was obvious that if reports of such a nature were in circulation they could not be too soon contradicted. He had the satisfaction to be able to give the most unqualified contradiction to the rumour which he was informed had been spread through the town. He must add, that he thought there was some reason to complain of the quarter from whence the ridiculous rumour had proceeded. On Friday last it had come to his knowledge, from several communications, that such a report was abroad, and it had been traced to a medical gentleman, who had said that a case of the plague, or several cases, had occurred in London. When the rumour reached the department over which he presided, further inquiry was made, and a letter was written to the medical gentleman on the subject, to which he had sent a reply. That reply he held in his hand, and would read to the House;—

"In reply to the inquiry made, I have the honour to state, that the report was communicated to me by a medical practitioner on Sunday week, which report I mentioned in one house only on the same day, and not since. It was not that several cases of plague had occurred at the London Docks, but that Mr. Cooke, of the house of Shoolbred and Cooke, drapers, Tottenham-court-road, with seven assistants, had died from opening a bale of goods in their warehouse, and that it was suspected they had died of the plague. The medical practitioner in question, knowing that I had paid considerable attention to the disease, which I had witnessed at Constantinople, thought that the report would interest me, and wished that I should take pains to examine the truth, and investigate the particulars of it—an object which I have not been able to accomplish, in consequence of my other numerous avocations."

Upon the receipt of this letter, he had at once requested Sir William Pym to make the necessary inquiries. He did so, and he found that Mr. Cooke was the head of the firm. It was a large warehouse establishment, where there were between seventy and eighty people employed. He found that the head of this establishment

had died on the first of May of a brain fever, and that since that time there had not been one single person out of the seventy or eighty employed there who had been ill, except one young man, who was suffering from a pulmonary complaint. He must say, that for a medical gentleman to propagate a rumour of this kind, adding that the knowledge of many cases of this nature was in his possession, and not to call the attention of the Government to it during a whole week, afforded just grounds of complaint. Having made this public explanation, in order to prevent the continuation of any alarm that might have been created, he must at the same time express his own feeling and belief (and he was sure that every gentleman who heard him would participate in that feeling and belief) that it was the duty of every medical man to whom any report of so alarming a character as that mentioned in this letter might have been made, at once to have informed the Government upon the subject, in order that steps might have been taken to ascertain the truth of it, and to quiet the public mind by taking such further steps as might have been deemed necessary. It was true, as the hon. Gentleman had stated, that alarm had been raised, and that a deputation from the parish had waited on him at the Council office this morning in considerable alarm. He also understood that in consequence of the reports that had been raised, Messrs. Cooke and Shoolbred had suffered very considerably, and expected to suffer more. They had been wise enough to offer a reward of 200*l.* for the discovery of whoever was the original author of the calumny which had been spread against them.

Mr. *Wakley* expressed his satisfaction at the explanation given by the right hon. Gentleman. It was the opinion of nine-tenths of the medical men in the country that the plague was not a contagious disease; but even if it were, it ought not in such a place as London to create any alarm.

CRIMINAL LAWS.] Mr. *Ewart* moved for leave to bring in a Bill to repeal the law which admitted the fact of a previous conviction to be given in evidence to the jury in the case before them. It might be proper that the fact of a previous conviction should be urged after conviction in aggravation of punishment, but in his opinion it was most unjust to the accused,

that such a fact should be brought before the Jury; for it could not possibly assist them in coming to a right conclusion as to whether he was guilty or not guilty of the crime for which he was now upon trial. He proposed, therefore, in conformity with the opinion of many hon. Members, and other Gentlemen connected with the law, that such a law ought not to be allowed to exist, that this part of our criminal code should be repealed.

Mr. *Cutlar Fergusson* said, he was of opinion that the Bill proposed by the hon. Member for Liverpool ought to be brought in, for he agreed with him in thinking the present state of the law on this subject most unjust.

Sir *T. Fremantle* was in favour of the principle of the Bill proposed to be brought in. He thought the fact of a previous conviction ought to be known to the Judge, that he might appropriate the punishment accordingly; but that it ought not to be known to the Jury, as it had a natural tendency to create a prejudice against the prisoner.

Mr. *Roebuck* differed from the hon. Member (Sir *T. Fremantle*). He (Mr. *R.*) thought if a man upon trial had been convicted before of a similar offence, the fact ought to go to the Jury. It might, in some cases, assist them in determining upon his innocence or guilt of the offence he was charged with.

The *Attorney General* said, he should not object to the bringing in of the Bill. At the same time he did not wish to be understood as pledging himself to agree in every part of it. He thought it unjust, that facts not immediately connected with the offence for which a man was on trial, should be allowed to be given in evidence, when they would naturally create a prejudice against him in the minds of the Jury. At the late trial of *Lacenaire*, in France, facts had been given in evidence not in the slightest degree connected with the matter of which he was accused, but which had completely poisoned the minds of those who were to decide upon his fate. In some cases it was well known, that the Judge had the power of increasing the punishment for a repetition of the offence; in such cases, therefore, it might be necessary that the fact of a previous conviction should be known to the Judge; but he (The *Attorney General*) did not think it right that such a fact should be allowed to go to the Jury, tending, as it most certainly

did, to prejudice their minds against the prisoner.

Sir *Eardley Wilmot* agreed with what had fallen from the Attorney General, and expressed himself in favour of the Bill which the hon. Member for Liverpool asked leave to bring in.

Sir *Robert Peel* said, he had rather that the Jury should know the fact of a man's previous conviction than the Judge. A man was allowed to give his former good character in evidence; why should a man's bad character be concealed from the Jury, when it might assist them in coming to a right conclusion upon the case before them. In Scotland a previous conviction was allowed to be proved; why, then, should it be so great an injustice in England? In the English law, in the case of a rogue and vagabond, or one who was incorrigible,—the facts of previous convictions were to be given in evidence, as proving him irreclaimable, and he was to be dealt with accordingly. He (Sir R. Peel) must say, that he admired the French criminal law, except in one respect, that it allowed the Judge to examine witnesses, and the prisoners, for it prevented him from maintaining that coolness and impartiality which were so necessary to the administration of justice. He could not see why so great care should be taken to throw shields around the guilty, as some hon. Members appeared so anxious to do, though he admitted every endeavour should be used to protect the innocent.

Mr. *Pryme* agreed in much that had fallen from the right hon. Baronet, but he was of opinion, that the fact of a previous conviction should not be allowed to go before a Jury to prejudice them against the prisoner.

Leave given.

MR. BUCKINGHAM'S CLAIMS.] Mr. *Tulk* moved that the Report of the Select Committee appointed in 1834 to inquire into the claims of Mr. Buckingham to compensation be read. This having been done, the hon. Member said, that it was only from a conviction of the justice of Mr. Buckingham's claims that he ventured again to appeal to the House, in the hope of inducing them to reverse the decision to which they had come on the subject of them. The hon. Member then commented at some length upon the facts contained in the Report, and upon the injustice with which they showed that Mr. Buck-

ingham had been treated, and after intimating, that if he succeeded in carrying his first motion, he should afterwards move that the sum of 10,000*l.* be paid out of the funds of the East-India Company, as Compensation to Mr. Buckingham for the injury, or rather destruction which they they had inflicted on his property in India, concluded by moving, "that this House do agree to the resolutions of the Select Committee on the case of Mr. Buckingham, as reported to the House on the 14th of August, 1834."

Major *Curteis* seconded the motion.

Mr. *Vernon Smith* said, that there was only one observation in the speech of the hon. Gentleman who brought forward this motion in which he could concur—and that was, that he (Mr. Tulk) did indeed owe an apology to the House for bringing forward this question again after it had been decided against him in this session, when the whole question was fully entered into. The hon. Gentleman had not shown the slightest ground for mulcting the East-India Company in a penalty of 10,000*l.* for the benefit of Mr. Buckingham; and in making that proposition the hon. Member had even gone beyond the resolutions of the Committee, which had carefully abstained from stating the sum to which they considered Mr. Buckingham entitled.

Mr. *Poulter* supported the motion, on the ground that it was founded on the resolutions of the Committee, which had been agreed to almost unanimously.

Mr. *Robinson* resisted the motion, on the ground that the House had no jurisdiction, and could not erect itself into a tribunal to decide on the pecuniary claims of any individual as against the East-India Company.

Mr. *Hume* admitted, that the House had no jurisdiction to interfere in pecuniary matters between man and man, or between an individual and a public company, where any other competent tribunal existed; but in the present instance, there being no such means of redress, he should support Mr. Buckingham's appeal.

Mr. *Richards* could not believe that the House had no jurisdiction in such a case. There could be no doubt they were fully competent to entertain the claim of the hon. Member for Sheffield, and, therefore, he was much surprised the hon. Member for Northampton (Mr. V. Smith) had thought it necessary to oppose the present

motion *in limine* on technical and formal grounds, without at all entering into the consideration of its substantial merits.

Mr. Hogg* spoke as follows:—Having been on the spot during the whole period of the transaction adverted to, perhaps the House will kindly grant me their indulgence while I state my reasons for hoping that these resolutions may not be agreed to. I think, Sir, that, at first, a stand ought to have been made upon principle, and that the appointment of the Committee ought to have been resisted. But as the Committee was appointed, and has reported, I think the question ought to be argued on its merits; and on its merits alone I am prepared to meet it, abandoning every objection of form. I contend that the Committee have reported no facts to support their own resolution and recommendation. They and the Gentlemen opposite have treated this matter as one which consisted of one offence and one punishment, involving in its consequences the ruin of Mr. Buckingham. You are told that the Government not only sent him home, but, on his departure, adopted measures to suppress his paper and ruin his fortunes. I deny that this is correct; I deny that when he was required to leave India, Government, either directly or indirectly, said, or did anything to injure his paper, or interfere with his arrangements; and upon that issue I am willing to place the result of this motion. India and Indian affairs have few attractions, and command but little attention or interest; and I believe that, often as this subject has been before Parliament, no statement of the circumstances has ever yet been made. If permitted by the House, I will give them a narrative of Mr. Buckingham and *The Calcutta Journal*. I see Mr. Buckingham opposite; and I shall feel obliged by his interrupting me, if I in any respect misrepresent or overstate. I do not wish to weary the House by unnecessarily reading documents, but I have with me the evidence adduced before the Committee, and am prepared to prove the correctness of every statement I may make. No word shall intentionally fall from me calculated to reflect personally on the hon. Member; I agree in all that has been said as to the conduct and demeanor of that Gentleman in this House since I have had the honour of a seat in

Parliament. But the more bland, and mild, and soothing his manner here may be, the more necessary it is to draw the attention of the House to the circumstances which compelled the local government of India to visit him with extreme severity. The hon. Member who introduced this motion complained of the state of the House, when the Bill on this subject was rejected this Session, and said that the friends of Mr. Buckingham were not then in attendance. As far as my memory serves me, that division was taken under circumstances peculiarly calculated to mark the sense of the House. The Bill was introduced as a private one, but did not come on till after five o'clock, when public business of some importance was expected; and the House was, in consequence, crowded—[No! No!]
—I mean comparatively crowded, with reference to the numbers usually present on the discussion of private business; and I will venture to say, that the division this Session, rejecting the Bill, is the largest that ever took place on this subject. I have premised that I will urge no technical objection, but I must beg the attention of the House to the number of tribunals before which this claim has already been urged. It was introduced into this House as a public Bill, and withdrawn, I admit, on the ground of form. It was introduced this Session, as a private bill, and rejected by a division of 125 to eighty-one. It has been urged before the Court of Directors, a body constantly changing, ever since 1823, and has always been rejected. It has also been urged, during the same period, before the various Commissioners for the Affairs of India, and has been repudiated by them all, with the single exception of Lord Glenelg. It was brought, with the united influence of all Mr. Buckingham's friends, before the Court of Proprietors, and rejected by a majority of 279; the numbers being 436 to 157; and if, after all these unsuccessful appeals, the hon. Member has any fair claim, I must admit, that he has been unfortunate indeed. What, Sir, is Mr. Buckingham's first and great grievance, prominently dwelt on before the Committee, in his evidence and statements, and the one upon which all his complaints and claims must be founded? He states, that he arrived in Calcutta in 1818, and that believing the press there to be free, and subject only to the restraints imposed by

* Republished from a corrected Report.

the English law of libel,—believing it to be free as in England (these are his words), he set up *The Calcutta Journal*. Mr. Buckingham so says, and I give the fullest credence to what he states. But I declare my conviction, that there was not another individual in Calcutta, European or native, white or black, who laboured under a similar delusion. It was notorious as the sun at noon-day, that the press was not only not free, but subject to the most rigid and stringent regulations. Mr. Buckingham is quite right in endeavouring to show, that when he established his paper the press was free, and that he was injured by some *ex post facto* law. He feels that he cannot have a shadow of claim, if it should appear that he perseveringly violated rules which were already in existence when he commenced his paper, and with which he either was acquainted, or ought to have been acquainted. No person can anywhere be permitted to plead ignorance of the law; and in a country peculiarly circumstanced, like India, it would be preposterous to allow a man to urge in justification, or even in palliation, that he had embarked in an undertaking in utter ignorance of all the rules and regulations relating to that particular calling. As this part of the subject is most important, I treat the attention of the House while I mention the state of the press in India, as it existed before and at the time of the establishment of *The Calcutta Journal*. The first press regulations were framed by the Marquess of Wellesley, in 1799, and with the permission of the House, I will read them:—

1st. Every printer of a newspaper to print his name at the bottom of the paper.

2nd. Every editor and proprietor of a paper to deliver in his name and place of abode to the Secretary to Government.

3rd. No paper to be published on a Sunday.

4th. No paper to be published at all until it shall have been previously inspected by the Secretary to the Government, or by a person authorized by him for that purpose.

5th. The penalty for offending against any of the above regulations to be immediate embarkation for Europe.

These regulations first established the censorship, and the editors were then distinctly apprized, that the penalty for offending was immediate embarkation for Europe. These rules remained in force until 1813, when new regulations were established, of nearly the same tenor, but more general and stringent. — [Read !

Read !]—Being called upon to read them, I will do so.

1st. That the proof sheets of all newspapers, including supplements, and all extra publications, be previously sent to the Chief Secretary for revision.

2nd. That all notices, hand-bills, and other ephemeral publications, be, in like manner previously transmitted for the Chief Secretary's revision.

3rd. That the titles of all original works, proposed to be published, be also sent to the Chief Secretary, for his information, who will thereupon either sanction the publication of them, or require the work itself for inspection, as may appear proper.

4th. The rules established on the 13th May, 1799, and the 6th August, 1801, to be in full force and effect, except in so far as the same may be modified by the preceding instructions.

The rule of August, 1801, was a special one, relating to the publication of military orders. I hope the House will think that I was not incorrect in stating that these new rules were more general and more stringent than those first issued. Such was the state of the press from 1799 up to August, 1818, when the censorship was removed, under the government of Lord Hastings, and new rules were framed, much more extensive in their application than any which had preceded them, and much more perilous for those engaged in the conduct of public journals. As these were the existing rules when Mr. Buckingham arrived in Calcutta and set up *The Calcutta Journal*, I hope I shall be permitted to read them to the House, and also the circular letter which was then addressed by the Secretary to Government to the editor of every paper.

"Circular Letter to Editors of Newspapers."

SIR.—His Excellency the Governor-General in Council, having been pleased to revise the existing regulations regarding the control exercised by the Government over the newspapers, I am directed to communicate to you, for your information and guidance, the following resolutions passed by his Lordship in Council.

"The editors of newspapers are prohibited from publishing any matter coming under the following heads:—

"1st. Animadversions on the measures and proceedings of the Hon. the Court of Directors, or other public authorities in England, connected with the Government of India,—or disquisitions on political transactions of the local administration,—or offensive remarks levelled at the public conduct of the members of Council, of the Judges of the Supreme Court, or of the Lord Bishop of Calcutta.

"2nd. Discussions having a tendency to create alarm or suspicion among the native population, or any intended interference with their religious opinions or observances.

"3rd. The republication, from English or other newspapers, of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

"4th. Private scandal and personal remarks on individuals, tending to excite dissension in society.

"Relying on the prudence and discretion of the editors for the careful observance of these rules, the Governor-General in Council is pleased to dispense with their submitting their papers to an officer of Government previous to publication. The editors will, however, be held personally accountable for whatever they may publish in contravention of the rules now communicated, or which may be otherwise at variance with the general principles of British law as established in this country, and will be proceeded against in such manner as the Governor-General in Council may deem applicable to the nature of the offence, for any deviation from them. The editors are further required to lodge in the Chief Secretary's office one copy of every newspaper, periodical, or extra, published by them respectively.

(Signed)

"J. ADAM,
"Chief Secretary."

Such was the state of the press when Mr. Buckingham established his paper. Such were the rules to which he, as an editor, was bound by his licence to conform; and I ask any hon. Member who hears me, if it is not a mockery to assert and contend that a press subject to such rules was "free?" And yet, Sir, it is gravely alleged that Lord Hastings, by removing the censorship, established the freedom of the press. I maintain that, so far from removing the restrictions on the press, he actually increased them; and rendered the situation of an editor much more difficult, much more embarrassing, and much more perilous, than it had ever been before. Previously to 1818, the whole of the responsibility rested with the censor; and an editor was safe in publishing everything that escaped his vigilance. Not so afterwards. Editors are furnished with a terrific catalogue of prohibited matters; and, in the event of offending, are declared personally accountable, and liable to be punished according to the will and pleasure of Government. I will explain to the House the reason why the censorship of the press was removed. In the early part of 1818 there was a paper in Calcutta edited by a half-caste;—I

need not say, that I do not use the word offensively, but as indicating a person born of an Indian mother and an European father. That gentleman was aware that, under the 53rd of George 3rd, he could not be transmitted for disobedience of the press regulations, and he held the Government at defiance. He published articles which had been struck out by the censor, and asserted his right to publish what he pleased—subject only to the English law of libel. It was not to be tolerated that an editor, because a half-caste, should arrogate to himself privileges that were not conceded to a British subject. Lord Hastings addressed the Home Government, stating the difficulty, and in the meanwhile, to escape from such embarrassment, removed the censorship, and framed the rules to which I have drawn the attention of the House. The censorship was thus abolished, not to render the press free, but because it was not sufficiently extensive in its application, and had failed in affording adequate control. Such, Sir, was the restriction, or, if you please, enslaved state of the press at Calcutta, when Mr. Buckingham set up his paper. The condition upon which he held his licence, and had permission to remain in Calcutta, was obedience to the regulations I have read; and yet, within a few months, that Gentleman thinks proper to discard these regulations, and to fasten upon an expression used by Lord Hastings, under the excitement of the moment, when returning thanks to an address from the inhabitants of Madras. When Lord Hastings returned from the upper provinces, after the successful termination of his campaign, the inhabitants of Madras presented him with an address, and, among other topics, adverted to his having removed the censorship from the press. It was always considered by editors irksome and humiliating to be compelled to submit every paper to the Secretary; and the removal of this necessity was regarded as a boon, though accompanied by the most stringent rules. Lord Hastings, in his reply, adverted to this subject; and, under the excitement of the occasion and the scene, indulged in a little flourish about the liberty of the Press, not very consonant with the rules he himself had framed. Mr. Buckingham thinks proper to consider this as a formal announcement of the liberty of the Press, and to disregard the rules and regulations

formally framed for the guidance of all editors. I will ask the House, if anything could be more unfair or uncandid, than to have culled from the speech of that distinguished nobleman, an expression used in the moment of exultation when returning thanks to a complimentary address; and to contend, that he regarded such expression as annulling the regulations which had been deliberately framed and passed by the Government of which Lord Hastings was the head? Mr. Buckingham knew as well as I do, that it was not competent for Lord Hastings, by anything that he could either speak or write, to annul, alter, or in anywise affect a regulation passed by the Governor-General in Council. I beg to apologise for having dealt so much at length on the state of the Press when Mr. Buckingham established his paper; but the House will see that it is indispensably necessary they should be made acquainted with the rules and regulations then in force, and to which Mr. Buckingham was bound to yield implicit obedience. I will now call the attention of the House to the general conduct and character of *The Calcutta Journal*; and having been on the spot at the time, and having carefully read the evidence before the Committee, my opinion is, that the character of that paper was most dangerous and injurious—that it tended to bring the Government and public authorities into contempt in the eyes of the natives—and that it tended to create, and did create, disunion and dissensions in society. As editor of *The Calcutta Journal*, Mr. Buckingham arrogated to himself the right of arraigning all the measures of Government, and all public officers before the tribunal of what he was pleased to call “public opinion.” He inculcated the doctrine, that it was vain and idle to apply for redress to the Government or constituted authorities, and invited all persons to appeal to him as the supreme arbiter; his paper was accordingly filled by anonymous letters—from persons purporting to be civil and military servants—of a tendency destructive of the efficiency and subordination of those services. He also admitted into his columns articles and letters containing personal remarks, which excited discord and dissension, and kept society in a state of feverish excitement. I do not mean to state, or impute to Mr. Buckingham, that such articles and letters were scandalous or libelous.

They might, probably, have been inserted in a London newspaper without exciting attention or interest; but in India every one is known, and remarks that in England, might be harmless, would there excite feelings of animosity, destructive of the peace and harmony of society. Such is my opinion of the tendency and character of *The Calcutta Journal*. The authorities both in India and in England entertained, and have repeatedly expressed, a similar opinion; and I maintain that the evidence and documents produced before the Committee, bear me out in all I have said. Where, I ask, was “the public” in India—of which Mr. Buckingham vaunts, and to whose “opinion” he says he appeals, when holding up to obloquy public men and measures? It is mockery to talk of “a public,” and “public opinion,” in India. There is no public in India. There, every man is in office, civil or military, controlling those below him, and owing obedience to those above him. It is a society of public functionaries, but there are no elements to form a public. I suppose no hon. Member will tell me, that the military officers in the service of the King and Company form a public? As little can it be said, that the civil tenants form a public. That service is a kind of civil garrison, where, of necessity, discipline and subordination are preserved nearly as strictly as in the army. At the time referred to, who were then in India, besides the civil and military officers? None but 300 or 400 tradesmen and shopkeepers in Calcutta, with the few barristers and attorneys attached to the Supreme Court, and a few straggling Europeans in the interior, engaged in the manufacture of indigo. Is this, then, “the public,” that is to control our mighty empire in the East, and to afford an adequate and salutary check to power that is absolute? The Government in India ought to be, and is, under the control of public opinion, but that public is in England, where measures originating in absolute power will ever be received with jealousy, and scanned with suspicion. This control is effected and secured by a system and gradation of checks. Every public measure is placed upon record, and the reasons for it fully assigned. Complete diaries of all public proceedings are thus kept, and regularly transmitted to the Court of Directors, and Board of Control, to whose vigilant inspection they are subjected. They are also accessible to the

Members of this House; and the appeal from injustice in India is to this House, and through this House to the people of England,—and not to the editor of a paper in Calcutta, and a discontented faction, by whom he may be supported, and which he may dignify with the name of “a public.” I shall now call your attention to the first offence committed by Mr. Buckingham, or rather the first occasion on which Government felt compelled to notice his frequent violations of the press regulations I am anxious that the House should hear the early and distinct warning given to Mr. Buckingham; and, also, that they should contrast his mild, meek, and submissive tone on this occasion, with his subsequent arrogant defiance of Government, when continued impunity had rendered him daring. The offensive paragraphs were published the 26th of May, 1819, and, as hon. Members call upon me to read them, I will do so.

“We have received a letter from Madras, of the 10th instant, written on deep black-edged mourning post of considerable breadth, and apparently made for the occasion, communicating, as a piece of melancholy and afflicting intelligence, the fact of Mr. Elliot's being confirmed in the government of that presidency for three years longer. It is regarded, at Madras, as a public calamity, and we fear that it will be viewed in no other light throughout India generally. An anecdote is mentioned in the same letter, regarding the exercise of the censorship of the press, which is worthy of being recorded, as a fact illustrative of the calosity to which the human heart may arrive; and it may be useful, humiliating as it is to the pride of our species,—to show what men, by giving loose to the principles of despotism over their fellows, may at length arrive at.”

Here is an article, announcing that the continuance of a certain governor in office is regarded as a public calamity, and imputing to that Governor, that his conduct had been governed by despotic principles, and had been influenced by unworthy motives. It is not necessary, for the purposes of this motion, that I should discuss the policy or the law of the press regulations, but, if requisite, I am prepared to do so. I refer you to the press regulations, and I ask if there could be a more flagrant violation of them than what I have read? On the 18th of June, a letter was written to Mr. Buckingham by the Chief-Secretary, from which I will beg permission to read an extract.

“The Governor-General in Council regrets to observe, that this is not the only instance in

which *The Calcutta Journal* has contained publications at variance with the spirit of the instructions above referred to. On the present occasion, the Governor-General in Council does not propose to exercise the powers vested in him by law; but I am directed to acquaint you, that by any repetition of a similar offence, you will be considered to have forfeited all claim to the countenance and protection of this Government, and will subject yourself to be proceeded against under the 36th section of 53 Geo. 3rd. c. 155.

What is the statement of Mr. Buckingham before the Committee respecting this article? He says, that Lord Hastings did not consider it objectionable, and would never have noticed it, if Mr. Elliot had not written and remonstrated. Now, what is the fact as appears by the evidence? Two days after the publication of this offensive matter, Lord Hastings recorded a strong minute, and considered the article so objectionable, that he directed a reference to be made to the law-officers of Government. [Mr. O'Connell: What was their reply?] The Advocate-General stated, that however offensive and injurious the article might be, it would not be held libelous, and that Mr. Buckingham could not be indicted. Why that is my case—that is what I am contending for: that in India articles may be published, which are most dangerous and injurious, but which would not be held libels by an English Court of Justice, and thence the necessity for the press regulations. Now, let me read the reply of Mr. Buckingham:—

“I shall not presume to intrude on the notice of his Lordship in Council, any observations tending to the extenuation of my conduct in this or in any previous instance, as departing from the spirit of the instructions issued to the editors of the public journals in India at the period they were exempted from the necessity of previously submitting their publications to the revision of the Secretary to Government. I shall rather confine myself to observing, that I sincerely regret my having given cause to his Lordship in Council to express his displeasure; and the more so, as there is not an individual among the numerous subjects under his benign government, who is more sensible than myself of the unprecedented liberality which has marked his Lordship's administration in general, and the immense obligation which all the friends of the press owe to the measure of the revised regulation in particular. The very marked indulgence which his Lordship in Council is pleased to exercise towards me, in remitting, on this occasion, the exercise of the powers vested in him by law, will operate as an additional incentive to my future observance of the spirit of the instructions issued before the commencement of *The*

Calcutta Journal, to the editors of the public prints of India, in August, 1812, of which I am now fully informed, and which I shall henceforth make my guide."

Nothing could be more proper or becoming than this reply. I read it, not to reprobate it, but to contrast it with some of the statements of Mr. Buckingham, and with his subsequent conduct and language, when he hurls defiance at the Government, denies their right and power to transmit him, and ridicules, as waste paper, these very regulations which he here declares shall be his future guide. Mr. Buckingham states, and strenuously contends before the Committee, that when he set up his paper in October, 1818, he thought that the press was free and unfettered. Does he, in the first letter, pretend or allege that he imagined the press to be free? He does not deem it decent to attempt even an extenuation of his conduct. He expresses his regret at having offended,—his gratitude for the indulgence shown to him,—and promises in future obedience to the regulations; and shortly afterwards, in fulfilment of that promise, proclaims in his *Journal*, that those very regulations are of no more avail than waste paper, and that no editor is bound to obey or respect them. I will only trouble the House with one other article, published about a year afterwards, in November, 1820, headed "Merit and Interest." A reference was immediately made by order of Government to the Advocate-General, who stated that he considered the article as a libel on the Government and Administration of India, not only highly offensive in its terms, but mischievous in its tendency; and a rule *nisi* for a criminal information, was immediately moved for and obtained in the Supreme Court. I will not ask the House to take the character or description of that libel from the Advocate-General or from me. I will read to you how Mr. Buckingham himself characterised it. In writing to Government and begging for that mercy which was extended to him, he says—

"Should this information be filed (as it will be almost impossible to escape coming within the strict legal definition of libel, though nothing could have been more remote from my meaning), I may be subjected to a fine of 500*l.* and twelve months' imprisonment, for a crime, in which, if it be one, I am so far from participating, that I have been the most active agent in endeavouring to counteract and expose the miserable calumny which I am accused of propagating with seditious intent."

And afterwards, in his own *Journal*, speaking of this article, he calls it "a violent and libelous article."

Mr. *Buckingham* : The article was not written by me, as editor, but by a correspondent, and published inadvertently.

Mr. *Hogg* : I think the hon. Member must be rather in error in stating that it was published, inadvertently; for in his own paper he states, as his excuse, that he published it only for confutation. These are Mr. Buckingham's own words; he published the libel only for confutation. This is a blessed doctrine for the editor of a paper! He deliberately publishes a gross and violent libel one day, that he may sit in judgment on it the next, and *ex cathedra* confute and condemn it. What would be said here, in free England, if the editor of the *Times*, or any leading paper, having published a libel, would dare to state that he had published it only that he might confute it? Sir, this is the most dangerous the most monstrous, doctrine that was ever heard of in any country. I hold in my hand a paper circulated by Mr. Buckingham, and containing extracts from the speeches of many distinguished individuals; and among others an extract of a speech of the noble Lord, the Secretary for the Home Department, in which that noble Lord states, that he was in possession of all the facts laid before the Committee, and that there was not one article in *The Calcutta Journal* (I quote the noble Lord's words "that would not do honour to any man possessing an honest zeal for the welfare of the community.") Such is the declared opinion of the noble Lord, as to this article, which was pronounced a libel by the Supreme Court,—was declared a violent libel by Mr. Buckingham himself,—and was, by him, deemed of such atrocity, that if the prosecution had been proceeded with, he would have been subject to incarceration for twelve months and a fine of 500*l.* These, Sir, are instances during the early period of Mr. Buckingham's career, when, though he ventured frequently to transgress, he was always ready to express his contrition, and solicit forgiveness; and had not, from continued impunity, assumed the attitude of defiance. I told the House that I should confine myself to the general character of the paper, and I shall not intrude on their indulgence by going through all the offences committed by Mr. Buckingham, and all the warnings he received. I am well aware

that when speaking of the general character of the paper, I shall be told by hon. Members opposite, "Oh! we cannot listen to you or the authorities you cite; you have all been long resident in India; you have all long breathed the atmosphere of despotism, and you have not escaped the contagion to which you have been exposed." This, Sir, is a convenient mode of disposing of the opinions of gentlemen, who from long residence in India, are surely the most competent to judge of the condition and circumstances of that country. But I ask, how comes it that any fresh importation from England became similarly infected? How comes it that the Bishop and the Commander-in-Chief, who had passed their lives in free England, were compelled to address the Government on the subject of *The Calcutta Journal*, and to require that the clergy might be protected from obloquy, and the army from insubordination? In July, 1821, the Bishop was compelled to address Government, complaining of an anonymous letter, charging the Chaplains with gross delinquency, and imputing to the Bishop, that he connived at the offence. So frequent were the anonymous letters, purporting to be written by military officers, and so dangerous their tendency, that in June, 1822, the Commander-in-Chief found it necessary to publish a General Order on the subject. For three years was the indulgence and clemency of Government extended to Mr. Buckingham, who was almost justified in mistaking forbearance for weakness, and in demeaning himself accordingly. In 1822, he not only transgressed the regulations, but boldly contended in his paper, and publicly proclaimed, that they were not binding, and that he owed them no obedience. He also publicly maintained, and proclaimed, that by law the Governor-General had no power or right to transmit an editor. Was it to be endured that the editor of a paper should thus set at defiance the Government, and hold up to scorn and ridicule, as waste paper, the regulations which he was bound to obey, and which, after his first offence, he declared should be the rule of his future conduct? Was it to be endured, that he should delude the ignorant and encourage the factious, by contending and dictating in his paper, that the Governor-General had no power to transmit for any offence committed through the Press, although he had again and again been referred to the

Statute, which is as clear and distinct as language can make it;—and, after moreover, he himself had expressed his gratitude to Government for not putting in force against him the provisions of that very Statute? The hon. Member for Middlesex has contrasted the conduct of Lord Hastings with that of Mr. Adam, and has told you, that if Lord Hastings had remained, Mr. Buckingham would not have been sent from India. Now, Sir, what are the facts, and I will leave the House to draw their own conclusion? Every warning that was given to Mr. Buckingham, and every letter that was written to him, was while Lord Hastings was at the head of the Government. In the very first letter that was written to Mr. Buckingham by the order of Lord Hastings, and which I have read to the House, he is distinctly told, that a repetition of his offence will subject him to transmission. That warning and threat was again and again repeated; and will any man, who knew that great and distinguished individual, venture to assert, that he would have deigned to threaten what he was not prepared to perform? In September, 1822, while Lord Hastings was still in India, Mr. Buckingham received his final warning; and, as his next offence was accordingly punished by transmission, I trust the House will permit me to read part of the letter written to him on that occasion:—

"Whether the Act of the British Legislature, or the opinion of an individual shall be predominant, is now at issue. It is, thence, imperative on the duty of the Local Government to put the subject at rest. The long-tried forbearance of the Governor-General in Council will fully prove the extreme reluctance with which he adopts a measure of harshness; and, even now, his Excellency in Council is pleased to give you the advantage of one more warning. You are now finally apprized, that if you shall again venture to impeach the validity of the Statute quoted, and the legitimacy of the power vested by it in the chief authority here, or shall treat with disregard any official injunction, past or future, from Government, whether communicated in terms of command, or in the gentle language of intimation, your licence will be immediately cancelled, and you will be ordered to depart forthwith from India."

Lord Hastings left India shortly afterwards, and the next offence was committed during the temporary government of Mr. Adam; but if Lord Hastings had remained, will any one contend, that he would have hesitated to discharge what he himself had

declared to be an imperative duty? I had the honour and pleasure of knowing Lord Hastings well; and, however great the liberality and humanity of that distinguished nobleman, he would have scorned to dictate the threat I have just read to you, if he had not been prepared to execute it in the discharge of what he considered a public duty. It may be asked, why did Lord Hastings forbear so long?—why did he not send off Mr. Buckingham long before? I will refer you to his own words for the reason. He did not forbear because he had any doubts as to the dangerous character and tendency of *The Calcutta Journal*. He says, in a minute made by him on the subject, that he was reluctant to visit Mr. Buckingham with the last severity, “because he regarded him as the tool of a faction in Calcutta, that were arrayed in hostility against the Government.” He thought that Mr. Buckingham, if left to himself, would yield obedience to the laws; and he hesitates and abstains, from feelings of compassion towards Mr. Buckingham individually, regarding him merely as an instrument in the hands of others. All the authorities, both at home and in India, were agreed as to the dangers to be apprehended from the abuses of a licentious press in India, and as to the necessity of adopting some strong measures of prevention. It is a strange coincidence, that on the 1st of March, 1823, the very day in which Mr. Buckingham embarked for England, Lord Liverpool, Mr. Canning, and Mr. Wynn, were assembled at Fife-House, and in a minute made there, recorded their opinions of the dangers to which the British power in India might be exposed by the abuse of a licentious press; and they distinctly state in that minute, that the transmission of the individual offending is the ultimate foundation on which any step that may be taken must rest for its support and efficiency. Let the House bear in mind, that there was no middle course—no matter how dangerous the articles published—no matter how calculated to bring the Government into contempt—to excite the alarm of the natives—to create insubordination in the army and dissension in society; still, if not indictable as a libel by the law of England, the Government had no power to prevent or control the publication of such articles, except by warning at first, and ultimately by trans-

mission. The authority of the noble Lord the Member for Glasgow, the late Governor-General of India, has also been referred to, and you have been told that his opinions as to the press in India have already been evinced by his vote this Session in favour of Mr. Buckingham when the Bill was thrown out. I beg the attention of the House, while I read to them the opinions of that noble Lord, deliberately recorded by him so late as 1830. On the 6th of September, 1830, he recorded a minute on the subject of the press, an extract of which I will ask permission to read:—

“To prevent, as far as may be possible, the publication of remarks (the disrespectful nature of which may be too certainly anticipated), that this despatch will call forth, it seems necessary that a prohibition should proceed from the Secretary to Government to all editors of papers, from admitting into their columns any observations whatever upon this official document.”

And further on—

“I have always said and thought that, as well with the liberty of the press as of the subject, it was indispensable for the safety of the empire, that the Governor-General in Council should have the power of suspending the one, and of transmitting the other, whenever the safety of the State should call for the exercise of such authority.”

This was not the assertion of any bare abstract public principle. The noble Lord carried it into immediate execution; and, on the same day, he ordered the Chief Secretary to write to all the editors a circular which, as it is very short, I shall also ask leave to read:—

“I am directed by the right-honourable the Governor-General in Council to acquaint you, that you are prohibited from admitting into your paper any comments on the letter from the honourable the Court of Directors, No. 37 dated 31st March, 1830.”

Now, I should like to know what that noble Lord would have done if the editors had disregarded and disobeyed his injunction? But, still more, what would the noble Lord have done if he had deemed it necessary to repeat such injunctions, and the editors had persevered in disobedience? I know the noble Lord's humanity, but I also know his firmness in the discharge of his duty; and I am afraid that any offending editor would have been in imminent peril of losing his licence. From what I have already stated, the House will readily understand why

The Calcutta Journal had great circulation, and realised considerable profits. It is to be regretted, but it is not the less true, that the paper which contains the strongest animadversions on Government—the most violent strictures on public officers, and the most personal remarks—will always have the greatest circulation. I do not deny that *The Calcutta Journal* was conducted with ability; but the House must not suppose that Mr. Buckingham was the only able editor in Calcutta. There were then, many papers in Calcutta, conducted by men of great talents and learning; and some of whom now fill the highest stations both at home and in India. But these gentlemen then complained, and I now complain, that Mr. Buckingham had a monopoly of the articles I have enumerated. They obeyed the laws, and abstained from all strictures on Government and public men, and from all personal remarks, while Mr. Buckingham dealt in all those contraband commodities; and he, who calls himself the great enemy of all monopolies, for four years enjoyed the exclusive trade in articles, that were prized the more, because they were prohibited,—and thence the circulation of his paper. The hon. Member for Shaftesbury says, that Mr. Buckingham's only offence appears to have been, that he was more forward in liberality and legislation than his time, and that the Parliament of England have adopted and carried into execution many of the principles, for the assertion of which he was punished. Now, Sir, let us apply this doctrine and see its results. Suppose Mr. Buckingham, instead of establishing his paper, had arrived in Calcutta, in 1818, with a cargo of goods then contraband, but now legal—suppose he had said, that actuated solely by sentiments of benevolence, he had voyaged to India to supply the poor natives and his enslaved countrymen with what they required, on reasonable terms, and to do so and break down the infamous system of monopoly and exclusion which compelled them to deal with a rapacious company—suppose that his ship so freighted, had been seized, and that notwithstanding his patriotic professions, it had been confiscated, would you now hear him say to Parliament, "I led the way—I broke down the system—I adventured gallantly—and you, the Parliament, cannot say that I was wrong, for you have stolen and adopted my principles—restore to me my good ship and cargo, which was confiscated under laws which

ought never to have existed, and which I was the first to assail?" Such, Sir, is the argument of the hon. Gentleman, as practically illustrated. I feel that I have trespassed on the time and indulgence of the House, but the story is a long one, and I endeavour to compress it as much as I can. On the 8th of February, 1823, Mr. Buckingham disregarded the last solemn warning he had received, again offended by animadverting on the conduct of Government in an appointment they had made, and on the 12th his licence was withdrawn by the order of Mr. Adam, then acting as Governor-General—[Hear! hear!] And notwithstanding that cheer, I say it is fortunate that Mr. Buckingham was sent home by such a man as Mr. Adam, as it excludes the possibility of establishing any charge of harshness or severity. Eminent for talents and attainments of the highest order, Mr. Adam was the proudest ornament of the distinguished service to which he belonged—benevolent almost to weakness—and generous almost to profusion—he was beloved with devotion while living—and now that he is gone, his memory is hallowed by blessings throughout the continent of India. This, Sir, is not the language of panegyric—it is the language of truth. I have not uttered a word to which my hon. Friend opposite, the Member for Ashburton, will not now more than bear testimony; and if my right hon. Friend, the Member for Kirkcudbright was in his place, he would pour forth his soul in eloquence, whilst dwelling on the talents and virtues of that distinguished and truly good man. I have stated, that on the 12th of February, Mr. Buckingham was informed that his licence was withdrawn, and on the 1st of March he embarked for England. This is the most important period in the case, and I entreat the attention of the House to the conduct of Mr. Buckingham, and the endurance of Government during this period. I have heard Gentlemen on both sides, say, "supposing it was necessary to send away Mr. Buckingham, why interfere with his property, and suppress his paper? My reply is,—I deny that when Mr. Buckingham was transmitted, Government in any manner interfered with his property or papers." Nay, I declare, that Mr. Buckingham shall have my vote if any gentleman can show me that Government, either directly or indirectly interfered with him whilst making what arrangement he pleased on his departure. The case has been treated as if Mr. Buckingham had offended,

and had been punished by transmission and the suppression of his paper; and the House and public have been thus misled. There are three distinct intervals in the case. The first, from the establishment of *The Calcutta Journal* till the transmission of Mr. Buckingham; the second, from the departure of Mr. Buckingham till the 4th of April, when the new press regulation was passed; and the third, from the passing of that regulation until November, when the licence granted under that regulation was withdrawn. On the 12th, Mr. Buckingham was informed that he must leave India; on the 14th, two days afterwards, he sneers at and defies the Government, both in his paper and in a pamphlet which he circulated. He boasts that by appointing, as editor, an Anglo-Indian, who is not liable to transmission, he has secured the independence of his paper. He invites the Company's servants to correspondence, and suggests the means of conducting it clandestinely. He also invites them to take shares in his paper, and suggests the means of holding them secretly. He speaks of his own transmission, and all the arrangements he has made, as a consummation devoutly to be wished; and adds his belief, that the circulation of his paper will thereby be greatly increased. Government might, if they pleased, have prohibited their servants from holding shares in a paper, placed under a management, that declared to be in defiance of the regulations—they might, if they pleased, have prohibited the circulation of the paper beyond the Mahratta ditch; or local limits of Calcutta. But I repeat, and beg the attention of the House to this fact, that although the Government did consider the conduct of Mr. Buckingham as most offensive and insulting; yet they did not, by word or deed, directly or indirectly, say or do anything that could in any manner affect the property in the paper, or interfere with the arrangements which Mr. Buckingham might choose to make. If we are to judge from Mr. Buckingham's triumphant exultation, and the rapidity with which he made all his engagements, we must suppose that he sought and courted the martyrdom of transmission, and had prepared himself for its consequences. On the 12th of February, that he is told he must leave India in two months; within five days he states that the transfer of his property has been made and completed, and in fourteen days he embarks for Europe. We come now, Sir, to the second interval—

from the departure of Mr. Buckingham to the passing of the new press regulations. On the 14th of March, the new editor, Mr. Sandys, was apprized, that the character of *The Calcutta Journal* remained the same, and he was warned of the consequences. On the 4th of April the new regulation was passed, prohibiting any person to print or publish any public journal without having obtained a licence for that purpose from Government. This regulation was rendered necessary by the daring conduct of the new editor, from the period when Mr. Buckingham, was ordered to leave India. I will not myself describe to you the conduct and character of the paper during this interval. I will give you its character from the lips of Sir Francis Macnaughton, one of the most distinguished Judges that ever sat on the Indian Bench—eminent not only for his talents and learning, but for his liberality and humanity, and referred to by Mr. Buckingham himself as a witness. When the new press regulation was presented for registry in the Supreme Court, it was opposed by Counsel, who appeared for *The Calcutta Journal*; and I hope the House will permit me to read a few extracts of what fell from Sir Francis Macnaughton when pronouncing the judgment of the Court. Adverting to the necessity of such a regulation he says:

“That if this was not a case in which the enactment of a regulation was proper, he was at a loss to conceive how any regulation could be justified by its propriety. He went further, and declared some such one to be, in his opinion, absolutely necessary.”

Then adverting to the editor being a half-caste, Sir Francis says—

“If he had been a British subject, and committed an offence against the British Government to-day, he might be ordered to depart from the country to-morrow. Yet what is the insolent boast? That he is free from all control of Government, and amenable to this Court alone. That is, that he may print and publish anything, however seditious and destructive of the Government's authority; that he may continue such publications at pleasure; and that they cannot even be questioned until the next Session, which will be in June; and although a bill of indictment may be found against him, he may, perhaps, traverse over until October, giving him all the intermediate time to bring the Government into hatred and contempt, and to hold it in open defiance. The Government had thought proper to order Mr. Buckingham (the late editor of *The Calcutta Journal*) to be transported to his own country. He (Sir Francis) did not think himself at liberty to enter at all into the merits of

that proceeding. Sitting where he sat, it would be highly improper in him to give an opinion upon the question; it may be, at least, assumed that the order, in the opinion of Government, was proper. And what was the consequence? An immediate proclamation of defiance, a declaration that the paper should be continued upon its former plan, and on the same principles, because the editor to be appointed would not be within the reach of the Government's immediate authority. Nay, they went further, and announced the folly and weakness of the Government in having removed Mr. Buckingham from his office, and in not having so much sagacity as to discern that another editor might be appointed who would be free from their control, and that they had aggravated the evil of which they complained, by subjecting themselves to a greater annoyance in this country, and by sending Mr. Buckingham to another, where he could be a more formidable opponent; and that they had thus, instead of being exposed to one battery, placed themselves between two forces. He asked if any Government ought to submit to such insolence and outrage, or if such a one as this could be consistent with such a press?"

As we have heard so much about property, I entreat the attention of the House to what Sir Francis says on this subject:—

"As to the property of those who might have speculated upon profit to be derived from an abuse of the Government, it stood upon a very different footing. The Government is no guarantee to such an adventure. It may truly say, "*Non hæc in fœdera veni.*" The Government is free to act as it may think proper; but he hoped, if there was any body concerned in such a fund, that he would not be suffered to benefit by his speculation. If, like other funds, it was to rise as the State in hostility was reduced, and to advance upon every defeat of the enemy—the Government being that enemy—he trusted it would not be long before he saw an end of such a stock and of such a stock-jobbing."

What Sir Francis Macknaughton says is most true. The stock in trade was the abuse of Government; and you will presently see, that when this stock was withdrawn, the whole concern tumbled to pieces. On the 4th of April, after a long argument, the press regulation was registered by the Supreme Court; and after that registry, no person could print or publish any public journal without having previously obtained a licence. I have read to the House a description of the conduct of *The Calcutta Journal*, after the abdication of Mr. Buckingham, and while under the management of Mr. Sandys; and I ask the House, if they

would be much surprised if they heard that Government, before granting a licence to such a paper, had required some alteration in its management. Here was an opportunity when the Government could have evinced their displeasure, and controlled the paper as they pleased. No such course was adopted. Mr. Sandys, the offending editor, applied for a licence, and obtained one immediately, without limit or restriction, on the same ground on which a licence was granted to the editor of any other paper then existing. I come now to the third interval—I mean the period from April, when the licence was granted to *The Calcutta Journal*, under the new regulation, until November, when that licence was withdrawn; and over this period I feel that I must hurry rapidly, having already trespassed too long on the kind indulgence of the House. On the 8th of April, the Commander-in-Chief was again compelled to interfere, to prevent publications inducing insubordination in the army. On the 18th of July, the Chief Secretary addressed Mr. Palmer and Mr. Ballard, the constituted attorneys of Mr. Buckingham, noticing seven violations of the law within thirteen days, and Mr. Palmer and Mr. Ballard replied, disclaiming any influence or control over the management of the paper—and thus compelling the Government to visit on those conducting the paper, and on the paper itself, any consequences arising from disobedience of the laws. On the 23rd of September, the Government was under the necessity of noticing the continued violation of the press regulation; and not wishing to suppress the paper, by withdrawing the licence, they ordered home the assistant-editor, Mr. Arnott, then residing in India without permission. This severe measure proved as unavailing as the milder warnings; the law continued to be broken and defied, and on the 6th of November the licence was withdrawn, and the paper could no longer be published. Here again, I deny, that the Government interfered with the sale of the paper; the attorneys of Mr. Buckingham might have sold it the next day, and would have done so, if they could have found a purchaser. Mr. Merton proposed to rent the premises and conduct the paper for a limited period; but after some correspondence, Government thought it right to refuse him a licence, because it did not appear that he

would have the sole control. He afterwards made some arrangements with Mr. Buckingham's attorneys, and having sent in an affidavit, stating that he was sole-proprietor, he obtained a licence, and continued the paper, under the name of *The Scotsman*, in the East, for about seven months, when the paper died a natural death. I feel most grateful to the House for the attention with which they have been pleased to honour me; and I trust I have redeemed my pledge by showing that the House and the public have been misled and deceived by having this matter represented as one transaction—as if Mr. Buckingham had offended, and for that offence had been transmitted, and his paper suppressed, and his property ruined. I have shown you, that, for two years, Mr. Buckingham, in reply to repeated warnings from Government, expressed his contrition, and promised, in future, an obedience, which he never observed;—that, encouraged by impunity, he latterly defied the Government, denied their authority, and held up to derision and contempt their regulations; and that Government did not resort to the extremity of sending him home, till they were compelled to do so by his perseverance in a course which he well knew could lead to no other result:—that, when he was required to leave Calcutta, the Government neither directly nor indirectly interfered with his property, nor with the transfer and management of his paper, but permitted him to make his own arrangements, at a time when he was sneering at and defying them. I have shown you how offensive and insulting was the conduct of *The Calcutta Journal*, under the editorship of Mr. Sandys, from the departure of Mr. Buckingham until the registry of the press regulations; and that, notwithstanding such misconduct, a licence was granted to him, in common with all other editors. I have shown you that, after the granting of such licence, the law continued to be violated and defied by Mr. Sandys:—that Mr. Buckingham's friends and attorneys disclaimed having any control over the management of the paper:—that all warnings and threats were scorned and disregarded by Mr. Sandys:—that the contest at length was, whether the Governor-General in Council or *The Calcutta Journal* should be supreme;—and that the Government were thus reluctantly compelled to have

resort to the last extremity, and withdraw the licence from the paper.

If *The Calcutta Journal* was so valuable as has been represented, how comes it that Mr. Buckingham's attorney did not immediately sell the good-will and stock in trade? How comes it that Mr. Merton, who attempted to continue the paper, was obliged to abandon it in seven months? I have already told you the reason, and will repeat it, because it is an answer to all that has been urged by Mr. Buckingham. For four years *The Calcutta Journal* attained extensive circulation, and realised considerable profits by a flagrant violation of the law, to which other papers yielded obedience. When the licence was withdrawn, and it became notorious that the Government was determined to vindicate its authority and enforce the law, the paper was deprived of an advantage that it ought never to have been permitted to have enjoyed. It was then, for the first time, placed in fair competition with the other Journals—to that competition it proved unequal,—and in seven months was abandoned as a losing concern;—and thus ends the history of *The Calcutta Journal*. Before sitting down, I will, with the permission of the House, draw their attention to a libel published at Madras, so lately as December, 1834; and I am anxious to do so, because all idea of danger, either to the State, or individuals in India, has been ridiculed. The letter I allude to is signed, "The East Indian Franklin;" and as a specimen, I will read a few extracts from it.

"Let every one of us boldly determine, whenever a fair opportunity offers, to send an useless resident, a wicked collector, a sleeping member of the council, &c. to the * * let us mark every favoured servant of the John Company, or rather the embryos of the future John Company; and if we cannot, then let us mark them with the signs of our vengeance. Most of us have daily hundreds of opportunities to act the part of an E— A—, and often with more impunity, or with perfect safety to our lives; if so, why should we hesitate to make a few embryos of the future John Company undergo the fate of a C— C—."

I will tell you the persons indicated by the initials I have read. E. A. is Enam Ally, who murdered Colonel Coombs on parade, and C. C. is that Colonel Coombs, The letter thus concludes,—

"Snatch the bloomy dagger with which our tyrants incessantly wound us, and show it to them; and if the sight of the blood they spill

do not turn their hearts, bury it deep into their bosoms."

This is a specimen of a "harmless, innocent libel," and published, too, within these two years. Mr. Buckingham stated before the Committee, that the persons composing the Petit Juries in India were residing with a licence revocable at pleasure, and intimated that Juries so composed were ever ready to find a verdict of guilty when persons in authority prosecuted. I hope, Sir, and believe, that Juries in India will ever discharge their duty fairly and honestly, and must deny, that they have ever shown the tendency imputed to them. On the contrary, their leaning and bias is all the other way. The Petit Juries consist of tradesmen and shopkeepers, having no communication with the services, or with persons in authority, and completely segregated from them; and I say that they are by no means prone to find a verdict upon the prosecution of a person in authority. In the very case I have read to you, what think you was the finding of the Jury? Their verdict was, "guilty of publishing, inadvertently," and strongly recommending the defendant to mercy. This verdict the Judge refused to receive, and then a verdict of "guilty" was returned, with a strong recommendation to mercy of the person who had admitted into his columns this atrocious libel. I have not addressed myself to the amount of compensation, because I feel assured it will be the opinion of a very large majority of this House, that Mr. Buckingham is not entitled to any compensation whatever, either from the East-India Company or the public. I beg, Sir, to repeat my apologies for having intruded at such length on the indulgence of the House, and my thanks for the attention with which they have been pleased to hear me.

Mr. O'Connell contended, that now the questions as to the circumstances of *The Calcutta Journal*, the amount of compensation to be paid to Mr. Buckingham, and the parties who were to pay it, were neither of them before the House, but the real and only question for consideration was the confirmation of the resolutions which the Committee had unanimously agreed to, after hearing the whole case opened and conducted by eminent counsel on both sides, and the examination of witnesses upon every point bearing upon the question at issue, which resolutions were drawn up by the hand of Lord Glenelg, then President of the Board of

Control, and now the principal Colonial Secretary. It was not, for it could not be denied, that Mr. Buckingham had suffered a most grievous wrong, and was he without any legal remedy? The proudest despot on the earth could not with impunity injure or offend the poorest Englishman; there was in that House a tribunal—there was in England a moral force, which cast its protection over all who bore the English name, and surely it would not be alleged that Mr. Buckingham formed an exception to that rule hitherto deemed universal. The question was really not the amount of the compensation, but there did arise a very serious question between the East-India Company and the people of this country. At all events, there was one thing to which, as a Member of that House, he could not consent—namely, that a British subject should be ruined and robbed, and then told that a reformed House of Commons could afford no remedy.

Sir John Hobhouse said, that the present question had been already fairly and fully tried—had been decided by a competent and solemn tribunal; and now, if the present proceeding were successful, they must reconsider that decision in a totally different, and, as he would contend, irregular form, and annul it altogether. It had, on the previous occasion, been brought forward as a private Bill, and now it was to be considered in the form of a public resolution. He thought himself entitled to say, that he was as open as any Member of that House, to a claim of justice. It had been said that justice was blind, but he presumed it would hardly be contended that justice should have one eye open, and be alive only to the interests of the complainant. Justice he desired to have; but justice required that both sides should be heard. In his opinion, nothing could be clearer than that the case was strictly a private question, and he desired to know what grounds there had been laid for taking it out of the regulations according to which all private questions were discussed in that House. Then it was alleged, that the amount was of no importance; surely the amount which the hon. Gentleman, whom he was sorry to see in his place, ought to receive, was the question, or at least formed so very large and important a part of it, and was so intimately interwoven with the entire question, that no just or successful

attempt could be made at a separation. Then if the House affirmed by its resolution the statement that the hon. Gentleman was entitled to 10,000*l.*, what became of the distinct assurance given on a former occasion, that the question then brought before the House was a private and not a public question? The House was, therefore, most seriously called on to deliberate respecting the course which it would pursue. First, the hon. Gentleman demanded 5,000*l.*—next, 40,000*l.*—then 10,000*l.*; the last was what he at present required, and under such conflicting demands, he professed himself at a loss to know how the House was to legislate. It was most unusual thus to come forward with a public resolution, when a private Bill had been lost, and even if the resolutions were agreed to, it would be mere waste paper, so far as its effects went upon the minds of the East-India Directors. One consideration urged upon the attention of the House was this truly—the resolution ought to be at once affirmed, because the Bill was on the former occasion defeated by an accident. What would the House think, if he were to come down and say, “A private Bill having been carried by an accidental majority, for compensating the hon. Member for Sheffield, the House ought to remedy that evil, by adopting a public resolution, with a view to deprive him of that compensation?” In spite of all the menaces of the hon. Member, and in spite of the letters the hon. Member might address to the electors of Nottingham, he meant conscientiously to discharge his duty. He hoped that on consideration his hon. Friend, the Member for Poole would not press this extraordinary question to a division. He could not be serious in that intention; it was impossible that he could be serious. There never in the history of Parliament was an instance in which the Legislature paid a set of men by a resolution, for to that it would come, since this resolution must be intended to be the basis of some Bill or other.

Mr. Buckingham was not about to give his opinion on this question, and he only wished to make an observation in answer to a complaint which the right hon. Gentleman had made, that he (Mr. Buckingham) was present while this matter was discussed. He hoped the right hon. Baronet would give him leave to state that this question was now being heard judicially, and he would ask if there was

any instance known of a plaintiff being excluded from a Court of Justice while his cause was being tried. He denied having sent any threatening letters to any part of the country, and he disclaimed writing anything in the *Sheffield Iris*, reflecting on anybody for the course they had pursued in reference to this question. As to writing to Members of that House to request their attendance in support of the motion, he had the example of his Majesty's Government for doing that.

Mr. Harvey wished to ask a question of the hon. Member for Northampton, which would, if answered in the affirmative, place the point at issue in a very narrow compass. He had understood the hon. Member to say, that the solicitor of the East-India Company, so far from concurring in the correctness of the statement made by Mr. Buckingham, estimating the damage he had sustained at 40,000*l.*, had declared that it could not exceed 7,000*l.* or 8,000*l.* If so, that was an admission from the proper quarter, that a considerable sum of money was due to Mr. Buckingham.

Mr. Vernon Smith, in answer to the question put to him, said, that Mr. Peacock, when before the Committee, at first defended the whole case, and denied that Mr. Buckingham had any claim to compensation, and afterwards, supposing that the Committee had decided that Mr. Buckingham was entitled to compensation, he went to show, that admitting him to be entitled to some compensation, it could not exceed more than 7,000*l.* or 8,000*l.*

Mr. George F. Young thought that a moderate sum ought to be given to the hon. Member for Sheffield out of the public purse, because he had been injured by the public; but he objected to the source from which that remuneration would be provided by the resolutions, as the East-India Company was not to blame, since the Government, and not the East-India Company, appointed the Governor-General.

Major Beauchamp was surprised that the right hon. Gentleman, who was one of the Committee that reported in favour of Mr. Buckingham's claim, should pursue the course which he had adopted. He was surprised also that he should accuse the hon. Member for Sheffield of sending menacing letters—an accusation so grave in its nature, that he ought to be called upon to prove it at the bar of the House or elsewhere. It was not right or fair to throw out these personalities before the House.

Sir John Hobhouse remarked, that so far from being a Member of the Committee which reported in favour of Mr. Buckingham's claim, he was not even in Parliament at the time.

Mr. Anderson Pelham wished to ask the hon. Member for Sheffield, whether he himself, or some one else using his name, had sent him under an enclosure, addressed to him, three letters, with a request that he would forward them? He thought he had understood the hon. Member to say, that he had not sent any letters, but these bore the signature of "J. S. Buckingham."

Mr. Buckingham was desirous of explaining a subject which it appeared was little understood. The hon. Baronet had adverted to a threatening letter which it was alleged he (Mr. Buckingham) had sent to the *Sheffield Iris*, and of his having in that newspaper used menacing language to him with respect to his opposition to his claims for compensation. He had before distinctly denied, and he did still deny, that part of the charge, he never having done anything of the kind. Disposing of that part of the charge, he would next allude to the letters. He certainly had written some fifty or sixty letters, the tenour of which he would repeat. There was in doing so no attempt at concealment, they having been dated from his own house, signed by his own name, and addressed to those Members likely to take an interest in his case. The letters contained a statement of facts, a printed Report of the Parliamentary Committee, and an expression to the effect that he should feel happy if the hon. Member to whom it was sent would do him the honour to transmit the documents to his constituents, for them to deal with the subject as they might think fit. As the hon. Member had stated in his case, one corporation did and another did not entertain the petition; but the general result was, that from ninety to ninety-five petitions from England, Scotland, and Ireland were sent up to Parliament, signed by 25,000 individuals. In procuring their signatures no magic art had been exercised. He was not in a condition to spend money very liberally, as other hon. Members might be. The moral influence of the facts themselves had been the only influence employed, and those he had left to the judgment of the public.

Mr. Baines remarked, that the Committee came to an unanimous decision that

Mr. Buckingham ought to receive compensation, and if they had not the power of giving it, why was the Committee appointed?

Mr. Tulk replied, that his right hon. Friend had appealed to him to withdraw his motion, a request with which he could not comply, and he could not but at the same time complain that this question, which was to have been treated as a neutral one, had been made a question of party. He could not but remark that the leader of the Government in that House was absent. He held in his hand an extract of the noble Lord's speech on a former occasion upon this subject. He did not know whether the noble Lord had paired off or not; but he knew that upon this subject he had expressed himself in the strongest manner, and that he had said, so far from attaching any blame to Mr. Buckingham, he thought his conduct highly honorable and praiseworthy, conformable to those rules of conduct and examples of freedom which ought to be held up to the imitation of his fellow-countrymen. Yet that noble Lord was not there to give the hon. Member the benefit of the expression of his opinion. He was sorry to think it; but he thought if it had been a question taken up by the other side of the House, there would have been more zeal displayed.

The House divided, when the numbers appeared:—Ayes 60; Noes 92; Majority, 32.

List of the AYES.

Aglionby, H. A.	Hindley, C.
Attwood, T.	Ingham, R.
Baines, E.	Lister, E. C.
Barnard, E. G.	M'Leod, R.
Beauclerk, Major	Maher, J.
Bentinck, Lord W.	Musgrave, Sir R.
Bernal, R.	O'Brien, C.
Bish, T.	O'Connell, D.
Blake, M. J.	O'Connell, M. J.
Bowring, Dr.	Palmer, General
Brady, D. C.	Parker, J.
Bridgeman, H.	Parrott, J.
Brotherton, J.	Pease, J.
Browne, R. D.	Potter, R.
Cave, R. O.	Poulter, J. S.
Cayley, E. S.	Pryme, G.
Collier, J.	Richards, J.
Curteis, H. B.	Roche, W.
D'Eyncourt, rt. hon.	Rundle, J.
C. T.	Scholefield, J.
Ewart, W.	Stuart, Lord D.
Fielden, J.	Stuart, Lord J.
Fitzsimon, C.	Stuart, V.
Gaskell, D.	Talbot, J. H.
Grattan, H.	Thompson, Colonel
Harvey, D. W.	Trelawney, Sir W.
Heathcoat, J.	Wakley, T.
Hector, C. J.	Wallace, R.

Walter, J.
Warburton, H.
Wason, R.
Williams, W.

Wyse, T.
TELLERS.
Hume, Mr.
Tulk, Mr.

List of the NOES.

Adam, Sir C.
Alsager, Captai
Angerstein, J.
Archdall, M.
Bailey, J.
Bainbridge, E. T.
Baring, F.
Barnaby, J.
Blackburne, J.
Blackstone, W. S.
Bonham, R. F.
Bramston, T. W.
Brownrigg, S.
Campbell, Sir J.
Chandos, Marquess of
Chichester, A.
Chisholm, A. W.
Denison, J. E.
Dillwyn, L. W.
Duffield, T.
Duncombe, Hon. A.
Dundas, Hon. T.
Egerton, W. T.
Elley, Sir J.
Estcourt, T.
Estcourt, T.
Ferguson, Sir R. A.
Forbes, W.
Forster, C. S.
Fort, J.
Caskell, J. M.
Geary, Sir W.
Gladstone, T.
Hale, R. B.
Halse, J.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Henniker, Lord
Hobhouse, rt. hn. Sir J.
Hogg, J. W.
Howard, P. H.
Hoy, J. B.
Jackson, Sergeant
Inglis, Sir R. H.
Johnstone, J. J. H.
Irtton, S.
Kearsley, J. H.

King, E. B.
Law, Hon. C. E.
Lefevre, C. S.
Lucas, E.
Manners, Lord C. S.
Mostyn, Hon. E.
Nicholl, Dr.
North, F.
O'Ferrall, R. M.
Parker, M.
Pelham, Hon. C. A.
Perceval, Colonel
Pigot, R.
Pinney, W.
Plumptre, J. P.
Plunkett, Hon. R. E.
Pollen, Sir J. W.
Praed, W. M.
Price, S. G.
Rickford, W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Scott, Sir E. D.
Scott, J. W.
Scourfield, W. H.
Seymour, Lord
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Spry, Sir S. T.
Townley, R. G.
Trevor, Hon. A.
Turner, W.
Vivian, J. E.
Walpole, Lord
West, J. B.
Whitmore, T. C.
Wilkins, W.
Williams, R.
Wilson, H.
Wodehouse, E.
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Smith, Mr.
Baring, Mr.

Paired off.

FOR.
E. W. Pendarves
J. J. Guest
Alderman Wood
T. F. Buxton
Captain Dundas
Sir S. Whalley
O'Connor Don
A. Lynch

AGAINST.
H. Goulburn
J. G. Heathcote
Hon. S. R. Lushington
R. Sanderson
J. M. Fector
J. A. Smith
E. J. Stanley
J. Young

CHARITABLE TRUSTS.] Mr. Vernon
Smith moved for "leave to bring in a

Bill for the election of Charitable Trustees in the corporate towns in England and Wales." Some such measure as the present was rendered necessary by the Act which passed last Session, "for the better regulation of Municipal Corporations in England and Wales." The House would remember that, in the discussions on that Bill in this House, it was the general object to separate the management of the Charitable Trusts from the immediate control of the Town Councils; and clauses were introduced for that purpose by the noble Lord, the Home Secretary. In the House of Lords, however, Lord Lyndhurst had proposed that these clauses should be expunged from the Bill, on the ground that Lord Brougham had then before that House a Bill "for the Regulation of all Charities, and for the Extension of Education," and in consequence the clauses were withdrawn. Clauses were substituted of a temporary nature, providing that, until August this year, these trusts should remain under the control of the Corporations, and that after that period the nomination of trustees should be vested in the Lord Chancellor, or in the Commissioners of the Great Seal for the time being. Now it was obvious that the Legislature never intended that either of these arrangements should be permanent. The latter would lead to great expense and delay; while it was not to be expected that the Legislature should, after it had been declared that the Corporations were unfit to manage their corporate funds, vest these corporations with the management of the Charitable Trusts belonging to the several towns of England and Wales. It was therefore, with a view of making a permanent provision for the management of these funds that the present Bill was introduced—a Bill which would not in the slightest degree interfere with the working of any Bill that might hereafter be introduced for the general regulation of charities. He proposed that these charitable trusts should be vested in Local Commissioners, but with a view to counteract, as far as possible, the influence of political feelings in the election of the new trustees, the Bill would provide that they should be chosen in the way the auditors were now, and not as were the town councillors—namely, every individual in the constituency would be entitled to a vote, but only for half the number required, which should be fixed by the

Town Council. He proposed to leave to the Town Council the power of fixing the number of Commissioners, a certain number going out annually by rotation, but the number would always be one divisible by three. He also proposed to leave it to their own discretion to fix the times of their meetings. In order to keep up some correspondence with the Town Council which might sometimes be useful, he proposed that the mayor should be *ex-officio* one of the Trustees: and he did not exclude Town Councillors from that body, if the burgesses chose to elect them Commissioners, but it was his (Mr. Vernon Smith's) desire, by every means in his power, to separate the management of these trusts from the political discussions of the Corporations; and it was, therefore, provided, that the treasurer of the Corporation should not be the treasurer of the Commissioners, and that in general all the officers of the two bodies should be distinct.

Colonel *Sibthorpe* did not rise to oppose the introduction of the Bill, but he hoped ample time would be given for its discussion, as it was a most important measure.

Mr. *Potter* expressed his great satisfaction that a measure of this kind had been introduced.

Leave given.

HOUSE OF COMMONS,

Wednesday, June 8, 1836.

[*Minutes.*] Bills. Read a first time: Murderer's Execution. Read a second time: Steam Vessels (Thames) Bill. Recovery of Tenements; Chapels of Ease (Ireland); Copyright Act Amendment.

Petitions Presented. By Mr. T. *Attwood*, from Birmingham, for the Removal of Disabilities affecting the Jews, for Ameliorating the Criminal Code, and for an Equalization of the Duty on East and West India Sugars.—By several Hon. *Members*, from various places, the House to adhere to the Provisions of Municipal Corporations (Ireland) Bill, as originally passed by the Commons.—By Mr. *E. Tennent* and Lord *Castlereagh*, from several places in Ireland, to pass the Bill as agreed to by the Lords.—By several Hon. *Members*, from various places, for Abolition of Church Rates.—By Mr. W. *Williams*, from Attornies and Solicitors of Coventry, for Repeal of Duty on Certificates.—By several *Members*, from various places, for an Alteration in the Factories Regulation Act.—By Sir C. B. *Vane*, from Aldeborough, for Alteration of Fisheries Bill, and from Ipswich, that in the proposed Alterations of Paper Duties, a Drawback may be allowed on Stocks in hand.—By several Hon. *Members*, from various places, for Lord's-day Bill.—By Mr. *Loch*, from Nairn, for Alteration of Law of Statute Labour (Scotland), and from Ross and Cromarty, for Reduction of Duty on Spirit Licences (Scotland).—By Mr. *Woodhouse*, from Western Division of Norfolk, for Poor-laws for Ireland.—By Mr. *Morgan O'Connell*, from Rakagh Limer Gallow, for Abolition of Tithes (Ireland).

LANDLORDS (IRELAND)]. Mr. *Emerson*

Tennent had to pray the attention of the House to a matter, which, though not immediately connected with the petition he had just presented, was a portion of those attacks which had lately been made upon the private character of the Irish Landlords, and he hoped to be conceded that courtesy which was always extended to a Member on a question of a personal nature. The Gentleman of whom he had to speak, was Mr. *M'Neale*, of Carlingford, in the county of Louth, whose character as a landlord one would have supposed was so well known in Ireland as to protect him from such factious assaults. Of this Gentleman, the hon. Member for Dundalk (Mr. *Sharman Crawford*) was pleased to state, a few evenings back, that from political irritation against one of his tenants, who had voted contrary to his wishes, he had with his own hands set fire to and burnt the turf which the poor man had prepared for his winter firing. Now, the facts of the case which had been thus misrepresented were simply these:—Mr. *M'Neale* had early in the year 1826, and long before the period of the election in question, dismissed from his service, for misconduct, a man called *Mills*, who was a tenant on his estate, and a labourer in his employment. The turf-bog on Mr. *M'Neale's* property, it so happened, was the most valuable portion of his lands, letting so high as from 4*l.* to 7*l.* an acre, and was specially reserved in all his leases, permission to cut it being required and granted by favour only to his tenants. This favour Mr. *M'Neale*, on discharging *Mills* from his service, told him he should no longer enjoy as his tenant, and he at the same time warned him that if he persisted, contrary to his orders, to cut turf, he (Mr. *M'Neale*) would himself burn it, as he had been in the habit of doing towards all persons who presumed to cut in his turf-bog, without his permission. And to prove that *Mills* was aware of the withdrawal of his permission, he sent his son in the May following still before the Louth election, to entreat permission, which was again refused, and Mr. *M'Neale's* determination to burn it himself was repeated, if his father should attempt to proceed contrary to his order. When the election came, in July, *Mills* actually sent to Mr. *M'Neale* to request permission to vote along with the rest of the tenants, but Mr. *M'Neale* sent his bailiffs to tell him, that he would not even permit him to walk into Dundalk in company with them, and that if his single vote

would secure the return of both his friends, Mr. Leslie Foster and Mr. Fortescue, he would not accept of it. As to any subsequent conduct of Mr. M'Neale, therefore, being in revenge for Mills' withholding a vote, which he had already scorned to secure, the idea was too ridiculous to be entertained for a moment. Subsequently to the election, however, Mr. M'Neale was informed by his bailiff, that, contrary to his express commands, and notwithstanding Mr. M'Neale's reiterated warnings of the consequence, Mills had actually entered on the bog, and cut and prepared his turf, upon which Mr. M'Neale, in observance of his own previous warning, proceeded to the lands and destroyed it. For this he was summoned to the petit sessions on a charge of larceny, when the idle charge was dismissed. The Roman Catholic Association then took up the matter, and Mills was supplied with the means of annoying his landlord by instituting proceedings in the superior Courts. Mr. Holmes and the hon. Member for Tipperary (Mr. Sheil) were counsel for the plaintiff, who was actually nonsuited on the evidence of his own son. He could make no observations on this case so powerful, as a few sentences from a statement of Mr. M'Neale himself, which he begged the House would permit him to read to them.

Mr. *Hutt* rose to order. He would appeal to the hon. Member, whether he would take up the time of the House with such statements.

Mr. *Emerson Tennent* would appeal to the hon. Member, whether, if his character were assailed in such a public assembly as the House of Commons, he would not be anxious to remove the slanders heaped upon it? The hon. Member then proceeded to read the following statements of Mr. M'Neale:—"Mr. Sheil made a long speech in court against me, but in the evening sent his friend (Mr. Peter Colman) to me to assure me, that he meant nothing personal in his speech, and that he hoped, if he had made use of any expressions to hurt my feelings, I would forgive it, as his speech was a political one, and meant for the people of England in favour of emancipation. Since I came of age, thirty-three years ago, I have only had occasion to turn three tenants from my property—Mills being one, and two Thompsons both Protestants, but of bad character. I defy Sharman Crawford to prove one act of oppression against me, towards

any of my tenants. I have lived all my life on or near my property, and spent my income amongst my tenants. At the election for Louth, in 1826, neither the threats and curses of the priests, nor the mob could seduce any of my Catholic voters from me, except in one solitary instance of a man who took a large bribe, as he afterwards acknowledged to me. When the late Mr. Richardson was returned for the county of Armagh, I polled for him thirty-seven Catholic tenants out of forty—two were ill, and one in England, although they were cursed and threatened by priests in my presence, who also offered them large bribes. During the election for Louth in 1826, whilst attending one of my Roman Catholic freeholders to the hustings, we were surrounded by a number of priests near the court-house, many of whom asked my tenant, if he was going to desert his creed and his Saviour, and to send his soul to hell. I could wish Mr. Sheil were asked in his place in the House of Commons, if my statement with respect to Mills is not correct. False and unfounded as this attack of Mr. Crawford is, it is not without a malignant object. It is meant to injure me with the Government, whose servant I am, as I still hold a commission in the revenue, and at present my memorial is before the Treasury, praying for a retired allowance on the abolition of my situation at Carlingford." The hon. Member for Tipperary could, he had little doubt, respond satisfactorily to this appeal of Mr. M'Neale, and do justice to the reputation of an injured gentleman. Such were the simple facts of a case which had been unwarrantably misrepresented, for the purpose of injuring the character of Mr. M'Neale as a landlord; and singularly enough, and as if to prove the groundlessness of the charge brought by the hon. Member for Dundalk, that Mr. M'Neale could be actuated by such motives, Mills was at present a freeholder in Dundalk, and voted for the hon. Member, but became a bankrupt after being nonsuited; Mr. M'Neale was appointed his assignee; he still owed him 60*l.*, and, were he so disposed, Mr. M'Neale could at this moment sell the very freehold out of which he voted for the hon. Member, and deprive him of his franchise.

Mr. *Sheil* said, that he would very briefly state his recollection of an occurrence that had taken place now more than ten years ago. He remembered very well

that Harry Mills—that was the man's name—made a complaint to the association that he had been turned out of his holding, in consequence of his having voted for Mr. Alexander Dawson. Mills was a tenant of Mr. M'Neale. There had been a quarrel between them previous to the general election in 1826. The matter was brought to trial, and there certainly was a verdict for Mr. M'Neale, but the verdict was returned on a point of law, as it was held that Mills had no property in the turf. It was undoubtedly considered a very extraordinary proceeding on the part of Mr. Wolf M'Neale, that he should assemble a number of persons, and go, in the broad open day, and with his own hands set fire to this man's turf. That was all that he knew of the case.

Mr. Potter said, that it would appear, from the speech of the hon. Member for Belfast, that Irish landlords consider themselves entitled to the votes of their tenants. Subject dropped.

HERRING FISHERY.] Mr. Lock had two petitions to present of rather an important nature. One was from the merchants and fish-curers of Wick, in the county of Caithness, and the other from similar parties in the town of Cromarty. The petitioners complained of the loss of the market which they formerly had for their fish in the West-India Islands, and of the impossibility which they found of opening new markets on the Continent. They complained especially that the markets of Russia and Belgium were shut against them. Seeing his hon. Friend, the Vice-President of the Board of Trade, in his place, and knowing that his hon. Friend was aware of the distress of the petitioners, he need not urge their case on his attention. It was most unjust, now that Belgium was separated from Holland, that the Dutch should retain the monopoly of that market.

Mr. Labouchere could assure his hon. Friend that the attention of the department with which he was connected had been, and still was, directed to the subject to which the present petitions referred. The Board of Trade was fully impressed with the importance, in a national point of view, of giving every encouragement and protection that it possibly could to the fisheries of the country. He had been assured that it was impossible, by any alteration or new regulation, to remedy the

evil of which the petitioners complained, with regard to the West Indies. They still possessed a monopoly in the West-Indian islands for the exportation of their herrings, and if the market for them had diminished there, it would be impossible by a legislative measure to re-establish it. With regard to the foreign monopoly of which the petitioners complained, he was not without hopes that something might be done to improve the condition of the trade in that respect. He had had interviews with deputations connected with this branch of the national industry, and it appeared to him, from representations then made to him, that the regulations that existed in Russia with respect to this trade were exceedingly unfavourable, and extremely unfair, as regarded the British fisheries. There were three descriptions of herrings imported into Russia—the Dutch, the English, and the Norwegian, and the difference in the duties levied on them was remarkable. The value of the Dutch herrings was nearly three times greater than that of the English, while the difference in value between the English and Norwegian varied from 5 to 10 per cent. Now, the duty levied on the Dutch and English herrings was the same, and amounted almost to a prohibitory one. They were classed together, and 9s. per barrel was levied on them, while the Norwegian paid only 2s. 3d. per barrel. He begged to assure his hon. Friend that no time should be lost, should these statements prove to be correct, in making such representations to Russia on the subject as he hoped would be attended with a beneficial result. He believed that at present the herrings of this country were so well cured, that they only required to be put on a fair footing to force their way against any other herrings there. The Belgian market was of considerable importance to the English fisheries, and the Government should lose no opportunity for promoting the interests of this branch of our national industry in that quarter.

Captain Pechell said, that if the tithe were taken off the Norfolk herrings, they would beat the Dutch in the market.

Mr. Lock said, he was sure the statement of his hon. Friend would give the greatest satisfaction to the petitioners.

Petitions laid on the table.

BRIBRARY AT ELECTIONS.] The House

went into Committee on the Bribery at Elections Bill.

On that part of Clause 3 which subjects a person guilty of bribing another to a penalty of 500*l.* for each offence,

Mr. *Hume* said, that if it were desired that the penalty should be enforced and recovered, it should be a moderate one; but if the penalty was a heavy one, it would not be enforced.

Sir *C. Burrell* was understood to say, that there was scarcely any instance in which the penalty of 500*l.* in such cases was recovered.

Mr. *Pryme* concurred in thinking that a severe penalty would defeat its object. He would move, as an amendment, that the sum of 50*l.* instead of 500*l.* be substituted.

Mr. *Hardy* said, that if the penalty were reduced to so small a sum, it would give a great opening to bribery, for such a penalty if inflicted on a person administering the bribe, would be at once paid by the candidate

Mr. *Pryme* said, that his object was to make the Bill more effective, by having a fine that would be imposed. Did the hon. and learned Member know the facts connected with the 500*l.* penalty? They were told, he believed, by the right hon. Gentleman, the Member for Montgomery. When the Bill was first proposed the penalty was a moderate one, but an hon. Member, who was opposed to the whole Bill, moved that the penalty be 500*l.*, in the hope that if so high a penalty was attached to the offence, the Bill would be abandoned by its promoters, but rather than lose the Bill they adopted the amendment, and it passed. Would a penalty of 100*l.* suit the views of the hon. and learned Member?

Mr. *Hardy*:—If the penalty be small, parties would not sue for it, for in that case they would get little more than would cover their own costs.

Amendment negatived; Clause agreed to.

On the 4th Clause, enacting "That if any person shall, at any time after the passing of this Act, directly or indirectly give, offer, or allow, or in any way promise to or for the use or advantage of any voter, any gift; reward, or compensation of any kind, as a consideration in whole, or in part, for any loss of time in travelling to or from, or in attending at any such election for the purpose of voting, he shall, for every such offence, forfeit the sum of 50*l.*"

Lord *Stanley* objected to this clause, as it would prevent the payment of *bond fide* election expenses; and it was well known that many voters would not go to the poll unless the expenses of their conveyance was paid. There might be a *maximum* fixed for such expenses to prevent corrupt practices, but they ought not to prevent the payment of what were purely lawful expenses.

Mr. *Roebuck* differed from the view taken by the noble Lord. The election was the business not of the candidates, but of the electors, and the candidate ought not to be asked to pay anything. The chief object of this Bill ought to be to prevent such payment.

Mr. *Hardy* said, that his chief object in the clause was to prevent any money passing from the candidate to the electors, or that any pecuniary transactions should take place between them.

Mr. *Roebuck* moved as an amendment, that the words "as a consideration in whole or in part for any loss of time in travelling to or from, or in attending at, any such election for the purpose of voting," be omitted. The hon. Gentleman said, that he did not wish by this alteration to prohibit candidates from bringing the voters up to the poll, but to prevent them from giving any distinct sum of money to any voter.

Mr. *Grattan* protested against the extension of this amendment to Ireland. The object of it would be to prevent the travelling expenses of the voters from being paid, and it would then be impossible to have an election.

Mr. *Heathcote* should give his most decided opposition to the proposal of the hon. Member for Bath, as it would bear very hard on the poorer class of voters, who were not able to pay their own expenses.

Mr. *Aglionby* defended the amendment, which he thought would prove very beneficial. Its object was not to prevent voters being conveyed to the poll at the expense of the candidates, because, in the present state of the election law, it would be quite impossible to prevent it.

Mr. *John Young* was quite satisfied, that if this amendment were adopted, the practical result would be that a very considerable portion of the county constituency, more especially in Ireland, would be disfranchised, as the poorer classes could not afford to pay for travelling to the poll,

Mr. *Hardy* would move a proviso, "that nothing herein contained should prevent candidates or other persons connected with them from providing conveyances for voters to and from the poll at their election." This he hoped would meet the object proposed by the hon. and learned Gentleman.

Mr. *Roebuck* must press his own amendment.—

The Committee divided on the original question:—Ayes 65; Noes 58; Majority 7.—Clause agreed to.

Clause 5 was then proposed, enacting "That if any person shall at any time after the passing of the act, by himself, or by or with any person, or by any ways, means, or devices, or any colour, excuse, or pretence whatsoever, directly or indirectly give, present, allow, provide, or procure, or promise, engage, or agree to give, present, allow, provide, or procure any meat, drink, entertainment, or provision to or for any person, with the intent or for the purpose of thereby corruptly influencing such or any other person to give or to refuse, or forbear to give, his vote in any such election, or for the purpose of corruptly recompensing such or any other person for having given or refused, or forborne to give his vote in any such election, every person so offending in any respect shall for every such offence forfeit the sum of 50*l*."

The Committee divided: Ayes 33; Noes 40—Majority 7.

Clause struck out of the Bill.

The House resumed, the Committee to sit again.

POOR RELIEF (IRELAND).] On the Order of the Day for the Committee on the Poor Relief (Ireland) Bill being read,

Sir *Richard Musgrave* said, that, as he understood it to be the general feeling of the House, that this subject should be brought forward by his Majesty's Government, and as he believed it to be the intention of the Government to bring forward a measure on the subject, he would withdraw his Bill if the noble Lord, the Secretary of State for Ireland would declare in his place that the subject was under the consideration of the Government, and that it was their intention, either in this Session or early in the next, to introduce an efficient poor law for Ireland.

Lord *Morpeth* said, he quite approved of the course taken by his hon. Friend,

the Member for the county of Waterford with respect to this Bill, and he had no difficulty in assuring him that the subject was under the immediate consideration of the Government, and that he was not without hope of their being enabled to introduce some preparatory steps in the present Session; but, at all events, they would take the first opportunity in the next Session of introducing what he hoped would be a complete and satisfactory measure.

Mr. *W. S. O'Brien* said, that in consideration of the pledge given on the part of his Majesty's Government, he would follow the example of the hon. Baronet, the Member for the county of Waterford, and withdraw his Bill relative to the poor of Ireland, when the proper time came.

Mr. *P. Scrope* would also follow the same example.

The three bills for relieving the poor of Ireland were put off for six months.

FISHERIES.] On the Motion of Captain *Pechell*, the Fisheries' Bill was recommended.

On the Question, that the 3rd Clause stand part of the Bill,

Captain *F. Berkeley* said, on the ground that this clause would go, by the restriction which it enforced as to the size of the nets to be used, to inflict serious injury on the poorer classes of fishermen of this country, he felt bound to oppose it.

Lord George *Lennox* said a few words in opposition to, and Mr. *Elphinstone* in favour of the clause.

Captain *Pechell* defended the clause as being absolutely necessary for the protection of the fisheries, while at the same time power was given to the Magistrates of Quarter Sessions, if they should think fit to do so, to take off the restriction with respect to the use of seine nets.

Captain *F. Berkeley* still considered that the effect of the clause could only be to deprive the poorer class of fishermen of their bread, and therefore he felt it to be his duty to take the sense of the Committee upon it.

The Committee then divided on the Clause: Ayes 51; Noes 13—Majority 38. Clause agreed to.

The House resumed. The Report to be received.

HOUSE OF LORDS,

Thursday, June 9, 1836.

MINUTES.] Bills. Read a third time:—*Postage Duties*—

Read a second time.—Waste Lands (Ireland).—Read a first time.—Bankrupts Fund.
 Petitions presented. By the Earl of ROSSMUN, from Edinburgh, against the Bankrupts' Estates (Scotland) Bill.—By Lord STRAFFORD, from Worthing, for Sale of Bread Bill.—By the Earl of BURLINGTON, from various Places, for the Better Observance of the Sabbath.

WRITS OF REBELLION. (IRELAND.)
 The Earl of Wicklow said, he had on Monday evening given notice to their Lordships, that he would to-morrow move for documents relative to certain proceedings in the Court of Exchequer in Ireland, but when he gave that notice he was not aware of the fact that there was an appeal before their Lordships touching that particular subject. Now, though his Motion would not affect that case, yet he could not answer for the turn the discussion might take, or for the observations which might fall from others, and he should be sorry that such a Motion should lead to anything like a prejudging of the case. He, therefore, had no other course to adopt but that of requesting their Lordships to allow him to withdraw the notice. He must, however, observe, that the case stood very low on the paper, and most probably, if something were not done to expedite it, the question would not be settled in the present Session. It was, however, most important to the individual that this question should be decided speedily. If it were not, it would occasion very great inconvenience to the party whose interests were concerned. He therefore hoped that some steps would be taken to expedite the cause. If, however, that were not done, he certainly should bring the subject before their Lordships.

The Lord Chancellor said, it was perfectly true that there was such an appeal pending before their Lordships, and also that it was very low on the paper. If some steps were not taken to expedite it, the case could not be decided in the present Session. It was very important that it should be speedily decided, and for that purpose he thought that their Lordships ought to adopt some measure.

Subject dropped.

HOUSE OF COMMONS,

Wednesday, June 9, 1836.

MINUTES.] Petitions presented. By several Hon. MEMBERS, from a great Number of Places, for the Abolition of Tithes (Ireland), and for the House to adhere to the Irish Municipal Reform Bill, as originally passed by the House.—By several Hon. MEMBERS, from various Places, for the Abolition of Tithes (Ireland).—By Mr. FELLOWS, from

Doddishambsleigh, against the Tithes Commutation Bill.—By Mr. ROOPER, from St. Neot's, for Abolition of Church Rates.—By several Hon. MEMBERS, from various Places, against Turnpike Trusts Consolidation Bill.—By several Hon. MEMBERS, from various Places, for the Amendment of the Factories Regulation Act.—By Mr. WAKLEY, from the Retailers of Beer in St. Marylebone, to place them on the same footing as Licensed Victuallers.—By Mr. MORGAN O'CONNELL, from the Spirit Dealers of Kavan, against Excise Licensers (Ireland) Bill.—By several Hon. MEMBERS, from various Places, for the House to adhere to the Irish Municipal Reform Bill, as originally passed by that House.

LANDLORDS (IRELAND).—MR. M'NEALE.]
 Mr. Sharman Crawford, in presenting a petition from Downpatrick, said, that he would take that occasion to notice a charge which had been preferred against him yesterday evening in the House; he referred to the report of a speech of the hon. Member for Belfast, which appeared in *The Times* newspaper of that morning.

The Speaker reminded him, that it was irregular to refer to such reports.

Mr. Sharman Crawford would then merely say, that he understood the hon. Member for Belfast had made the following statement, which he found in *The Times*:—"The gentleman of whom he had to speak was Mr. M'Neale, of Carlingford, in the county of Louth, whose character as a landlord, one would have supposed, was so well known in Ireland as to protect him from such factious assaults. Of this gentleman the hon. Member for Dundalk (Mr. S. Crawford) was pleased to state, a few evenings back, that from political irritation against one of his tenants, who had voted contrary to his wishes, he had with his own hand set fire to and burnt the turf which the poor man had prepared for his winter firing." The hon. Member for Belfast, after this, had read a statement from Mr. M'Neale in which that gentleman accused him (Mr. S. Crawford) of doing this from a malignant motive—from a desire to injure him with His Majesty's Government. Now, he would confidently appeal to the House, whether he had ever mentioned the name of Mr. M'Neale in any statement he had made to the House. On a former occasion he certainly did mention an occurrence which he understood had taken place in the county of Louth, but he never once mentioned the name of Mr. M'Neale in the matter. If that gentleman now stated that the fact pointed to him, he was his own accuser. He would not shrink from stating, that Mr. M'Neale was the gentleman who had, as he understood and believed, burned the turf with his own

hand. If there had been any thing incorrect in the statement, and if Mr. M'Neale had applied to him to correct it, he would have been most ready to do so; but no such application had been made to him. He thought it rather hard that a charge of malicious motives should have been made against him by that individual. He repudiated such a charge as of a slanderous and unfounded nature. With regard to the course taken in this matter by the hon. Member for Belfast, he would appeal to the House, whether it was usual for hon. Members to prefer a charge of the kind against an hon. Member in his absence, and without any communication to him that such a charge would be made against him? He (Mr. Crawford) was not often absent from the House, but he happened to be so, unfortunately, yesterday, when the hon. Member made this charge against him. He (Mr. Crawford) had certainly some time since preferred a charge against the hon. Member for Belfast, but he did so in his presence, so as to afford him the opportunity to rebut it, if he could.

Mr. *Emerson Tennent* said, that as the hon. Member had admitted that his description had applied to Mr. M'Neale, and as he had not disputed the correctness of the facts contained in his (Mr. Tennent's) statement, he would now merely say, that he had made that statement, and that he had been authorised to do so. As to the circumstance of its having been made in the hon. Member's absence, he would only mention that he had sent his hon. Colleague the day before yesterday to the hon. Member, to inform him that he had a charge to make against him. He came down on that day to the House for that purpose, but having been prevented from making the statement then, he took the earliest opportunity in his power to make it.

Mr. *Sharman Crawford* said, that the hon. Member, Mr. M'Cance, had the day before yesterday told him that the hon. Member (Mr. E. Tennent) had a charge to prefer against him, but he did not specify what it was. He was in his place that evening, but no such charge was made. As it was not made then, it was not in his power to know on what day it would be preferred.

Petition laid on the table.

CORPORATION REFORM, (IRELAND).]
Mr. *Wakley* presented a petition from a

numerous meeting of the electors of the county of Middlesex, against the Lords' amendments to the Corporation Reform Bill for Ireland. The petitioners expressed a hope that that House would support its dignity at this important crisis, and sympathise with the people throughout the empire, by rejecting with indignation and scorn the attempts of the House of Lords to interfere with the extension of justice to Ireland on similar principles to those already acted on in the case of England and Scotland. He fully concurred in the prayer of the petition.

Sir *George Sinclair* begged to know whether the petitioners prayed for a Reform in the House of Lords?

Alderman *Wood* said, if the hon. Member wished it, he was sure the House would have no objection to have it read at length. The petitioners expressed their opinion very strongly of the necessity of some change in the House of Lords.

Mr. *Thomas Duncombe* presented a petition, agreed to by the electors of Finsbury, at a meeting which had yesterday been held for the purpose of addressing that House on the Lords' amendments. They prayed that the hon. House might reject them with the disgust they deserved.

Mr. *Wakley* supported the prayer of the petition, and stated that at the meeting yesterday he (Mr. Wakley) handed a Bill containing the Lords' amendments to the people, and asked them what the House of Commons ought to do with it, upon which they tore it in ten thousand pieces. He mentioned this to show the feeling of the people on the subject.

Petition to lie on the table.

COPYRIGHT—(IRELAND)—PRINTS AND ENGRAVINGS.] Mr. *Buckingham*, as he anticipated no objection to his motion for leave to bring in a Bill to extend protection to copyright of prints and engravings to Ireland, would state in a few words the grounds of his motion. It appeared by a late decision of the law courts, that the protection of copyright of prints and engravings published in this country did not extend to Ireland. The object of his Bill was simply to extend the protection to such prints in Ireland.

Sir *Robert Inglis* did not consider it expedient to discuss this question now, as a more important subject was about to come before the House. He hoped the hon. Member would defer his motion to another day.

Mr. *Buckingham* said, that copyright of prints and engravings published here was daily invaded in Dublin. He wished to prevent that injustice.

Sir *Robert Inglis* hoped the hon. Member would not urge the motion. He should feel it his duty to oppose it; and he was unwilling to delay the other business of the House by a discussion of this.

Mr. *O'Connell* said, the opposition might have been expected to come from Ireland; but the Irish Members made no objection. They were anxious that no injustice should be done to England.

Sir *Robert Inglis* said, that after the second reading of the Copyright Bill last night, he should feel it his duty to divide the House on this motion.

Lord *John Russell* hoped that the hon. Member (Mr. *Buckingham*) would not press his motion at present.

Mr. *Buckingham* said, he would defer it, if the noble Lord requested it, but he had not heard any good reason urged on the other side why he should do so. The hon. Member then moved for leave to bring in the Bill.

The House divided—Ayes 169; Noes 80—Majority 89.

MUNICIPAL CORPORATIONS (IRELAND)—LORDS' AMENDMENTS.] Lord *John Russell* then rose and said: I think it will be the most convenient course, in moving the order of the day for taking into consideration the Lords' Amendments to the Bill relating to Municipal Corporations in Ireland, that I should state to the House the view which is taken by his Majesty's Ministers of those amendments, and the motion which will be made by my right hon. Friend, the Attorney-General for Ireland, in proposing the mode in which the House should consider and deal with those amendments. Sir, I wish to do this without making any remarks which may tend to excite any exasperation upon a subject on which so much interest is felt; but at the same time I must say, that I think I should be deserting my duty if, for the sake of any compliment to the proposals of the other House of Parliament, I were to propose to barter away the privileges of this House, to diminish the rights of any portion of his Majesty's subjects, or to impair, in the least degree, the well-known principles of the Constitution. Sir, we stand upon this subject at present on the defensive. It has been the policy of this House to send

up to the other House of Parliament Bills for reforming Municipal Corporations, first in Scotland and afterwards in England. Upon both those Bills some discussions took place. In the latter, many amendments were introduced by the House of Lords, but it seemed to be the general agreement of both Houses, that corporations in themselves promote good government, order, and regularity, in the towns in which they are established, and contribute to the welfare of the country in general. We have proceeded upon the same principles, though without adopting exactly the same provisions, yet with provisions nearly resembling them, in respect to the corporations of Ireland. We sent up to the other House of Parliament a Bill for the regulation of the Municipal Corporations of borough-towns in Ireland. That Bill has been returned to us with the title altered, with the preamble changed; and of a Bill consisting of 140 clauses, 106 have been in substance omitted, eighteen other clauses have been introduced, and of the whole purport and intention of the original Bill, little is to be found in the Bill which is now come down to us. If I wanted any proof of the intention to change the whole frame of our Bill, it stands recorded in the fact, that the other House of Parliament have adopted, upon an instruction to a Committee of the whole House, an alteration which could not be proposed without that instruction, and which instruction had for its object to effect that which this House had already deliberately rejected. Such, I say, is the form in which this Bill is returned to us; and certainly, I must say, if the object was not to attain that cordial harmony between the two Houses of Parliament which we have been told to-day, it is the desire of the House of Lords to promote, but to sow dissension between us, I should think that there was no more obvious method of effecting it, than to adopt the very proposals which this House had declared to be unpalatable to them, and to alter a Bill which they had sent up in such a manner, as to make it entirely a new Bill, and a new law upon the subject. However, with respect to anything which it is possible for us to propose, as the means by which this Bill may ultimately become law, I was anxious to find some method by which, consistently with precedent and usage, we could say that this Bill might finally receive the sanction of this House.

I conceive that, in conformity with our privileges and the recognised rights of this House with respect to Bills which come before us for discussion, there are but three courses which it is possible for this House to adopt. The first is to reject these amendments altogether, with a view to substituting or introducing a new Bill, which should contain the provisions made by the Lords. The second method would be the restoring all the original parts of the Bill, and disagreeing with all the amendments of the Lords; and the third course would be, disagreeing with the greater part of those amendments, and restoring in principle the original intention and spirit of the Bill, but not insisting upon the original form in which those provisions were proposed. Sir, there is a fourth course, which I have not mentioned, because certainly I could not recommend it to the House to adopt, and I think there would be few Members found in the House who would think it conformable with our privileges to agree with. It would be to adopt these amendments at a single sitting, without any previous notice or consideration of them. If we were to do this, we should be surrendering altogether our privileges and due deliberation: and, instead of having a Bill sent from the Lords which we might read a first, a second, and a third time, and then carry into a Committee, where we might examine its provisions in detail, we should then be content to say, that any Bill which is sent up by this House to the Lords, might be totally altered in its provisions, in its nature, in its title, in its intention, and that, with one single reading, and by one motion in this House, we might dispose of the greatest questions which may be involved in any Act of Parliament. I will not be so unmindful, for I think I should be unmindful of what is due to the privileges of this House, and to its station in this country, to propose so new, so dangerous, and so humiliating a course. I will, now then, take the liberty of reading to the House, before I go into the substance of the amendments made by the House of Lords, a precedent with respect to a Bill which was sent up from this House, at a time when certainly this House was not over anxious either to dispute with the House of Lords or to set up any pretensions dangerous to the other branches of the Legislature. The precedent of which I am going to give an account is one made by the Parliament which sat in

1661, of which this description is given by Hume:—

“The royalists and zealous Churchmen were at present the popular party in the nation, and, seconded by the efforts of the Court, had prevailed in most elections. Not more than fifty-six members of the Presbyterian party had obtained seats in the Lower House, and these were not able either to oppose or retard the measures of the majority. Monarchy, therefore, and episcopacy were now exalted to as great power and splendour as they had lately suffered misery and depression.”

It was in such a spirit—and after reading this extract from Hume, I need not quote any instances to prove its existence,—but it was in such a spirit that, the House of Commons of that day legislated, anxious by their zeal and by the fervour of their loyalty, to build up what the men of the Commonwealth had destroyed. Sir, this House of Commons, so disposed, having introduced a Bill into this House, which they called a Bill for the well-governing and regulating the corporations of England, sent it up to the House of Lords, where it underwent many alterations. The original Bill was a Bill for the purpose, by means of Commissioners, of displacing from corporations all who belonged to the Presbyterian or Republican party, and to replace them by persons well-affected to the Crown. The Bill was altered in the House of Lords, and, among other things, in this manner. They proposed that the mayor of every town should be named by the Crown every year, out of six persons to be presented by the corporations. They made several other alterations in the details, and as to the nature of corporate powers. The House of Commons took these amendments into consideration, and entered on the journals of the House, that they disagreed with the amendments, and they appointed a Committee to draw up the reasons for their disagreement. The Committee reported several reasons, of which I will quote two or three to the House. The first reason reported by the Solicitor-General of that day, was,

“Because the Bill for the well-regulation of the corporations placed the government of the towns in the right hands, which by the Bill sent up from the Lords so far from being effected by the amendments, was not so much as thought of, and that in the provisions for the appointment of the mayor and recorder, no care was taken for any other members of the corporations.”

The seventh reason is,

"Further, the amendments are repugnant to the title of the Bill, which is a Bill for the regulation of corporations, whereas the amendments do either extirpate, or, at least, new create them. The reformation contemplated by the Bill sent up to the Lords was of a temporary nature, and such as was reasonably believed would be agreeable to the times, and suitable to our trust; whereas the amendments made by the Lords were such as would be in no case agreeable to the people, or suitable to, or consonant with, our trust."

Now, it is clear from this example of a House of Commons, upon which no imputation can be cast that it wished to overturn the constitution of this realm—it is manifest from this example, that the House of Commons were unwilling to agree to the amendments of the Lords, which completely altered the nature of their Bill, and which they said were "not consonant with their trust." Now, Sir, I hope this House will act at least in the spirit of this Restoration Parliament, and that we shall act in a manner "consonant with our trust," and that, if there is anything in this amended Bill which injures the liberty of the subject, or which destroys the nature of the corporations themselves, that we shall consider whether we, the Commons of England, shall be justified in giving our consent to these amendments. Sir, the result of the conference upon those reasons was, that the House of Lords desired further time to consider the matter. They said, that owing to the thinness of the House they could not then proceed; and the question was, therefore, put off from July to December. In December, the most obnoxious amendments made by the Lords were withheld; some of them were in some parts accepted, and the Bill was finally passed by both Houses. The main purpose for which I have quoted this precedent; is to show that if we are not able to agree to the amendments made by the Lords, we may yet restore in spirit the Bill which we sent up to the Lords, and that we are not obliged, on account of the objections which we may entertain to the extensive nature of the alterations made, to consider that we have before us but one course, namely, to reject those alterations altogether. I will now proceed to state the general effect of the greater part of the proposed amendments. In the first place, and that which is the head and front of the whole matter, the Bill which we sent up to the House of Lords was a Bill for regulating and renewing Corpo-

rations in Ireland, but allowing corporations still to subsist as they now subsist in England and Scotland. The House of Lords, on the contrary, have introduced a clause putting an end to the corporations altogether. But in doing this they have taken care—and I think they could little be aware to what extent that care went,—they have taken care, I say, to preserve for their natural lives, to many of the persons who hold offices in these corporations, all the power, all the trust, and all the property which they now enjoy. I thought it was an objection to the Bill as it has come down to us, that it totally abolished corporations. Indeed it is most objectionable in principle, as I shall by and by argue, to abolish these corporations, but it would not be giving a complete, or anything like an accurate notion of this amended Bill, as it is called, to say that it destroys corporations, and puts other powers in their place. It is a Bill to continue for the present generation, under less responsibility, with less restraint than they at present feel in their situations, the persons who hold office in these corporations—which corporations you yourselves declare to be corrupt and indefensible. I will show this to be the effect of some of the clauses that now stand in the Lords' Bill. By the 5th Clause bodies corporate are dissolved, and the power of electing new officers ceases after the first day of January next. By the 12th Clause clerks of the market, weigh masters of all goods, weigh masters of butter, and tasters of butter, are to continue to hold such offices during their lives. In the Bill which was originally printed in the Lords, it was provided, by the same clauses, that those persons who should be named to these places after the passing of the Bill, and before the 1st of January next, should continue in their offices subject to removal at the pleasure of the Lord-Lieutenant. That certainly must have been an oversight, for so gross an opening for jobbing never was made; and that clause, therefore, has been altered so as to prevent persons hereafter coming in to enjoy the same rights as the present holders of those offices enjoy. By the 13th clause town-clerks, bailiffs, treasurers, and chamberlains, with other ministerial and executive officers of bodies corporate, are to continue to execute their duties until removed by the Commissioners appointed by the Act. By the 14th Clause, compensation is extended to the members

as well as the officers of any body corporate deprived of their emoluments by the Act. By the 16th Clause pensions and allowances are extended beyond what we originally provided, being made to include annual sums granted in conformity with established usage, and only limited by this, certainly very necessary and useful, proviso at the end, "unless the property of such body corporate shall not be sufficient for the payment thereof." Undoubtedly the person who framed that proviso must have considered that what he had consented to insert in the former part of the clause would probably entirely eat up and destroy the whole property of these corporations; and that in order to take care that these persons should not overrun the country, and make claims upon other funds, he felt it proper to enact that when the whole corporate property was consumed, these persons should have no further claim upon us. By the 19th Clause charitable trusts are vested in the persons who shall, on the 31st of December, have been mayor, aldermen, or members of the governing body. By the 20th Clause trusts, other than charitable trusts, are vested in the same persons; and by the 23d Clause, when any body corporate is part of any other body corporate, their places are to be filled up by these same fortunate mayor, aldermen, and members of the governing body who may be in office just before the 1st of January, 1837. By the 92d Clause, in every town where the town-clerk is now in right of his office clerk of the peace, registrar of the court of record for the trial of civil actions, and clerk to the court of conscience, the person who shall be town-clerk on the 31st of December shall continue to hold these offices. Well, these are the clauses then which provide, not, as I have said, for the extinction of corporations—not for the destruction of those corporations against whom every Member of the other House was so indignant, and which there was no one willing to defend—but for the possession during their lives of these offices, unless they are removed, as some of them may be by a method I shall hereafter mention, to all those persons who may or may not have been in the active exercise of the abuse of the trusts which were vested in them. There is a difference between one or two of these official personages and the others, which I do not well understand; for, by a certain clause, the treasurer may be removed by the

Commissioners; while by a former part of the Bill, it would appear, that those fortunate persons who are the clerks of markets, weigh-masters of butter, and tasters of butter, are taken especial care of, are not to be the least injured—nothing is to happen to them; but they are to be preserved until, in the course of nature, they shall fall off. Why, Sir, then the real effect of this Bill is not what we supposed it to be; and those who determined upon the abolition and destruction of corporations, seem to have some faulting in their own purpose. When they came actually to execute this destruction, this abolition, this death to the old and abusive corporations of Ireland, some compunctions came over them; and while they were content to abolish the name, and leave nothing hereafter of the same kind, they took care of the persons who had been the especial friends of those who were now consenting to their destruction. It puts me in mind of that dying miser of whom we are told by Pope, that the ruling passion, strong in death, would not suffer him to relinquish that which he was too old to retain or to enjoy:—

"I give and I devise (old Euclid said,
And sigh'd) my lands and tenements to Ned.
Your money, sir!—'My money, sir! what all!
Why—if I must—(then wept) I give it Paul.
The manor, sir!—'The manor! hold (he cried),
Not that—I cannot part with that'—and died."

There seems to have been a similar ruling passion operating on the minds of the persons who framed these amendments. Those who made the will, by which they "gave and devised" these corporations, certainly felt so much reluctance to annihilate and destroy all these precious relics—these corporate offices—that even with their dying breath they chose to leave them all by a devise that should preserve them at least during the natural lives of the objects of their bounty. Well, after having taken this care, and made these provisions for the existence and continuance of the present corporate officers, we then come to that which I may call the constructive part of this Bill—very different from our constructive Bill—and the clauses of which are to this effect:—By the 26th clause the Lord-Lieutenant is to appoint five or seven Commissioners to be Commissioners of corporate property: in these Commissioners, by Clause 23, is vested the whole property of corporations. By the 29th Clause they appoint a treasurer. By the 34th Clause they are empowered to bring and defend

actions, and compromise and settle accounts. By the 41st Clause they are to pay the salaries of the recorder, judge of the court of conscience, to pay to the Commissioners under 9 Geo. 4th, any surplus, and if there shall be any farther surplus, to apply it for the public benefit of the inhabitants of such town. By the 43d clause they may abolish tolls, and by the 45th Clause they may remove any town-clerk, bailiff, treasurer, or chamberlain. By the 61st Clause the Lord-Lieutenant is to appoint to any office of clerk of the market or taster of butter. Sir, the effect of these clauses is to place in Commissioners, named by the Lord-Lieutenant for Ireland, the whole corporate property of Ireland and the nomination of all corporate officers in that country. And, Sir, I declare at once that I never can agree to such clauses. I consider that the corporations, even in their worst state, are a species of local government which it does not belong, which it ought not to belong, to the supreme executive to supersede. I consider that in their reformed state they are instruments which, by means of popular control, the inhabitants of our towns may manage their own affairs in that way which most concerns them; and I never will agree, admiring the principles of these institutions—admiring the ancient principles of our constitution in its rise and growth, and in what has been done to reform them—to admit this new and despotic principle, connecting with the executive and central government a power which is locally so well and so duly placed. Only let us consider the mischief and injury that must ensue from a Lord-Lieutenant and his Commissioners interfering in every transaction, and in the smallest appointment for regulating the local concerns of a place. Let us consider the clamouring there would be, the favours that would be asked, the jobbing that would be created by placing the nomination of all corporate officers in these Commissioners. And let us consider, further, the great violation that there is in the very principle of placing in these Commissioners the whole property of these corporations, with power to defend and to undertake suits, to arrange disputes, and to settle contests about the rights of property, and to dispose of that property as they shall think fit, with merely the general limitation, that it shall be for the public benefit of the town. Why, Sir, can it be

believed that there will not be continual efforts made by the different parties in every one of these towns to obtain the favour of these Commissioners with respect to the manner in which the corporate property shall be disposed of, and with respect to the favours to be granted to one person or the other, not in one place only, but in every town which has corporate property; and not only relating to the property, but to every action in which that property may be concerned—if all these powers shall be confided to a set of Commissioners at the nomination of the Lord-Lieutenant? But, Sir, is it not most objectionable, in principle, that these matters, which have all, hitherto, been treated, and which should be treated, as matters within the cognizance of local bodies, should be placed in the hands of these Commissioners named by the Government? And let me ask, how those who profess to pay so sacred a regard to property,—let me ask, how they can consent that this property, which is altogether to be taken away from these towns, shall be left in the hands, and to the uncontrolled direction, of persons named by the Lord-Lieutenant of Ireland as to what manner hereafter that property shall be applied? Therefore, Sir, taking this view of the clauses I have mentioned, it is quite impossible for me to consent to the first part of them, which destroys the corporations, or to the second part of them, which places their property and powers in the hands of the Commissioners; and I shall venture to state to the House in what manner I propose to accomplish that which is necessary, in order to replace the clauses for effecting the real intention of this Bill, to be adopted by the House. I will not propose, for it would be but to lead evidently to the rejection of the Bill—that the whole of the towns now placed under the government of a mayor and council shall hereafter be placed under that species of government. I will not propose that all the clauses which we introduced should be restored; but I will propose that the great towns, which stand in the first and second schedules of the Commons' Bill—schedules A and B—shall be placed in a single schedule, and that the whole of the clauses which have been struck out should be again inserted, with a view of applying them to those towns. There are eleven of these towns—Belfast, Cork,

Dublin, Galway, Kilkenny, Limerick, Waterford, Clonmel, Drogheda, Londonderry, and Sligo. There is another town, which by reason of being a county of a town I shall propose to place in the same schedule—I mean the town of Carrickfergus. I have next a proposal to make with regard to the towns which are in schedule C. I think it is not advisable to have these towns altogether either under the Municipal Corporations, which you have declared to be defective, or to leave them out of the Bill. I have already declared, that I never will consent to apply to them or to any of the corporate towns in Ireland, those clauses which have been inserted by the Lords, making the Commissioners appointed by the Lord-Lieutenant the sole corporators. It is, therefore, necessary to frame some provision which will not be exactly conformable to our former provisions, but which shall provide means for the purposes of municipal government in these towns. I propose, then, to put into a second schedule all those towns which are important and of considerable size, and also those which possess corporate property of any extent. For wherever there is corporate property to any extent, I think it is the duty of Parliament, having ascertained the abuses in the management of that property, and those abuses having been generally recognised, to provide an immediate remedy. I propose, therefore, that with respect to them, the provisions of the 9th Geo. 4th—provisions with which Gentlemen seemed so much pleased when the question was under deliberation before, should immediately apply to these towns, and that as soon as the Commissioners are chosen by the 5l. householders, so soon all the corporate property, and power to appoint to any necessary office, such as clerk of the market, should belong to these Commissioners. This schedule will contain twenty towns. With respect to the first schedule, it will be a schedule of towns where the 10l. householders will have the power of electing the mayor and town-council; and with respect to the second schedule, it will be a schedule of the towns where the 5l. householders will elect, but where, instead of electing a mayor and town-council, they will elect Commissioners under the 9th of Geo. 4th. These Commissioners will have the powers of watching, paving, and lighting. But the difference between the proposition now

made, and the proposition introduced in the Lords, is, that to these local Commissioners elected by the 5l. householders, and therefore elected by the inhabitants, and not to Commissioners nominated by the Lord-Lieutenant, the corporate property will be intrusted. I think I need not dwell upon the very important difference between these two modes of appointment, or trespass long upon the House in order to prove which of these two propositions is most constitutional. These Commissioners will be, at all events, persons having the confidence of their fellow citizens; they will be persons anxious to promote the welfare of the town—they will be persons acquainted with its circumstances, and they will be persons responsible to their fellow citizens. From these Commissioners, in every one of these respects, the Commissioners to be appointed by the Crown, as proposed by the Bill at present, will totally differ. We cannot expect from them the same knowledge of the town—we cannot expect from them the same regard for the interests of the town—and, above all, we have not in them the same responsibility to popular vigilance and control. A third schedule I shall propose will contain all the remaining boroughs from section 2 of schedule C. In the boroughs contained in this third schedule I do not propose that the provisions of the Act of the 9th of Geo. 4th should be immediately adopted, as they are boroughs which possess but little corporate property; and as it may be hereafter found, that it would be better for them not to incur the expense either of Corporations or of Commissioners under the Act of 9th of Geo. 4th: I propose that, with respect to them, the adoption of the provisions of 9th Geo. 4th, shall be voluntary; and if it should subsequently appear to Parliament that they had not adopted the provisions of that Act, and that Corporations in those towns (they having no property to administer, and but few individuals to govern) were not required, I am sure I for one should make no objection, either in the case of Balturbet, or any other town similarly situated, to any proposition for abolishing the Corporation. With respect to any other part of the Bill, I do not think there are many points on which I need occupy the attention of the House. There have been several alterations made by the Lords in those clauses which concern the quarter sessions and the recorder; but although several alterations,

have been made in those provisions, still the spirit of the Bill is preserved. If there be any differences of opinion on those clauses, they will be merely differences of detail. It was an opinion that the administration of justice by the recorder, should be vested in the appointment of the Crown. That is likewise the opinion of the Lords. They have not agreed that quarter sessions should be held whenever the council think fit to require it; but they have agreed, that there should be recorders named by the Crown, and not by those Corporations. I know not, then, Sir, that I need go further in this general statement than I have done, in pointing out the differences which exist between the Bill which has been sent down to this House by the House of Lords, and the Bill which I propose to send up to the House of Lords for their concurrence. It will be observed that the difference between those two Bills in point of principle—I do not disguise it—is very wide indeed. I do not pretend to say, that I have adopted the principle of the House of Lords. I do not pretend to say, that I have adopted the principle of abolishing Corporations, destroying local governments, and establishing a central government in their places. I think I need not long detain the House with the general reasons which have induced me to prefer the one plan, and not to consent to the other. When Bills were introduced for the Reform of the Corporations of England and Scotland, we did not think it necessary, and right hon. Gentlemen opposite did not think it necessary, for us to enter into the general reasons which induced us to think that Corporations were beneficial, and that if they ought to be reformed, they ought not to be destroyed. If we look to history, we shall find that all the historians, who have written of the transactions of Europe in earlier times, attribute all the civilization, attribute all the wealth, attribute all the good order, attribute all the regularity of our corporate cities, entirely to their municipal institutions. They attribute to them, likewise, the having kept alive and fostered the spirit of civil liberty. Dr. Robertson has many pages of eulogium on Corporations for this reason. It is said by Gibbon “that at the feet of these popular ramparts, the pride of the Cæsars was humbled, and the spirit of liberty triumphed over the two greatest monarchs of their age.” “It was in those times taken for granted, that any

infringement of the rights of Corporations, that any blow to the rights of Corporations, that any destruction of the Corporations themselves, was a blow directed at liberty herself; and when, in later times, we have thought it necessary to propose, that the defects of these Corporations should be remedied, and the principle of popular control introduced, we have had the general concurrence of this House in the opinion that it was desirable to vest these trusts in local bodies, that such a proceeding was conformable to the Constitution of this country, and that we were discharging our duty to our constituents, by doing everything in our power to preserve and maintain them in the chief towns of England. But, Sir, it is not in this country alone that in later times free Corporations have been introduced. I was reading over this morning a decree of the Prussian Government, bearing date in the year 1808, for the introduction of Corporations on a free basis in that country. I regret to have to refer the House to Prussia for a precedent of freedom on this subject, but it is so apt an illustration that I cannot avoid it. The preamble to that decree contained the following passage:—

“It has been remarked that the citizens do not take interest in concerns which are of importance to them in consequence of the defective arrangements which have hitherto existed in the Corporations and classes of each town. In order to remedy this fault, it has been decided to make new municipal arrangements, of which the principal object is to give an independent constitution to the towns, to create in them a centre of interest to the citizens, and to grant to them a real influence over the administration of the public property, and induce in it a community of action.”

In conformity with the preamble, so the enactment proceeds on the most liberal basis, with one or two exceptions, which I am informed do not affect the freedom of the towns. With the exception of securing to the Crown the power of refusing its consent to the election of a mayor, if it shall so think fit, and with some other exceptions of the like nature, the decree establishes an independent constitution on the most liberal basis. I said before, that I was sorry to refer to Prussia for a precedent. I repeat it, because I come now to the question whether it be necessary to deny municipal institutions solely for the reason that the country to which it is proposed to apply them is Ireland? There is a sentiment of Mr. Burke's, the passage in which

it was delivered I will not pretend to quote, which I am sure every Gentleman who hears me must have in his recollection. In his beautiful speech on the subject of conciliation to America, Mr. Burke said that, "Slavery your colonists can have anywhere, it is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your true dignity, freedom they can have from none but you. This is the commodity of price of which you have the monopoly." Shall I be reduced to the necessity of reversing the proposition? Shall I be told that municipal freedom may be allowed under a despotic constitution, that it may be encouraged by a Prussian government, but that, in the whole of Ireland, under the free Constitution of Great Britain, it shall not exist? Why, Sir, have Gentlemen seriously reflected upon the proposition which they have come down here to give their votes upon? Have they well considered how deep a wound must be inflicted on Ireland, not merely by the provisions I have detailed to the House, but by the reasons on which it is notorious that they are founded, by the words in which I heard it with my own ears declared, that, "three-fourths of the people of Ireland were aliens in blood, differing in language, differing in religion, and waiting only for a favourable opportunity of throwing off the Government of this country as the yoke of a tyrannical oppressor?" These, Sir, are the words which fell from the lips of one who is supposed, by the public, to be the chief organ in introducing these Amendments of the House of Lords—of one who, but a few months ago, held the high and responsible office of Lord High Chancellor of England. Can it be conceived, Sir, that these enactments, were they far less bitter than they are, were they far less hostile to the spirit of our Constitution, were they far less different from the laws we have adopted in other parts of the United Empire, could be received, founded on such motives, and having such a preamble affixed to them, with any other feelings than those of the deepest indignation? Tell me of speeches made at the Corn Exchange!—tell me of agitation! I tell you that these words, and those enactments which are founded upon them, will tend more to promote agitation—will tend more to prevent tranquillity—and will tend more to keep alive discord, than a thousand

such speeches—uttered, it may be, by men who are speaking of impossible and unattainable objects; but speaking, nevertheless, in favour of the extension of the liberties of their country. I tell you that if you consider this Bill with the view of establishing upon it some new law which shall be applicable to Ireland alone, and couple it with such motives, you ill understand the sound policy of Government in attempting the infliction. I will add upon more general grounds, that, having heard what passed in this House, and having attended to much of what passed, or is said to have passed, in the other House of Parliament, I have never heard anything like a plausible reason assigned for making this distinction between the two countries. Differences there are—great and wide differences, I am not the man to dispute their existence; but the question here is simply this—are there such differences in the towns of Ireland as to render them unfit to have popular and municipal Corporations? It is nothing to tell me that there have been dreadful outrages committed in the country parts of Ireland, that trials have taken place which shock the feelings, and that much crime is committed throughout that portion of the empire. I ask, and as I have never heard it stated yet, I ask for the sake of information—is it contended that in the towns of Ireland there prevails a greater degree of disorder and a greater unfitness for popular government than exists in other parts of the empire? If it be so, I have not heard it; if it were so, I should very likely say that, in conformity with the examples we have of the early ages of Europe, it is but reasonable to suppose that the introduction of municipal Corporations would be the best remedy for the evil. But is it so? Let any man go over, in his memory, the transactions of the last few years. Which are the towns, where are they situated, in which scenes have taken place of great outrage and calamity? In Dublin, Cork, or Limerick? I recollect one in 1819, in Manchester. I recollect a deplorable scene that occurred in 1831, at Bristol; but I do not think that there has been in Dublin, Cork, Limerick, or any other great town of Ireland, anything resembling scenes like these. If there had been, if Cork had suffered the fate of Bristol, should we not have heard of the danger of extending, and of the dreadful results to be apprehended from the extension of municipal Corporations to such a

city? And yet no man contended, no man ever thought of contending, when we had the Municipal Corporation Act under discussion last year, that it ought not to be extended to Bristol on account of the outrages which had taken place in that city. But I say, on other grounds, give municipal Corporations to those towns in Ireland. Their inhabitants will then busy themselves with their own local concerns. They will learn, if they have not already acquired, the habits and practice of self-government; they will become a model to the rest of Ireland; they will acquire all those means, and pursue all those means of political order, improvement, and embellishment, which make municipal Corporations a blessing and an advantage to all great towns. I say, moreover, give it for another reason, if you have no valid obstacle to bring forward—give it for the reason that under the present laws and Constitution of this empire, and after the passing of the Roman Catholic Relief Bill, you have no right to make a distinction between 16,000,000 of Protestants and 6,000,000 of Roman Catholics, but are bound to unite the whole people under one Government of the same kind, and to treat the inhabitants of Ireland as you would treat the inhabitants of Lancashire or Berkshire. And is it only on the Roman Catholics that this slight and degradation is to be affixed? Is it because you wish to mortify and degrade the Catholics that you deprive the Protestants of Londonderry of their power of electing municipal Magistrates? Are they, too, to be told that they are unfit for, that they must be deprived and suffer the loss of, all the advantages of municipal government, because you wish not to have the appearance of making, while you do in fact make, religious distinctions? Are they to be told, that they, too, must suffer these penalties because they are Irishmen, and because, being Irishmen, they have the misfortune to be fellow-citizens and fellow-countrymen with Roman Catholics? Such, Sir, are the reasons, and such are the grounds on which I shall ask this House to restore the clauses that have been omitted by the Lords. If I want an authority in favour of the general policy of this measure—if I be told, as I was told by my right hon. Friend opposite, the Member for Cumberland (Sir James Graham), on a former occasion, that this was concession, and that we ought not to make concessions, I will

examine the question as it was propounded in the year 1829 by a great authority in the other House of Parliament. That authority said—

“A most reverend Prelate had said last night, that the project of his Majesty’s Ministers would not be accomplished; that the Legislature might make large and ample concessions, but that they would fail in the object which they had in view. Now, he saw no ground for indulging in an anticipation of that nature. He would ask why the Legislature had not been able, long before this, to frame efficient laws on this subject? It was because there had been a divided Cabinet; it was because there had been a divided Parliament; it was because there was an unwillingness on the part of Government to exert its power for the purpose of effectually tranquillising Ireland. But now there was a united Cabinet. Let them, then, do that which justice requires. Let the legislative body of the country—let the Government of the country—let all those who had influence in the country—join in one happy union, to accomplish that great object, the tranquillization of Ireland, which he thought concession alone would produce [cheers]; and if they could not effect it by that means, they could have recourse to the exercise of legitimate authority.”*

These are the opinions which were expressed in 1829 by Lord Lyndhurst, in the House of Lords! And, Sir, when reproach is cast upon the constant repetition of the words “justice for Ireland”—a phrase which the hon. and learned Member for Kilkenny is certainly very often in the habit of using,—I think he has very high authority for it in this single sentence of Lord Lyndhurst’s,—“Let them do that which justice requires.” That, Sir, is in fact the whole of what is demanded. You passed an Act to place the Roman Catholics of this country, with respect to office and power, on a footing with the other subjects of his Majesty. Will you now contend, that three-fourths of the population of the United Kingdom are entitled to the peculiar privileges, and to municipal franchises, because they are Protestants, and that the remaining fourth are not entitled to them, because they are Catholics? If this be your reasoning, if this be your argument, you do not do that which justice requires; you do not act fairly and equally by all parts of the empire, and you cannot expect that this will be in reality an United Kingdom. My right hon. Friend opposite (Sir James Graham) and others, have said that the difference, after

* Hansard (New Series) vol. xxi. p. 196.

all, is not so very great: that they agree with us in the destructive parts of the Bill, and that it is only on the constructive that they differ. Why this is, indeed, the whole difference. I had the honour of being associated with my right hon. Friend in the consideration of that Reform in the representation of the people in this House which we fortunately carried, and when we agreed, without much ado, that a great number of the corrupt boroughs of this country—amounting, I think, to fifty at first—should be destroyed. Suppose if, after agreeing upon this point, and when we came to consider the propriety of the admission of Manchester and Leeds, and other places, to a share in the representation, my right hon. Friend had said, “Here is a very small point upon which I differ from you. We have agreed thus far: I have cordially agreed in the destruction of these boroughs. But I do not like agitation; I am not a friend to popular elections; I think you have done well in destroying the close boroughs, but as to conferring the power of holding popular elections upon Manchester, Bath, or any other large town, there I totally differ from you.” Supposing my right hon. Friend had made this declaration, I should have thought that his difference was not one of degree merely, but one which went to the whole principle of the measure. Sir, the right hon. Baronet opposite (Sir Robert Peel), at a very splendid dinner given to him last year, in a very splendid building, by the Goldsmiths’ Company, said, “I think you have done wisely; you have built upon the old foundation.” The Goldsmiths’ Company were highly gratified with the right hon. Baronet’s compliment. But what if the right hon. Baronet had said, “I quite agree with you in the propriety of pulling down your old hall. It was a very unsightly and inconvenient edifice, and you did quite right in pulling it to pieces. I cannot think you have done well, however, in erecting this handsome building. I quite differ from you in that. I think it was a very useless waste of your local revenue, and I cannot help thinking that you would have done much better if you had asked the King’s Ministers to take care of your funds, by vesting them in the hands of Commissioners.” Undoubtedly, so far from considering this as any great compliment from the right hon. Gentleman, they would have been somewhat

astonished at his selecting the very point on which they felt the most pride as the theme of his disapprobation. I therefore, Sir, differ entirely from the assertion, if it be intended to be made again, that there is any small difference, or any difference which ought not to be felt and insisted on, between the construction and reformation which we propose, and the entire destruction of these corporations advocated by the Lords. In the one I see a wide plan, similar to that which Parliament has already adopted in the other parts of the empire, suited to the enlightened principles of the age, fitted to lead to harmony, fitted to produce good local government in Ireland, and to awaken feelings of concord and harmony between that and other parts of the empire. I see in the other a mark of degradation, a wish to create an invidious and cruel distinction—a determination, that the more you seem to place all the King’s subjects on an equality in future, the more Ireland shall be viewed with a sort of suspicion approaching to enmity, and placed beyond the pale of remedy or redress. I ask you to adopt a more generous, to adopt a more conciliatory, to adopt what I think the wiser of these two alternatives. Depend upon it that your decision will spread wide abroad, and have a great and a lasting effect. If you mean fairly, really, and justly to consider the people of this United Kingdom as one people, as one people will they stand against their enemies. Then may you say,

“Sic Romana potens Italia virtute propaga.”

If you adopt the other course you embark upon one fraught with difficulty and danger. Look around you upon the state of the world, and see how firmly the British empire and the British Constitution stand. Foreign powers in relations of amity, and no fear of an interruption of the general peace: domestic tranquillity established in England and Scotland—the people devoid of the least alarm; destitute of the slightest apprehension; trade and manufactures flourishing; agriculture, I hope, recovering from its late depression; an empire strong in arms, strong in wealth, strong in character, strong, above all, in the reputation of being a free country. To an empire thus blessed and thus favoured, there remains but one point from which danger may arise. Truly was it said, as I see it reported to have been, by an hon. Friend of mine,

who for fifty years has sat in this House, and who never acted contrary to his professions or swerved from his avowed principles—truly was it said by him—(the noble Lord referred to Mr. Byng) “You may make Ireland either your weakness or your strength.” So say I. If you choose to make her your strength, the whole affairs of the empire stand indissoluble and compact; but if you make her your weakness, you will then have to carry on, if not a struggle against force and physical strength, at all events, in the midst of dissension, and against the most formidable discontent. You will have a large portion, consisting of three-fourths of Ireland, in a state of exasperation and inquiet, and the first cannon-ball fired in Europe will be the signal for retracting all your denials, and making that concession, and doing that justice in your need, which you refused in the hour of your glory and the day of your strength. Then I will say, with pain and with sorrow, that this country is no longer that great country for which I took her, refusing what is plain, obvious, and undeniable justice from ill-founded prejudice, and a determination to keep up disunion and promote discord. The noble Lord concluded by moving that the Lords’ amendments be taken into consideration.

The *Speaker* having put the question,

Lord *John Russell* again rose and said, the way in which he proposed the House should proceed, consistently with their usual forms, would be to postpone for the present the two or three first clauses, in which the amendments were not of any vital importance, and apply themselves at once to the fourth Clause, which had been struck out of the Bill. He should therefore move, that the House disagree with the Lords’ Amendments to that Clause.

Sir *William Follett* was anxious to approach this subject with those feelings recommended by the noble Lord who had just sat down, although he did not know why the House, in considering whether they should agree to the Lords’ Amendments made in this Bill, important as it might be taken to be, should be so peculiarly called upon to approach the question in a different temper to that in which they were bound to deal with every other subject. With due regard to their privileges he was ready to admit, although he could not think it was at all necessary for the noble Lord to quote precedents from the Jour-

nals of 1661, to show that the House of Commons had a right to dissent from amendments made in a bill by the other branch of the Legislature—a precedent, by the way, of which, with all deference to the noble Lord, he could not very well perceive the precise force and application. The noble Lord seemed to hint that “it was not consonant to our trust,” in other words, agreeable to the representative constitution, to agree to amendments that went either to extirpate Corporations or create new ones; but the noble Lord should recollect, that at the time to which his precedent referred, the Members of the House of Commons who put that entry on the Journals, were the representatives of those Corporations, and were speaking as trustees for them when they declared, “It is not consonant to our trust to agree to amendments of the other House, the effect of which will be to extirpate or new create those bodies.” The intention of the noble Lord, therefore, in reading that precedent, was wholly fallacious—the extract had no application whatever to the present question. Let them look to the position in which they now stood. The noble Lord had reminded them that the amendments of the Lords had carried into effect a resolution which had been moved in that House by his noble Friend, the Member for South Lancashire (Lord F. Egerton), which had been supported by a very large minority, and proceeding on a principle which had again been affirmed by a very considerable minority against the third reading of the Bill. He agreed that the effect of the alterations made in the Lords was to embody in the Bill the instruction so moved by his noble Friend, and supported by a very considerable minority in that House; and they were now to consider whether they should agree to the amendments of the Lords, sanctioning that instruction, approved of by so large a proportion of Members of that House, or disagreeing with those amendments, adopt the proposition of the noble Lord, which he (Sir W. Follett) understood was presented by way of compromise between the two. Before dealing with that proposition of the noble Lord, it was important that the House should fully understand the effect of the Lords’ amendments, because he could not admit that the noble Lord, in the statement he had made, had fully or completely laid them before the House. What was the Bill as originally introduced

in that House? The Bill, as originally introduced, was a bill for the purpose of abolishing, or, to use the language which the noble Lord quoted from the Journals of the House, for the purpose of extirpating the existing Corporations in Ireland; it was a Bill for abolishing them—for dealing with their property as public property, and then for creating new bodies in the municipal towns in Ireland. Such was the Bill as originally introduced into that House. The minority, who supported his noble Friend's instruction to the Committee, agreed with that part of it which abolished the existing Corporations, and he must be allowed to say, when taunted with being unfriendly to the majority of the people of Ireland, that in the course he had taken he had always been most anxious to see fully carried into effect the principles of the Roman Catholic Emancipation Act, wishing to see every civil disability removed, and the most perfect equality established between Roman Catholics and Protestants in Ireland. He might be mistaken in his apprehensions, but it was because he believed that part of the Bill which went to create new bodies would have the effect of establishing unequal, more formidable, and by no means less dangerous exclusive bodies, that he was induced to give it his opposition. First of all, then, in their amendments the House of Lords had agreed with that part of the Bill which contemplated the abolition of the existing corporations. The noble Lord, however, seemed to say, that the Lords had in some manner preserved the members of the existing Corporations. The noble Lord, he believed, was mistaken. He could find no such provision; in fact, there was no such provision in the Bill. The members of the existing Corporations, with all their rights, privileges, and powers, would cease at once, they could no longer remain members of a corporate body. No doubt certain officers, who would otherwise have been entitled to compensation, but who were not members of the corporate body—persons, for instance, such as those alluded to by the noble Lord, appointed to act as weighmasters, market-clerks, &c., holding their offices for life, and having a vested interest in them, had been preserved by the Bill. But the noble Lord must remember, that the compensation clause introduced in the English act with respect to pensions and allowances had been copied into the

present Bill; and he did not believe there was any essential alteration. But, without dwelling upon those trivial questions, which were hardly worth discussion, he would come at once to the main principle. To the abolition of the existing Corporations the Lords had agreed—they had agreed completely to remove what had been called one of the great evils of Ireland—exclusive Protestant Corporations. They had agreed to abolish them—they had agreed to treat the property of the Corporations as public property—they had agreed that that property—and here he should not shrink from meeting the noble Lord—they had agreed that that property should be vested in Commissioners, and be applied for the benefit of the municipal towns of Ireland. On that part of the Bill there was no difference of opinion. The Lords had also adopted that clause in the Bill as it went up from that House, preserving inviolate the rights, property, and privileges of the existing freemen. With respect to the functions of the existing Corporations, he had stated in a former discussion on this subject, and he challenged right hon. Gentlemen opposite to contradict him when he repeated, that the present bodies in Ireland exercised no power whatever but that of the administration of justice. Political power had been taken from them—they had no control in municipal arrangements, the watching, paving, cleansing, or lighting of the towns, nothing that was ordinarily called municipal power; but they did exercise the functions of justices of the peace, they appointed the sheriffs, magistrates, and coroners. What did the Bill propose with respect to them? The Bill, as sent up from that House, vested in the Lord-Lieutenant or in the Crown the appointment of the magistrates—it vested in the Lord-Lieutenant or in the Crown the appointment of sheriffs in counties of towns, and cities in Ireland, and left the appointment of coroner, also a most important officer, to the nomination of the town-council; by the Bill, as it came from the Lords, it was provided that the coroner, sheriffs, justices, and judges of the local courts should all be appointed by the Crown. The Bill as it went up, and the Bill as it came down, from the Lords; agreed in this—that in both they proceeded upon a different principle from that of the English Bill; both proceeded on the assumption, that at least as regards the

administration of justice, there was something in the present state of society in Ireland which called for a different mode of legislation from that which had been adopted towards England. That was the principle of the Bill as it left that House; the Lords had adopted it, both proceeding on the same foundation, that the administration of justice should be taken from those bodies and vested in the Crown. The noble Lord had spoken most eloquently of the great use of Corporations to the cause of civil and religious liberty in different periods of the history of this country, and he could very well understand, that in a savage state of society, or just emerging into civilization—he was not speaking of the present state of Ireland, but of the times when Corporations might be said to have been of service to the cause of civil liberty and social improvement—at such a time, when it was found necessary to increase the power of towns against the encroachments of the barons, such institutions might have preserved liberty, and effected all the good attributed to them by historians; but it did not follow that, at the present moment, when liberty was so widely spread in this country and in Ireland, municipal institutions, as they were called, but which were institutions in reality of a totally different character, were at all necessary or likely to be productive of local advantage. If he were told, that the principal towns of England were indebted to the existence of their Corporations for the prosperity they had attained, he should like to know where was the difference between those towns which possessed them and those which had them not? What would they say to Manchester and Birmingham? Could they tell any difference in local government between Westminster, bordering as it did on the city of London, with its popular Corporation, or Marylebone and Finsbury? He did not think the prosperity of the Irish towns at all depended, with respect to good government, on their enjoyment of municipal institutions; if he thought so, he would at once vote for them. The Bill, he believed, was altogether fallacious; it would effect no good whatever, either locally in the different towns, or as regarded the general prosperity of Ireland. What had the Lords done with respect to the municipal functions now exercised in those towns? They had left them, not in the hands of the

existing Corporations, for they were abolished: they had left them under the control of the local boards appointed by local acts of Parliament, which, according to the testimony of all parties, had worked so well in the great towns of Ireland. The municipal affairs of towns—the watching, paving, cleansing, lighting, everything connected with the municipal regulation of towns, had been admirably conducted by those local boards, which had never been converted, and were in no danger of being converted, into theatres of political contention; the Lords, therefore, had left those matters to be provided for under the 9th George 4th, and under particular local acts. There was another point to which he would address himself—the property of the old Corporations, for they were dealing, first of all, with the necessity of creating new bodies, the propriety of creating them, and the advantage they would produce in Ireland. There was considerable difficulty about the property of those Corporations; but both sides of that House and the House of Lords proceeded on the principle that that property was to be dealt with as public property. They had so dealt with it in the Bill as sent up from that House; they had taken it from the Corporations, put it under control, prevented its alienation, provided against advowsons being sold, and vested it in a new body, to be elected in some cases by the 5*l*., in others by the 10*l*. householders. How did the Lords propose to deal with it? The noble Lord opposite certainly proceeded on the assumption, that the Commissioners appointed under the Lords' amendments would have the complete control over the corporation property, checked only by the words, "to be applied to public purposes." But that was not so. By the Bill, the Commissioners had no such power. There were other checks provided besides the general words alluded to by the noble Lord. The amendments did this—they vested in Commissioners, to be appointed by the Crown, the property of the corporation; but directed, at the same time, that the whole of the income of that property should be applied in the first place to pay the salaries of the recorder and judges of the local courts, and that the remainder should be given to trustees under local acts, or where local acts did not exist to trustees under the 9th George 4th., where that Act had been adopted. How, then, could the

property of these corporations be misappropriated? The Commissioners were confined by the Act—they could not spend one penny of it beyond satisfying the salaries of the recorder and the judges of the local courts, and all that might remain would go under the local acts, or the 9th George 4th to trustees, and in aid of the rates; so that, in fact, the Commissioners possessed no such discretion, and could give occasion to no such jobbing as had been represented by the noble Lord. The expenditure of the money was still vested in trustees under local Acts of Parliament, or, where the 9th of George 4th existed, in the Commissioners under that Act. It was only in those towns in Ireland where there happened to be no local boards, or where the 9th of George 4th had not been adopted—it was only in such cases that the Commissioners had any discretion at all. Now, it so happened that every one of the eleven towns enumerated in the schedule by the noble Lord had local boards. Others had adopted the statute 9th of George 4th; but there was, he believed, no town in Ireland with property of any amount which had not some local board, to which the Commissioners would be obliged to hand over the corporate property; indeed, this might be done in every town, because, as the law now stood, by adopting the provisions of the 9th of George 4th, and electing Commissioners by the 5*l*. householders, the Commissioners under the present Act would be bound to give up the whole property to the trustees to be added to the rates. But there was another species of property to which the noble Lord did not allude, and with respect to which, as public property, what the amendments of the Lords proposed would be of very considerable advantage—he meant the tolls. If vested in towns for their benefit, he was convinced every town in Ireland would be greatly advantaged by the abolition of tolls on goods brought into the town. That was a suggestion in the Report on which the Lords had acted, and abolished tolls. The noble Lord had stated, that the Bill, by the amendments introduced, had been altogether disfigured and destroyed, there being out of 118 clauses 104 essentially changed; but the fact was, the Lords had made no alteration in the Bill but what was necessary for the purpose of vesting the property of the Corporations in the Commissioners, and regulating its disposal. It would not do, therefore, to appeal to that House, as they might to a popular assembly in

Finsbury, and ask how they should treat a Bill which had undergone so much mutilation. All parties agreed in this, that the existing Corporations should be abolished; but they did not agree as to the formation of the new bodies. That was the question on which the House had now to decide. He would not fatigue the House by going over all the reasons and arguments which induced him to think that acceding to the Lords' amendments would be the most advisable course for the House to adopt; but one thing, at all events, was perfectly clear,—there was no necessity, as far as regarded the local government of towns, and the administration of justice in them, for the creation of those new bodies. They were not wanted for the purposes of municipal government, and if wanted at all, it could only be for some other purposes. The noble Lord had said, he did not propose that the House should insist on the Bill as originally sent up to the Lords, not having any hope that it would pass in such a shape; but he proposed, as far as could be collected from the noble Lord's speech, something which probably might be agreed to by way of compromise. Now, if the compromise offered by the noble Lord did not essentially differ in principle from the amendments made in the other House, he should most cordially have coincided with the noble Lord in the hope he expressed that the Lords would immediately accede to it; but when he found that the proposition of the noble Lord could not be assented to either by hon. Members on that (the opposition) side of the House, or by those of the other House, who had taken the same view of the present question without involving on their part a complete sacrifice of principle, and a total abandonment of the ground which they originally took when the matter was formerly before the House, he told the noble Lord it was quite impossible to expect that what the noble Lord offered as a compromise could be accepted. The noble Lord had found fault with the other branch of the Legislature, and called upon that House to assert its dignity, because the Lords had, in fact, sanctioned the proposal which had been supported by a considerable minority in that House; and yet, by way of what he called compromise, he proposed that instead of having Corporations in all towns, many exceedingly small, with no property, twelve of the largest towns in Ireland should be selected, the noble Lord presuming that the Lords would agree to that proposition,

although it had been already discussed with reference only to seven of the towns, and negatived by a very large majority of the Peers. What sort of a compromise was that? The Lords had rejected the proposition to confine Municipal Corporations to seven of the largest towns in Ireland, and by way of compromise, the noble Lord now proposed to give Municipal Corporations. It was a most extraordinary mode of making a compromise certainly, and seemed to him not at all to meet the difficulty of the case. On what ground did they object to the creation of these new bodies? Because they were useless for municipal purposes, and would form local schools of agitation in every town in Ireland, which, communicating with each other, and with a similar institution in the capital, must be productive of the greatest mischief to the peace and tranquillity of Ireland. And if it were said, they excluded the small towns, still they would create those normal schools of peaceful agitation, of which so much had been said, in the larger towns. That was the first step of the compromise. The next was, that they were to take the twelve great towns and give them Corporations, exactly as specified in this Bill. Then, as he understood the noble Lord, they were to take twenty-two towns, on which they were to render it imperative to adopt the provisions of the 9th George 4th. He believed he had understood the noble Lord correctly, when he said, it would be imperative on the inhabitants of these towns to accept the provisions of that Act, and then, that all their corporate powers and privileges would be handed over to the Commissioners. Was the House aware, he would ask, of the regulations of the Statute of the 9th George 4th, of the mode in which that Act could be introduced into Ireland, or of the mode by which taxation should be regulated under it? It could not now be introduced into any town in Ireland, except on the requisition of twenty-one inhabitants, who were, at the same time, householders to the value of 20*l*. It was they who should put the Act in motion; and upon an application by them to the Lord-Lieutenant, he might direct a meeting of that portion of the inhabitants which consisted of 20*l*. householders, a majority of whom could decide whether they should adopt or reject the Act; and if rejected, it could not, under the Act, be

again introduced. The power of accepting the Bill now rested with the 20*l*. householders. If accepted, the Commissioners appointed under it had the power of imposing a rate of a different nature from the rates imposed in this country; it was a graduated rate. Persons occupying a house of a certain extent, to pay 1*s*.; of a less extent, to pay less; and so on, to a rate of 6*d*. in the pound. That was the Statute of 9th George 4th. A similar Act had been passed with regard to England—viz., an Act to make provision for “lighting, watching, cleansing, and paving;” but in the same way it could not be put in force without this check—without, in fact, a still further check, for it required the inhabitants to vote according to the terms of the Vestry Act; so that, unless three-fourths of the inhabitants so assembled agreed to adopt it, that Act could not be introduced. It was now proposed to force the inhabitants of seventeen or eighteen towns in Ireland to take the Act of the 9th George 4th. The Commissioners under it were then to have the whole of the corporation property under their control, and to have the power of imposing this graduated rate. In what, then, did the difference consist? They were to be elected by 5*l*. householders, were to have the whole power of appointing officers, &c.; they were to form a body by the 9th George 4th, and if they were to be forced upon the inhabitants of those towns by this Bill, there would, he contended, be the same evil existing, and to the same extent, as under the present system. He must say, for himself, that the fact of the view he had originally taken upon this question having come down from the other House of Parliament, sanctioned by a large majority of that House, was, in his mind at least, an additional reason why he should not depart from it. The noble Lord had complained that parts of his Bill had been omitted. Certainly, all the clauses (some fifty or sixty clauses) which related to the mode in which burgesses were to be constituted, to the construction of polling, to the appointment of revising barristers, had been expunged. Now he would ask, if they were discussing the question for the first time, and if the Bill had not come down from the House of Lords in its present shape, he would fearlessly ask, could it be likely, in the present state of Ireland, no matter what might be its laws, but seeing the great

bulk of the population arrayed against the property of the country,—was it likely, he would ask, that the peace, the tranquillity of Ireland, could be promoted by having these annual elections—by having, in fact, the whole theory of election reopened every year? He was not speaking of the effect of the creation of those bodies after they should have been called into existence, or of the probable mode in which they might be conducted, but of the very elections themselves, and whether in the present state of Ireland they would be likely to tend to its peace or happiness. And let it not be forgotten, that this Bill, the preamble of which the noble Lord complained had been altered, was introduced for the purpose of securing the tranquillity and better government of Ireland. Would it effect that? Well, during the discussion in that House he had heard hon. Members say, that those who opposed it were offering an insult to Ireland. [*“Hear,” from Mr. O’Connell.*] The hon. and learned Gentleman, he supposed, meant to confirm that assertion, but he could assure the hon. and learned Gentleman that he would be the last person to offer insult to the people of that country. He might have taken a mistaken view on the subject, but he was not by any means satisfied that the mode in which those who called themselves her friends—that the mode in which they acted towards the inhabitants of that country, was at all likely to tend either to the prosperity of the country itself, or to the happiness of the people. [*“Hear,” from Mr. O’Connell.*] The hon. and learned Gentleman cheered him when he said he did not believe that those could be the real friends of Ireland who acted as the hon. and learned Gentleman had acted in reference to the starving population of Ireland—who could tell the House that there were 2,000,000 of people in that country in an actual state of starvation, and who, at the same time, would do nothing to elevate or better their condition—who would do nothing to give them food, but whose course, in his humble judgment, must have the effect of preventing what was so anxiously to be wished for in Ireland—commercial and agricultural prosperity. The hon. and learned Gentleman had drawn a contrast between Ireland and Scotland, and the noble Lord opposite had asked, were they to make a difference between them? Now, he was

afraid the contrast was too great to admit of the conclusion that had been come to by the hon. Gentleman and the noble Lord. He would ask, was it to “schools of agitation” that Scotland was indebted for her prosperity? [Mr. O’Connell: “Yes.”] Was it through the exercise of these schools of agitation she was enabled to “crowd her estuaries with ships?”—to “beautify and enrich her towns?”—and to place her commerce and manufactures upon an equality with the manufactures and commerce of England? Or was it, as the hon. and learned Gentleman had also said, to the abolition of episcopacy—to the destruction of the Episcopal Church in Scotland by the broad-sword of the Scottish people, that that country owed her present prosperous condition? He would ask, too, was it owing to her having had the same institutions and the same laws as this country! Certainly not. She had not the same laws or institutions, and yet how was it that she had advanced? [Mr. O’Connell: She has no tithes!] Tithes! Had they no tithes in England?—ay, and in Scotland too! But he would ask, was not her prosperity owing to this—was it not owing to the energies and the spirit of her people having been directed to make the most of those advantages which her union with this country had given her? When the first burst of national discontent had passed away, was it not into that channel the energies of her people had been directed? He should therefore attribute the prosperity of Scotland, not to schools of agitation, but to her ready obedience to the laws, to her fidelity to the throne, and to the safety thereby guaranteed to life, to property, and to capital. And why was it that Ireland did not enjoy these advantages? Was there any commercial restriction upon the trade of Ireland now? Had she not for many years been upon the same footing with England and Scotland? Had she not the vast dominions of Great Britain open to her? How was it, then, that capital was not employed in Ireland in giving to that country a full share of the commercial advantages of England and Scotland. He would ask those who pretended to be the friends of Ireland—and when he used this expression, he did so in reference to the taunt which had been thrown out against him, in being called her enemy, for his view of friendship to Ireland was wholly different from the view

of those to whom he alluded ; for example, when he asked those who taught, he should say who misled, the people of Ireland and them, he would ask what benefit could arise to the people by inducing them to believe that any disobedience to the laws, whether organized or not—that any agitation, even though it should lead to the abolition of tithes, to the establishment of municipal institutions, or to the supremacy of the Catholic Church itself, could produce that prosperity which another country had arrived at by a far different course? Neither agitation nor disobedience to the law could benefit the people of Ireland. He objected, then, to the noble Lord's compromise, because he believed it would put fresh instruments of agitation and disturbance into the hands of the agitators of the country,—because he believed it would establish a system calculated to keep up that spirit of insubordination in Ireland, which, while it existed, must for ever preclude all hope to see commerce flourish in the country ; and because he believed that those institutions, instead of having the effect which the noble Lord had eloquently described, would, in the words of the hon. and learned Member for Kilkenny himself, turn out to be mere schools of agitation, than which he could not conceive anything more prejudicial to the happiness or prosperity of Ireland. He had been led by the taunt of the hon. and learned Member from the course of observation which he meant to have taken, and he had now only to state, which he did most conscientiously, that he had no wish whatever to offer insult to the people of Ireland, or indeed to any portion of his fellow-countrymen ; he had no other motive, and he believed the minority with which he had voted on this subject, and the large majority in the other House, had no other motive in the rejection of a portion of the noble Lord's Bill, than that of conferring a benefit upon the people of Ireland, by saving them from the evils to which he had just adverted. For the same reason should he vote against the proposition which he understood to have been made by the noble Lord—namely, to reinsert the 4th Clause. To the minor points, such as the appointment of weigh-masters and other officers to which the noble Lord had adverted, he should offer no opposition, but from the great principle which the clause

involved he certainly dissented, because he believed it would have a most injurious tendency. He did not think the propositions of his Majesty's Ministers likely to carry into effect the objects which they professed—namely, the removal of existing evils, and the introduction of tranquillity and peace. On the contrary, he was certain that the bringing forward this measure, the discussions which had arisen upon it, ay, and the passing of it, should it be so, would only have the effect of irritating and increasing those evils. The hon. and learned Gentleman opposite supported this Bill in its original form, because he said it would be giving justice to the people of Ireland, and he opposed it, because he conceived it must unavoidably tend to their unhappiness. He should, therefore, give his most cordial support to the amendments of the Lords. He should have supported these amendments, even if they had not been sanctioned by the other branch of the Legislature ; but having been so sanctioned, the respect which he felt bound to pay to the opinions of their Lordships operated as an additional reason in their favour. He did not agree with those who called on the House to stand on their privileges, because the Lords had dissented from a measure sent up to them. It was true they had privileges ; but so had the House of Lords. The Lords had a right to make amendments in a Bill, as well as the Commons ; they had made amendments in this measure ; these amendments had been confirmed by the previously expressed opinion of a very large minority of the Members of that House ; the amendments thus made were at the least entitled to respectful consideration, and to him they became an additional reason for again taking the same course which he adopted when this Bill was first proposed.

Mr. O'Brien said, that in whatever terms the arguments upon which the Lords' amendments were founded might be conveyed—and the more soothing the language employed the more humiliating it was—the substance of that reasoning was, that Irishmen were unfitted to enjoy the same rights and privileges as Englishmen and Scotchmen. The point in debate was not whether municipal institutions were or were not the best instruments for securing the well-being of local communities—that question had been by the British Parlia-

ment already determined—it had been determined that good corporate self-government, under a system of responsibility to the people, was a blessing to the towns of England and Scotland. The question tonight in debate was, whether there was anything in the circumstances of Ireland, or in the character of her people, which disqualified them from enjoying that blessing—from partaking in those rights. For himself, for his countrymen, he indignantly denied the existence of any such disqualification. Into the House of Commons he entered as their equal, and their equal he claimed to be in his own native land. If he were unfit to perform the duties of a town-councillor in the town in which he might reside in Ireland, still more unfit was he to be sent as a delegate to the great council of the empire. If those who had sent him to Parliament were unfit to choose a representative to manage the petty concerns of their own locality, still more were they unfit to appoint representatives in whose hands might hang the balance of the great parties which divide this kingdom or whose decision might rest the spirit and the character of the measures by which this great empire was to be governed. If the House of Commons, by acceding to the amendments of the Lords, were to admit this principle of disqualification, if they were to affix to the representatives of Ireland the brand of degradation, he saw not what would remain to every man of independent spirit, but to return home to his country, to refuse altogether English legislation, and to seek the dissolution of a union from which England reaped all the advantage, but which to Ireland brought nothing but derision, oppression, and disgrace. But happily they were not brought to such an alternative; neither the House of Commons nor the people of England would sanction this principle, and from the injustice of one House; he would with confidence appeal to the justice of the other. He would with confidence appeal to the sympathy of the people of England—and he trusted that if the accommodation now proposed was rejected by the other House, Government would not lose a week in making such an appeal, by a dissolution of Parliament—in order that it might be fairly seen whether the people of England would range themselves upon the side of those who sought to maintain the union of the two kingdoms by the powerful bond of equal laws—equal rights—reciprocal interest—mutual affection—or on the side of

those who would dissociate the two countries in feeling and legislation, by infusing into the mind of one country suspicion and distrust, into the mind of the other a galling sense of oppression and its accompanying sentiments of indignation and hatred. It was said, these amendments were framed with the view of protecting the Protestants of Ireland from exclusion, and by way of preventing the Catholics from excluding the Protestants from participation in corporate government. The Lords said, we will exclude you ourselves. As a Protestant he was as such excluded by the Bill of the Lords from the management of those local concerns in which he was as interested as if he were a Catholic. And there was this peculiar acerbity in his position, whether Protestant or Catholic, that if he went to reside in any town in England or Scotland, he was eligible to all those municipal offices which in his own county he was declared unworthy to undertake. The apprehension of exclusion of Protestants was founded upon a false view of the state of society in Ireland. All recent experience showed that in the struggles of party in that country, the question was not whether a man was Catholic or Protestant; but whether he was Liberal or Conservative; and if any party should exist in the municipal elections, which he very much doubted, they would be those of Liberals and Conservatives, and those of Protestants and Papists. But, supposing that the latter should be the case, would it be worse than the struggle between Churchmen and Dissenters in the towns of England? Such an argument as that he was combating was a mere pretext, and if it could apply at all, it applied to the towns in England and to the Churchmen and Dissenters, with quite as much force as to the towns of Ireland and to Protestants and Catholics. Then it was said that these corporations would become normal schools of agitation. And what was the remedy? Why, they had converted the whole of Ireland into one great school of agitation, and such it would continue as long as Ireland was denied the advantage of equal laws, and similar rights. In this school who were now the teachers? Men of property, of rank, of station, of intelligence—men deeply interested in the maintenance of order, but who were also nobly jealous of the honour and the interests of their country. And who were their disciples? The universal people of Ireland. But neither the experience of history nor the suggestions of a sound philosophy would

justify the view of agitation which was taken by the opposite party—agitation never was, nor ever could be the mere creature of one individual or set of individuals. For discontent and turbulence there existed in Ireland but one real cause—misgovernment. Remove the cause, the effect would cease. But if unhappily that should be found a difficult task in a country where there was such a mass of wretchedness to contend with, and to retrace so long a career of unjust legislation, he would maintain that it was much safer that discontent should find its legitimate expression, through the means of these corporate bodies, than that it should display itself in a more irregular form, and in a manner inconsistent with the peace and order of society. If a grievance existed in Glasgow or Liverpool, who could so properly communicate that grievance by their strong remonstrances as the local representatives chosen to manage the concerns of the town and to watch over its interests? There was one part of the argument of the opposite party which to his mind was peculiarly humiliating—namely, that in which they contended that this measure would weaken the British dominion in Ireland. They spoke of Ireland as a conquered country—a subordinate portion, not as an equal incorporated part of the United Kingdom. Now whatever other demerits the treaty of Union might have had, at least on that occasion the Irish Parliament approached the consideration of this international compact in an erect attitude, on a footing of the most perfect equality with England, and he had yet to learn that Ireland was so much fallen in power, in resources, in moral influence, in its present, compared with its past condition; that it was to be treated with less respect now than at the time of the Union, and he would tell the House that if they had no better security for the maintenance of the Union than British power, it would indeed be of short duration. The true and only bond of union between the two countries was reciprocal interest, strengthened by mutual attachment, and if once those links were broken, if once the people of Ireland were convinced that they had ceased to have a common interest with England—if offering affection and esteem they met with repulse and contempt, the bond between the two countries might be riven asunder in a moment. He thought it a matter of perfect indifference whether to such towns as Belurbet and Middleton, corporations were conceded; but to deprive

the second class towns of Ireland of corporations appeared to him to withhold from them a great good. Inasmuch, however, as the measure proposed by the noble Lords fully recognised the principle of corporate responsible government—inasmuch as it vindicated the right of the people of Ireland to equal franchises with other British subjects—inasmuch as it wiped out the insulting stain which had been impressed on the former Bill by the Lords, he was not prepared to withhold from it his support. If this Bill, however, should be rejected, it was impossible not to foresee the inevitable consequence—and if foreseen they ought to be duly weighed and timely conceded. It was impossible that things could remain in their present situation. In the continued differences of opinion between the two Houses of Parliament all legislation was suspended. If the conduct of the Lords upon a series of Irish questions were such as was wholly incompatible with order or good government in Ireland—if it brought to himself personal degradation, and to his country national dishonour, he should be compelled to make his election between interests which ought never to be brought into conflict with each other; and in such an event he could not prefer the maintenance of irresponsible power, in the hands of a few individuals, to the rights and the interests of his country.

Mr. Ewart said, he had been, as every Member of the House must have been, both surprised and delighted by the dexterity which had marked the arguments of the hon. and learned Member for Exeter, and the elegance of the phraseology by which he had enforced them. But acute as all the special pleading of the hon. and learned Member had been, he (Mr. Ewart) had looked in vain throughout the whole of his speech for an answer to the great argument which had been brought forward by the noble Lord, the Secretary for the Home Department—viz., that by adopting the course of legislation proposed by the Lords, you were producing gross inequality between the two nations, whereas the basis of the Union between the two countries was perfect equality. The hon. and learned Gentleman had, indeed, said, that by granting Corporations to Ireland you would make them exclusive Corporations. And he said so, because the great majority of the inhabitants of Ireland were of the Roman Catholic persuasion. Why, in a nation, in which out of 7,000,000 of people 6,000,000 were Catholics (even supposing

that the effect of granting Corporations to Ireland would be to make every Corporation exclusively Catholic), could it, with any show of reason, be said, that those Corporations were exclusive? It might just as well be said, that in England the Corporations were exclusive, because an immense majority of the members of those Corporations were of the Protestant religion. In the town, for instance, which he had the honour to represent (Liverpool), the great majority of the inhabitants were Protestants; only about one-fourth being of the Catholic religion. Yet had it ever been brought forward as an argument why Liverpool should not have a Corporation, that the effect of giving that town a Corporation would be (as it certainly had been) to make it exclusive? exclusive, *i. e.* of the minority. With how much less force, then, could that argument be applied to Ireland, where so vast a majority were of the Catholic religion. The hon. and learned Gentleman, the Member for Exeter, had stated in the course of his speech, that Municipal Corporations were very fitted to act in barbarous times, as a barrier between the Monarch and the people; that they had been very beneficial at the period in which they were introduced into Ireland, as protecting the people against baronial encroachments, but that they were not required in this more civilized and enlightened age. Whether or no there might not even now be some need of protection for the Irish people against "baronial encroachments," he (Mr. Ewart) would not take it upon himself to determine; but this he would ask the hon. and learned Member for Exeter, whether Prussia, when she chose to confer, at no earlier a period than the year 1808, the benefits of Municipal Institutions upon her people, was a barbarous or an enlightened nation? And the same question might be asked as regarded France. But in truth there was no necessity to travel so far to prove the fallacy of this argument. Why, if it were a sound and statesmanlike argument, why was it not used by hon. Gentlemen opposite when new Municipal Corporations were about to be conferred upon England, and when they were about to be re-introduced into Scotland? Were either of these countries more uncivilized than Ireland? And what consistency was there, then, in the argument of the hon. and learned Gentlemen, which would give the civilized and enlightened country the benefits of Corporations, and, at the same time deny those

benefits to the country, the inhabitants of which were still in a great measure uncivilized, rude, and uninstructed? The hon. and learned Gentleman had contended that there was no necessity for Corporations in Ireland for the purposes of civil government, or for the administration of justice; and he dwelt particularly upon the latter. But he never reflected that Municipal Institutions were not required merely as instruments of police. They might be applied to the attainment of many other equally and more beneficial objects;—to the instruction of the people, the encouragement of knowledge and the arts among the people; in short, they might be useful in a thousand, though not at first sight obvious ways, in promoting the welfare of the people. He believed that Corporations had been already in England productive of an incalculable amount of good, and could he, as a friend to Ireland, refuse to grant them to such cities as Dublin, Limerick, Cork, and Belfast? He could not help remarking upon the situation in which it had assumed, the proposition that Corporations were unnecessary, and should not be granted to Ireland, the right hon. Baronet, the Member for Tamworth, had placed himself. He could not refrain from respectfully observing, that having now advocated a different system of legislation for the different portions of this empire, history would point to him as having, in 1829, recognized a principle which he had abandoned in 1835. Hon. Gentlemen opposite would, by the plan which they were now advocating, deprive the people of Ireland of the means of political education. They had already given them the right of electing Members of Parliament; they would now refuse them the best means of instruction in exercise of their political franchise. Municipal Corporations would supply the best possible schools in which to study the principles of government; and by acquiring a knowledge of those principles in the management of their own local concerns, men would be fitted to exercise the franchise with which the Legislature had invested them, for the general government of their country. Besides which, the result of his (Mr. Ewart's) experience led him to believe, that the men who were accustomed to the administration of the local concerns of their Municipal Institutions were most likely to be orderly and useful members of society. But if hon. Gentlemen opposite could not be in-

will by the hon. and learned Member for Kilkenny. The more, however, that hon. and learned Member possesses, the worse shall it be for the peace of Ireland and the general integrity of the State. The more means of agitation the hon. and learned Gentleman and his party obtain, the more rapid will his strides be to the goal of his reckless ambition, and this is, what he has ever declared it to be, the destruction of the Protestant Church of Ireland. For these reasons, Sir, I shall give my cordial support to the measure as amended by the House of Lords. As I have ever entertained towards it a high respect, so I shall ever repose the most sincere confidence in any opinion which emanates from that branch of the Legislature. That House, in these days of danger to the empire, I look upon as the last bulwark of the Constitution against the inroads of an unprincipled democracy.

Viscount *Clements* said, the hon. and gallant Gentleman on the other side was somewhat indignant at the application of a term. He complained loudly of being designated "Protestant agitators," and as he progressed towards the conclusion of his speech, he became absolutely furious at the idea of their being characterized as "orthodox Protestant agitators." The hon. and gallant Gentleman was anxious, he had no doubt, to repudiate the charge so far as he himself was personally concerned; but he thought it was an excess of chivalrous feeling which prompted him to repudiate the description when applied to his Colleagues. For his own part, he had felt more than indignant when he heard three-fourths of his fellow-countrymen described as aliens in blood, aliens in language, and aliens in religion, by a noble Lord, whose genealogical pretensions were founded on little that was English, either in feeling or in birth. He had no hesitation in designating such terms as these as "orthodox Protestant agitation." He believed that the declaration of the noble and learned Lord embodied the feeling and the prejudice of a party in the other House of Parliament, who were anxious to put a stop to popular government in all countries, but especially in that country to which he had the honour to belong. If that party dared to speak in public what they thought in private—if they had the manliness or the candour to give free expression to their feelings, they would admit at once, that popular government and popular control

was their abomination. Let them state the broad principle on which they refused justice to Ireland, and the universal people of England would rise to a man against them. They refused to apply the same principle to Ireland which had already been applied, and found to work so well, in England and Scotland. But if the principle of municipal government had been applied to Ireland, and if the same principle had been refused to England, what would have been the feelings of the people of that country? Why, they would not endure the tyranny for a single hour. It had been said, that Ireland would be better without municipal government. This was a matter of opinion, but he presumed the people of Ireland were the best judges of what was calculated to benefit them. It had been said that Scotland had done very well without municipal government, but it had not been asserted that she did still better when she had obtained it. He had observed that a spirit existed, in certain quarters, to deprive Ireland of free institutions; but he could tell them that the people of Ireland would never rest satisfied till they were in possession of every right to which they were justly entitled, and till they were placed on a perfect equality with their brethren of England and Scotland. It had been advanced as an argument against Ireland, that she was not ripe for municipal government. Such an argument as that carried its own refutation along with it. It had, however, been completely exposed by the noble Lord, to whom, on the part of the Irish people, he tendered his cordial thanks. The reformation of the Irish corporations was absolutely necessary. This was admitted on all hands. The measure was not intended to last merely whilst the Irish were good boys. It was to be a final measure, and the sooner they set about rendering it such, the better for themselves, and the better for the peace and prosperity of Ireland and the empire. The noble Lord concluded by saying, that although the measure proposed by the Ministers, did not go as far as he wished, or as far as Ireland was entitled to expect, it should have his cordial support, inasmuch as it recognised the right of his country to the same privileges and institutions as England.

Captain *Berkeley* said, on a former occasion he had been taunted by the hon. Member for Kilkenny with having received hospitality in Ireland, and having voted for the Coercion Bill. He had felt it his duty

on that occasion, to vote against the principles he had ever professed. He did not then think that the day ever would come when he should almost blush for the vote he then gave; but when he heard the speech of the noble Lord in another place, asserting that the people of Ireland were aliens, he felt that his vote was wrong—that he ought to be a repealer. But he did not believe it possible, that that language would be responded to by any man in that House. He would appeal to Irishmen, with their characteristic generosity, to forget that the words were ever used by an Englishman, and to be assured that they were not responded to by the English people. They were the words of a self-willed, bigoted person, who would cast firebrands through the country, rather than give up his own selfish purposes. When he gave the vote he alluded to, he gave it conscientiously; and he would now conscientiously vote for the proposition so modestly but firmly brought forward by the noble Lord.

Mr. *Grove Price* was unwilling to use any observations derogatory to the character of any individual Member of the other branch of the Legislature, but he must say, that the words attributed to a noble and learned Lord, as having been used by him in reference to the people of Ireland, were unworthy of any senator in his place. But he would never believe that the word "alien" was used generally; on the contrary, he would contend that it ought to be taken in connexion with the other parts of the argument—it was, he believed, mentioned in explanation of that which appeared to have been mistaken by those who raked up the early history of Ireland, without rendering it in the least degree applicable to the present measure. He regretted, then, that a noble Lord opposite should have thought it necessary to drag in the mention of such a phrase merely for the purpose of exciting a temporary feeling in the debate. It would be unfair and wrong in any course of argument to fix upon a particular expression which ought not, and which could not, with propriety, be separated from the general course of the argument. To the speech of the noble Lord opposite he had listened, as he had to other speeches on that side of the House, with patient attention, and he could not help saying that they forcibly reminded him of an anecdote which, as the noble Lord was an historian, he might probably recollect; it was not one of the middle, but rather of the later, ages;—it was recorded of the

Chancellor of Sweden, that in sending his son to the Congress of Westphalia, he said to him, "Nescis, mi fili, quam parva sapientia regitur mundus." He begged permission to call the attention of the House to that which really was the state of the case with these Corporations. They were planted in Ireland for two purposes; to that statement he hoped and believed that the hon. and learned Member for Kilkenny would subscribe: and those purposes were to civilize and humanize the semi-barbarian inhabitants of that country, and to diffuse what he would call the pure light of the Protestant religion; according as the principles of constitutional law became better understood, as civilization advanced, and as the people began to repose increased confidence in the impartial administration of justice, their continued existence became less and less necessary; he still, however, should say with Burke, that he abhorred the abolition of ancient institutions, but there were cases in which a departure from the rule became a duty. Would it not be infinitely better to put down the Corporations than to see them converted into Jacobin clubs? into normal schools of agitation, 'with Dantons and Robespierres in every town in the empire? He was as fully aware as any man living could be of the difficulties with which the question was surrounded—he felt that to be called on to make a choice was most embarrassing, but that of two evils he should, of course, choose the least. It was alleged that Ireland would be badly treated if she did not receive a measure of Corporate Reform of exactly the same kind as England and Scotland. That opinion was founded upon most unphilosophical and unconstitutional views. Nothing could be more grossly erroneous than to assume that a measure must of necessity be advantageous to Ireland, because it had proved so to a great part of the United Kingdom, wholly dissimilar in all the elements of national character. But it had become a very serious question whether or not the Bill for reforming Municipal Corporations in England and Wales had proved successful. He would ask, had it added to the peace, good feeling, and kind offices of society? He believed that a general answer in the negative would be given. Then, if it had not succeeded in England, what chance of success could such a measure have in Ireland? Surely, perpetual elections ought not to be allowed to dissolve the bonds of society by keeping up perpetual heart-burnings, ill humour, and distrust. There was no one having the least practical acquaintance with

the subject could for a moment doubt that one Municipal election was worse than fifty elections for Members of Parliament. The establishment of such a system in any country was not to be endured. Men were surely born for higher purposes than for spending their days amidst the contention and violence of popular elections. He admitted, that it was a difficult question to deal with a people circumstanced as the Irish were, and of their peculiar temperament; they were kind-hearted, but at the same time liable to sudden impulses, and easily made the prey of impostors and mountebanks. In that country the power of popular agitation existed in all its force, and held out terrors there peculiar to itself. He hoped the House would recollect that the present measure was the same Bill which a large minority of the House of Commons had voted against, and which the House of Lords had actually rejected by a very large majority. How, then, could the noble Lord call upon Members, sitting at that side of the House, to abandon what they had previously pledged themselves to; the more especially when that pledge had received the sanction of the other House of Parliament? Were the two Houses blended together, the present proposition would be at once scouted. Was it then to be supposed, that in calling upon the House of Commons to reverse its previous decision, a single waverer would be found amongst the number of those with whom he had been in the habit of acting? On the contrary, he felt persuaded that there was not one amongst them, who would not rally round that portion of the Legislature which he could not but regard as now presenting one of the best bulwarks and protections of the people's rights. For his part, he knew nothing of the secret divans that might have sat at Lichfield House,—he knew nothing of the documents that might have been signed and sealed there, but he thought it not utterly impossible that a scrutinizing eye might discover amongst them some mention of the Church of Ireland, and the Municipal Corporations of that country. The hon. and learned Member for Tipperary avowed all that he but ventured to surmise, while the hon. and learned Member for Kilkenny denied the whole; he begged to say, he entertained so high an opinion of the former, that he could not refrain from yielding him implicit credit, and taking for granted that the statements respecting the conferences at Lichfield House were perfectly well founded. The noble Lord and his

supporters then presented themselves in a situation somewhat similar to Hotspur and Owen Glendower in which the one said to the other (he did not profess to quote the exact words,) "Thou shalt have a district here, and I will take a territory there; this shall be mine, and that shall be thine, and thus shall we partition the realm." In such manner, then, was it, that the noble Lord expected, by partitioning the dominion of Great Britain and Ireland, to conciliate the worst enemy of the empire, the inveterate foe of England. To him the noble Lord seemed to say, "You shall have the Corporations and the Church of Ireland provided you maintain me in power here. You shall be Dictator there, and let me be Minister here." His wish was to deal with the question before them in a spirit of perfect good temper and frankness, and particularly so when he spoke of the apprehended collision, the bare mention of which appeared to be so alarming. Now, he begged to know, if the House of Commons should not acquiesce in the alterations of the Lords, did that of necessity involve a collision? By no means, according to his view of the matter. He should like to hear any constitutional lawyer get up in his place and say, that such a proceeding amounted to a collision between the two Houses. He professed not to be able to recollect more than two instances of collision between the Houses of Parliament—one in the reign of Charles 2nd, the other in the reign of Queen Anne, and those arose out of matters of privilege materially affecting the independence of the other House. He presumed it would not be for a moment disputed that the House of Lords possessed as ample and as perfect a right to alter, amend, and even reject every bill submitted to Parliament as the House of Commons had; to deny it would be to carry the democratic principle to a most violent and unconstitutional length, and he was glad to be able to say that the Chancellor of the Exchequer agreed with him in that; it was absurd to suppose that the mere rejection of a bill amounted to a collision, as it was an event of very frequent occurrence that the one House should reject the measures of the other. Had that ever before been called collision? No, it could not with truth be called collision; but the fact was, the democratic principle had gone so far, that in the opinion of some it had become impossible to resist its further progress; [Hear,

hear! from the Ministerial Benches.] The constitution was now to be defended upon its real grounds, and it appeared from the cheers of the hon. Gentlemen opposite, that when the facts were fairly and fully brought forward, they did admire the advancing and encroaching spirit of democracy, but that they did not admire the British Constitution. The equal and undoubted rights of the House of Lords did constitute one of the principles of the British Constitution—at least so he read its principles, after the most careful and attentive perusal of the writings of those who had watched over the constitution in its darkest hour, and presided over the revolution. It was their writings which formed the true political scripture, and not the Babylonish jargon of certain modern politicians. Heretofore, it had ever been held, that there were three estates of the realm—King, Lords, and Commons, but recent events had created a fourth power—that of popular agitation; it was a power unknown to the constitution, and at variance with all law, which went to give the supreme power to the mere will of a certain number of individuals, without regard to education, virtue, property, knowledge, or any of the means by which a sound judgment on political affairs could be formed—which gave to mere brute physical force that ascendancy which ought to belong to high moral and intellectual qualities. He would repeat, that that fourth estate was one of brute physical force, and he used the words in the manner that “alien” had been used as part of the argument; and he would further say, that if that fourth estate were to maintain its ascendancy gross ignorance would soon ride roughshod over public virtue and knowledge—that fierce passion would assume the place of cool deliberation, and thus the nation be at the mercy of those who had the talent to guide and those who had the folly to obey.

Mr. Ward stated, that there was one observation which fell from the hon. Member opposite in which he was disposed to concur—it was this, that the world was governed with very little wisdom. He did not see any necessity however for referring to the treaty of Westphalia to illustrate that which required no better instance than another branch of the legislature. It required no better instance than the conduct of an individual whose words appeared now to have an undue weight attached to them; for however obscure

himself, as an individual, that person was, yet he was put forward by the proudest aristocracy in the world as their leader. That individual had stood in his place in another House to stigmatise the people of Ireland. [*Order!*]

The *Speaker* observed that it was exceedingly inconvenient to make personal observations reflecting upon the language of any individual in another place. He wished to impress upon the House, that upon this occasion it was most important that the language used in another place should not be referred to.

Mr. Ward did not mean to observe further on the subject. A defence was made, and an explanation offered, for that expression upon one side of the House—an attempt had been made to explain it away. Now he had distinctly to say, that he had heard the words used which had been referred to. An hon. Member opposite had proceeded even to argue that no such words had been used; now he had to state distinctly, that the words were applied in the manner that had been stated.

Mr. W. Duncombe spoke to order. It was quite contrary to the rules of Parliament to allude to anything whatever said in the other House of Parliament.

The *Speaker* observed, that such was the rule of the House, and he hoped it would not be violated.

Mr. Ward: It was not by him that the rule had been violated. He did not wish now to press that topic any further; but it had been used as an argument on the other side. He came now to consider the course which the noble Lord had proposed. The course suggested was one that he with some reluctance could be brought to adopt. What he would have wished was, that when the resolutions proposed to them, on a former discussion upon this Bill, had been set aside, and they found that those resolutions which had been rejected were again sent down to them, that the plain and simple course was adopted of refusing them. That, however, was not the line which his Majesty's Ministers had taken, and which some of their supporters would have wished them to adopt upon this occasion. It was his belief, it was his expectation, that the measure of conciliation which his Majesty's Ministers proposed, and the attempts at compromise that they made, would be rejected, if it so happened it would place them in a situation to prove that they were more in the right in the eyes of

the public. When he considered what were the first principles of government, and that in this case an insult was offered to Ireland—to one-third part of the British empire—he was astonished at the temerity of those who presumed so to act. Upon what rested the opposition to this measure? It was the old story of normal schools of agitation—it was the old stale story of coalescing with the hon. and learned Member for Kilkenny. Did any one taunt hon. Members opposite with their meeting at Bridgewater-house on the preceding morning? They coalesced who were friendly to the same principles—they were fond of coalescing who had congenial tastes and feeling. The hon. Members opposite cheered the expression. They were led to unite from congeniality of principle—it was injustice to Ireland—while congeniality of principle upon his side of the House united them to obtain justice for that country. He was prepared to go the length of saying, that congeniality of principles was a fair bond of union upon both sides of that House. The hon. Member for Sandwich had spoken of secret covenants—who ever yet had talked of a secret covenant confided to 300 persons—for they were 300 in number, and they had outvoted their opponents in a Parliament called by their opponents. In their own Parliament, by a majority of sixty-four upon a great public principle, they professing to maintain those principles, they drove the right hon. Baronet from the benches on which he sat, while those who supported those principles were, thank God! borne to that place which the right hon. Baronet had occupied. He told those who opposed those principles, it was vain for them to struggle against the success of them. He would place the question before them. They (the Opposition) were now acting in conjunction with another branch of the Legislature—they were a minority in that House—a minority in conjunction with a majority in the other House. Great principles were involved, great and serious consequences were to be apprehended, and the difficulties were such as not to be easily got over. Let them fight the battle fairly, but let them not do so concealing from themselves the consequences. In reference to what had been said by the hon. Member for Sandwich upon the subject, he would say, that he did not look forward with pleasure to a collision—God forbid! He did say, that he could not see, without very grave apprehension, that collision; he could not

tell how it would terminate. They saw it bringing the whole machinery of Government to a stand—leaving the people without a Government. The Opposition, instead of lending their hands to a compromise, were prepared to maintain by their opinions the majority of the other House, in their aggression. Then the sense of the country was to be appealed to. Would not the Opposition fail in procuring their opinions to be maintained by the country? Let them, he said, agree upon a course to be adopted. Let that appeal to the sense of the country be final, or there was no knowing what the consequence might be hereafter. Hon. Members had spoken of the authority of the other House; they had spoken with respect of the course adopted, which went to deprive eight millions of British subjects of their rights and liberties, by taking from them their privileges as freemen. The doing this was a legitimate cause for agitation; and he would say this much, that if he were an Irishman he would join in that agitation—if he were an Irishman he should never cease in that agitation until he had obtained those rights. The hon. and learned Member for Exeter had brought into this discussion the question of poor-laws as a charge against the hon. and learned Member for Kilkenny, and after arguing upon some technicalities, he made a charge against the hon. Member, that he had done nothing for the advantage of the poor. When that hon. and learned Member made such a charge, he was not aware that the hon. Member for Kilkenny had come down on the preceding evening to support a motion the sole object of which was to benefit and relieve the poor of Ireland. He (Mr. Ward) had himself this motion on the paper—it was acceded to—but he was prepared to enter into the question of emigration; and the hon. and learned Member for Kilkenny was prepared to support his motion. The hon. Member concluded, by stating that he was prepared to give his support to the course proposed by the noble Lord.

Mr. Hamilton said, I rise as a Representative of the city of Dublin. The hon. and learned Gentleman opposite, the Member for Kilkenny, may call me perhaps the representative of the Corporation of Dublin; if the fact be so, I shall not be ashamed of the designation. That Corporation had performed faithfully their political duty. Constituted originally as a link to connect the interests of the two

countries, reconstructed afterwards by subsequent monarchs for other and most important objects, to cherish and keep alive a spirit of attachment to the British connexion, a spirit of submission to British law, a spirit of devotion to Protestant institutions, and a spirit of loyalty to a Protestant king; they had kept their faith. They discharged their political duty heretofore, and in voting for the Bill as amended by the Lords, I am persuaded I shall be speaking their sentiments, and in acquiescing in those amendments, and resisting the proposition of the noble Lord opposite, they will be discharging their political trust now. Sir, I am not at all surprised that hon. Members on the other side of the House should be disposed to dissent from, or sneer at, the assertion I have made, or that they should urge against us and against them—against us, that we are acting inconsistently with our own principles; against them, that they are instruments of their own degradation, and committing a kind of political suicide. It is not my intention to occupy much of the time of the House. I am unwilling to trespass upon it at all, but I think I should not be doing my duty to my constituents or myself, if I was to abstain from stating my reasons for the vote I shall give; and I trust I may be able to show that there is nothing paradoxical in the proposition I have advanced, and nothing inconsistent in the course we are taking. Sir, I will confess it does appear to me, that in the political conflicts we have been witnessing here of late, hon. Members on the other side of the House, wisely for their own purposes, have put forward rather the details than the principles of their measures—that they have endeavoured to make the conflict a conflict of details of particular measures, rather than of principles, or if of principles—that the principles they have put forward had been subordinate and not primary principles—and that by drawing us into a war of details, into a defence of secondary principles, they have endeavoured to fix on us a charge of inconsistency, and, under cover of those secondary considerations, have studiously kept out of view the great primary objects and principles in reference to which Members on all sides of the House are really actuated, in reference to which the questions ought mainly to be argued, and our consistency or inconsistency determined. I think the question now before the House

—the question of our Irish Corporations—the combined question of our Corporations and our Church, for they are combined in argument, will illustrate very appropriately what I have been endeavouring to urge. It has been thrown in our teeth, and brought against us as a charge of inconsistency, that while, with reference to our Corporations, we argue that they should be abolished in Ireland, though they are retained in England, on account of the dissimilarity in the circumstances of the two countries—with reference to the Church, we argue it should be supported in Ireland, notwithstanding the disparity in numbers, on the ground of its being necessary to maintain an identity of institutions; and then, Sir, we are drawn into long calculations with regard to the amount of Church property, the probable extent of the contingent surplus, and the stipend that may be sufficient for the support of a clergyman; and in respect of the Corporations, questions are raised as to the nature, and object, and amount of corporate property—the application of its funds, and the right or expediency of domestic management. Sir, I will yield to no man in the estimation I entertain of the importance of these details; but still I cannot help thinking that even the hon. Member for Kilkenny cannot but agree with me in opinion, if he would but confess it, that the real question in the one case is not merely the state of the Irish Church, or the amount or distribution of its revenues—or, important as it is, the inviolability or appropriation of its property—or, as to Corporations, that we are now assembled here merely to discuss the management of about 20,000*l.* a-year, or even the assimilation of institutions—but that, in both cases, behind these questions there is another and more important one, in reference to which we are really actuated in giving our votes. Why, may I inquire, do we resist the appropriation clause? Surely it is not merely for the sake of our religion and our Church. Sir, I agree in this with the hon. Member for Weymouth—I have no fears for my religion; resting on the basis of revealed truth, and upheld by an arm that is stronger than the arm of man, it needs not the support of law; but are there no other considerations involved in the Church question? Has the appropriation question no bearing upon the Constitution? In demoralizing the religious structure of the

State, will the political structure sustain no injury?—and in demoralizing the constitution of these Corporations, will not the principle of democracy be itself advanced? Sir, it is because I feel that in the present state of these countries there are two great principles contending for supremacy, and now nearly balancing each other—the one a principle, as I believe, of constitutional freedom—the other, a principle of reckless and ungovernable democracy. Is the one unfavourable to real and practical reform? Look to the measures of the right hon. Baronet—look to his labours in improving the criminal code—look to that great measure, the abolition of negro slavery, the measure of the noble Lord, the Member for Lancashire. Is the other productive of real amelioration? Let the paralysis of legislation during the last two Sessions afford an answer to that. And whence has that paralysis arisen? Why, from measures having been brought forward, not for the sake of the measures themselves, but for the sake of the principles covertly involved in them—from propositions being made in politics, for the purpose of whetting, but not of satisfying the appetite of the people for change. Sir, it is because I feel that in all questions reference should be had to these important considerations—that the object to be continually had in view, under existing circumstances, should be not so much the advantages of adverse or contending measures, as the predominance of adverse principles—because I feel that if there is any force in these observations, as they apply to England, there must be tenfold force in them as they apply to Ireland—a country in which the spirit of democracy is organized, and concentrated, and directed by a master-mind—because I feel that by the proposition of the noble Lord, increased power and increased means of extending itself, will be given to that democratic spirit—because I feel that agitation will be thereby increased, and the improvement and prosperity of my country be thereby impeded, I think that I should be inconsistent, and not consistent, if I assented to that proposition.

Mr. O'Loughlen was somewhat surprised to find the hon. Member who had last spoken, and one too who represented a city containing 220,000 inhabitants, come forward and support a Bill which deprived that city of any corporation whatever. He should have expected from that hon.

Member, who professed so much respect and veneration for Corporations—he should have expected from him, that he would have supported the proposal submitted by his Majesty's Government, including a proposal to give to that City a Corporation, founded upon the principles of this Bill. In the course of the debate, an observation had been made by the hon. Member for Exeter. It had been said, that there was very little difference between the measure sent up to the House of Lords, and the amendments that came down from that House. The hon. and learned Member for Exeter alleged, that the Corporations of Ireland had hitherto had very little to do, except in the administration of justice. Now it happened that the Bill as sent from the Lords effectually took away from these Corporations all share in the administration of justice. But did the hon. and learned Member really mean to say, that the Corporations of Ireland had had nothing else to do but to administer the laws? Let him look at the Corporation of Dublin, with a revenue exceeding 34,000*l.* per annum, which had been almost exclusively devoted to sectarian and extrinsic purposes. And did he mean to say that these Corporations had had no effect upon the constitution of society in Ireland? He (Mr. O'Loughlen) appealed to the local affairs of Dublin, and other corporate towns in Ireland, both as related to the administration of justice and otherwise, for many years past; and he would ask, had they not had a very considerable influence on the state of society in that country. But the fact was, that the Bill as it came from the Lords, deprived the Corporations of Ireland of all share in the affairs of justice; and in that respect, if in no other, it was entirely different from the measure of Municipal Reform which had been passed for England. Now with regard to the corporate funds. The hon. and learned Member for Exeter said, that the Royal Commissioners would be bound to give the disposal of the funds into the hands of the Local Commissioners, under the 9th Geo. 4th. But the words of the 40th Clause of the Bill as it came from the Lords were, that the Commissioners should "cause to be invested in their names, or in the name of their treasurer, any monies forming part of any town fund, in any stocks, funds, or securities, and alter and vary such stocks, funds, and securities, as they shall think proper; and

in all other respects manage the property comprised in every or any such town fund, and invest or dispose of the same, and all revenues thereof, in such manner as they shall think most advantageous;" and yet they were to be told by the hon. and learned Member for Exeter, that the Royal Commissioners would have to give up the town funds into the management of the Commissioners appointed under the 9th Geo. 4th. Now the fact was, that it was only as related to such a very small portion of the corporate funds as would answer to certain matters for which the inhabitants were at present rated, that the authority of the Commissioners of the 9th Geo. 4th. could at all exist. It happened farther, that there were only eleven towns in all, in which there existed boards under the 9th Geo. 4th, who were entitled to dispose of public money. The hon. and learned Member for Exeter declared, that the Commissioners under the 9th Geo. 4th. were not a political body, and had done their business admirably well. Then, he would ask, what objection was there to give the town property, directly into their hands, instead of circuitously through the hands of the Royal Commissioners, as was now proposed. But taking the proposition which was held out to them, let them suppose the case—namely, that these Royal Commissioners should one day be appointed and directed by persons, who considered the great mass of the people of Ireland, as aliens in blood, in feelings, and in religion; what prospect would there then be, that the corporate property should be disposed of in a way agreeable to the interests or the feelings of the people of Ireland? It had always been the policy in framing Local Acts in reference to Ireland, to make the corporate officers *ex officio* Commissioners, and it appeared, therefore, that the deliberate intention of those who framed the amended Bill, was to preserve to all the corporators, during their lives, the powers and advantages which they at present enjoyed. In Dublin, for instance, there was one Board alone, which dealt with an annual income of 12,000*l.*; he alluded to the pipe-water rates; all the trustees were corporators; and though the funds were, properly speaking, not corporate property, they had sole power of disposing of them in any way they thought proper. In Belfast, there was no corporation, but there were twenty-four Local Commissioners, of whom the sovereign

and twelve-burgesses were the Commissioners for the disposal of 17,000*l.* of income, levied upon the inhabitants. The hon. and learned Gentleman further observed, that there was no material difference between the compensation clause, as sent up by the Lords, and that in the original Bill; in that case he must say, he was at a loss to imagine why so much ingenuity had been wasted upon it in the Lords, unless it were the opinion of the House of Lords that the Royal Commissioners would not have a single shilling to dispose of, for they confirmed all the existing officers in their situations, whose salaries would amount to the entire corporate property of the respective towns. In Limerick, for instance, with an income of 14,070*l.* per annum, there were a weigh-master and a butter-taster, the latter of whom did not find it agreeable to reside in Ireland, but who, nevertheless, received about 500*l.* a year, whilst the weigh-master took from 600*l.* to 700*l.* more. By the operation of this Bill, their powers would be preserved to all the local authorities and Boards, who would be permitted to intercept the funds on their way to the Royal Commissioners. The hon. and learned Member for Exeter said, that the administration of justice should be vested in the Crown; yet what did this Bill do? It preserved in their offices the existing clerks of the peace, and all other officers connected with the execution of the laws, in the corporate towns of Ireland. What did this amount to but to this—that the present Bill was not intended to confer any benefit upon Ireland, or to amend any of her institutions; and that whilst one mode of legislation was adopted for England, a totally different one should be directed against Ireland. The hon. and learned Member for Exeter asked what use had the Irish Corporations for town-councils? had they not their Commissioners under the 9th Geo. 4th to go back upon? How happened it that the hon. and learned Gentleman had not used the same arguments in respect to England last year, for England also possessed an Act of Parliament, exactly analogous to the 9th Geo. 4th.? The Acts and the principle were precisely the same in both cases; then why did not the hon. and learned Gentleman stand up in his place last year and say, that it was not necessary for England to have town-councils, because they had this Act already to make use of? But the hon. and learned Gentleman thought it quite enough for Ireland to have the 9th Geo. 4th, and

he asked what necessity there was for any other enactment. He would take the case of Youghal as his answer. This Corporation possessed property which was well paid at 1,000*l.* a year; and this sum being just sufficient to divide amongst the mayor and other corporate officers of the place, the inhabitants, by virtue of the 9th Geo. 4th, had rated themselves to the amount of six hundred pounds a year for various local purposes. Now it was evident that the effect of a measure of Municipal Reform for Ireland would be, to relieve the inhabitants of Youghal from this tax of 600, by giving over the 1,000*l.* of corporate property to defray the local necessities of the town, out of which a surplus of 4,000*l.* would remain, which would be quite sufficient to defray all the salaries which would be called for under the new arrangement. It remained now to be seen, however, whether the House was prepared to legislate for Ireland, upon a different principle from that which was applied to England. They had reformed the Corporations of Liverpool, a town which was very near to the coast of Ireland, and they now proposed to take away the Corporation of Dublin. He would ask, whether they expected that the people of Ireland would be satisfied with such an arrangement. A respectable merchant in Ireland would not henceforth be eligible to the dignity of mayor, or of alderman, or other corporate offices; but let him come across to Liverpool, and he would immediately become eligible to the highest municipal offices, and this simply, because the people of Ireland had the misfortune to differ in religion from their neighbours on this side the water. It must come to that, it would come to nothing else than that, because the people of Ireland entertained a different religious persuasion from that of the people of England, the House of Lords declared, and perhaps the House of Commons might declare so also, that they should not enjoy the same liberty and the same local privileges. If that were the principle upon which this measure was to be treated, the sooner it was understood the better. For his own part he knew no principle so well calculated to shake the bonds of Union between the two countries; he would go further, and declare that no person placed in the degraded predicament which the Irish would be by that Bill, but ought to desire a separation of the two countries. "We," continued the hon. and learned Gentleman, "We, who were taunted with being aliens in blood

and in religion, to the British people, should be also aliens to British feelings if we submitted to so insulting a proposition. I do not speak this in the language of threat. I have all my life considered, and I shall continue to consider, that the connexion between the two countries is essential to the prosperity and the stability of both, and I have heard, with feeling of surprise and indignation, the use of an expression which goes to show, that I and my fellow-countrymen are not only aliens in blood, in religion, and in feeling, to the people of England, but that we are desirous of shaking off the connexion which exists between the two countries." The hon. and learned Gentleman sat down, declaring that he considered the passing of this Bill upon popular principle, with provisions capable of insuring a sufficient popular control in the municipal affairs of Ireland, to be indispensably necessary to the good government of that country.

Mr. Shaw said, he hoped the House would not think it necessary he should follow the right hon. Gentleman (Mr. O'Loughlen) through the various matters of detail, and, as the right hon. Gentleman himself termed them, the trifling subjects to which he (Mr. O'Loughlen) had adverted; they were immaterial points, which could be easily adjusted, if once the supporters and opponents of the measure were agreed upon the important question of principle. He (Mr. Shaw), however, could not help observing, that in respect of the officers to which the right hon. Gentleman had alluded, the amended Bill did not make any alteration in their condition. They were offices which these parties held for life, and so the Bill left them. With regard to town-clerks and such officers, the right hon. Gentleman could not have read the 45th Clause of the Bill; for he stated that their offices were preserved to them for life, but that clause empowered the Commissioners to remove them on the 1st of January next. The right hon. Gentleman was wrong, too, with regard to 9th Geo. 4th. cap. 82, for it did not follow, but it preceded, the English Act on the same subject. The English Act, however, required three-fourths of the voters to concur in the taxation, whereas, the Irish Act gave the same power to a majority; and he (Mr. Shaw) thought to make the 9th Geo. 4th compulsory in the towns mentioned by the noble Lord, would be a

change for the worse from the original enactment of the Bill, the present check of twenty-one 20*l.* householders having in the first instance to apply for the meeting of the 5*l.* householders would be removed. The present alteration would put it in the power of the lowest rate of householders to impose a rate of graduated taxation on the higher; besides, the reason the Act had already had so little operation was, the expense now incurred by adopting it. Why should that expense be inflicted upon them compulsorily? Such a change, he considered, would render the Bill in that respect much more than it was originally. That, however, was not the important consideration connected with the present measure, which should that night engage the attention of the House. That question, though changed in form, he contended was substantially the same which the House had twice already discussed; for it was, after all, the large and important towns that constituted the real object of those who forced on the present measure, and it was those large towns that would involve the whole mischief, against which its opponents desired to guard. The thirty-nine boroughs in schedule C were comparatively unimportant. Their whole population was little more than 200,000*l.*, their united property but 13,000*l.*, and there were thirteen of them which had no property whatever. These small places, in short, only rendered the measure ridiculous on the showing and principles of its own promoters. Throughout the discussions of the Bill in detail, when the Government were asked upon what principle any of these insignificant places were inserted, the answer was, that they might be struck out, if objected to, when we came to the schedules. The noble Lord, the Secretary for Ireland, conscious that these were only an incumbrance, seemed anxious to court objection to them, and, in fact, struck off many without suggesting any rule or reason, which were not equally applicable to others which he retained. In short, the Bill was utterly devoid of any intelligible principle of selection. It was neither property, population, subsisting charters, nor any combination of these; for as to property, thirteen of the boroughs contained in the schedules had none whatever. As to population, seventeen of the boroughs which had been inserted in Mr. Perrin's Bill of last year, with a population of

80,000, were omitted from the present Bill, and seventeen others were retained, whose united population only amounted to 58,000. Besides this, Newry, with a population of 13,000, and Dungarvan, with 10,000, had been expunged, while Bangor, Wicklow, and Belturbet, with populations of 2,000 each, had been retained. And if, as the noble Lord had contended that night, it was an insult to refuse corporate government to the cities and towns in Ireland, how could he reconcile that insult to the people of Newry and Dungarvan? Newry and Dungarvan were reported by the Commissioners to have on record charters of incorporation, and, at all events, the circumstances of having existing Corporations could not be alleged as the ground of selection, for the Bill altogether omitted ten boroughs, which would be found in page eight of the Corporation Report, enumerated under the head of "Effectively existing Corporations." And then, as if to evince the entire contempt of the framers of the Bill of any intelligible rule of selection, they first inserted Antrim and Ballyshannon, which had no Corporations, and in the end, they rejected Thomastown and Middleton, both of which had Corporations, and both of which had property, while thirteen boroughs were contained in the schedule which had no property. It was also a fact, that both the boroughs rejected, each had a population greater than some of the boroughs which were continued in the schedule. Laying aside, then, these comparatively insignificant places, and assuming that the real question at issue between the two sides of the House had reference to the larger cities and towns, the House came back to the point from which it had originally started, namely, whether it was more for the peace and tranquillity of Ireland—the general interests of the country at large—and above all, whether it was more likely that the cities and towns themselves should be well regulated and quietly governed, by simply putting an end to the corporate system that had so long prevailed in Ireland, or, by only transferring the functions of the Corporations, which had been little else than political, and their religious exclusiveness, which was the great evil they were charged with, from one of the rival and contending parties which unhappily, both in politics and religion, divided that country to the other.

Let the question between them be fairly stated, and it was this:—The opposite side of the House proposed the complete extinction of existing Corporations. To that the House of Lords assented. The original Bill maintained the existing rights of freemen—provided for charitable trusts—and vested in the Crown all that related to the administration of justice. In all this he (Mr. Shaw) and the friends with whom he acted agreed. But then came the great and essential difference—the Bill established Town-Councils and legalised Debating Societies, with all the accompaniments of constant elections, annual registrations, daily canvassings, the never-ending trials and displays of party strength, and the excitement consequent upon all these. Besides which, the Bill proposed to vest in these Town-Councils the Corporate property, which would be found scarcely sufficient to defray the cost of town-halls, mansion-houses, mayors, town-clerks, and their incidental expenses; whereas, by the amendments, it was proposed to appoint Commissioners, merely men of business, to attend to the paving, lighting, and other corporate duties of the locality, and to apply the funds to the public benefit of all the inhabitants, and the local improvements of the several cities and towns to which they belonged. He would take the Corporation of Dublin as an example; first, because he was best acquainted with it; and secondly, because no other corporate city or town bore comparison to it in respect of population, property, or general importance. Indeed, in these respects combined, Dublin might be considered as nearly equal to all the other Corporations put together. Take then Dublin alone—grant it a new Corporation, according to the plan of the present Bill—that would do all for the purposes of agitation, which the hon. gentleman opposite required, and would cause the whole mischief which he (Mr. Shaw) deprecated. He had been much misrepresented in the admissions which he had been said to make with respect to the Corporation of Dublin. He never had admitted that, as a body, it was either close, self-elected, or corrupt. The Commissioners did not, indeed, charge the Corporation with corruption. The representative body consisted of about 170 persons, more than double the number which the present Bill assigned to it. The constituency were about 4,000, and they

had triennial elections, vote by ballot, and popular control; but he did admit that both in politics and religion they were an exclusive body. Seeing, then, the changes in the law and constitution for the last ten years, and desiring rationally to regard and deal with the existing condition and circumstances of the country, he did not desire that exclusiveness should continue, but above all things he protested against its transfer. The Corporation of Dublin (and it was a fair sample of the other important Corporations in Ireland) never had been created for—never had been suited to—and scarcely could have been said ever to have exercised strictly—corporate functions. It had its paving board, its ballast office, its wide-street Commissioners, and its whole system of police, (as other Corporations had their local boards), entirely independent of the Corporation; and upon that point the Commissioners observed in their Report on the City of Dublin, that “in fact, the present establishment of the paving board is adequate, with the addition of a few clerks, to regulate the affairs of all the local taxes, if consolidated under the same management.” And a most remarkable feature in the present Bill was, that it betrayed the full consciousness, on the part of its framers, of its utter inadequacy in a corporate capacity, to perform the duty ostensibly assigned it; for in the case of the city of Dublin, the Bill expressly exempted all the existing boards from any interference by the new Corporation. What then was the object of the Bill, or at all events its inevitable tendency, but to inflame political discord, perpetuate religious animosity, and permanently to establish what so many Acts had passed that House to suppress—a Roman Catholic association in the city of Dublin. Witness the proceedings in Dublin on this subject. He (Mr. Shaw) had before quoted the resolutions of a meeting called by the hon. and learned Member for Kilkenny, for the avowed purpose of securing the independence of the city; but the means stated in the resolutions to effect that purpose, were the securing to the members of the club every situation of emolument and influence in the Corporation. And here it was most important to observe, that so far from there being any genuine feeling in favour of these new corporate bodies in the minds of the respectable part of the Irish public, many

influential Roman Catholics and eminent commercial men, opposed to him in politics, had stated to him and to others, that their opinion was favourable to the complete and entire abolition of Corporations in Ireland. He would not state any name in public, but he would be happy to mention their names to any Member on either side of the House, who would afford him the opportunity in private. Under all these circumstances, and in the absence of every other argument, was the House to yield to the unmeaning cry—the hack-nied twaddle of “Justice to Ireland.”

“No crime so bold but would be understood
A real, or at least a seeming good.”

Was there in the catalogue of crime one that it had not been attempted to perpetrate or justify under the desecrated names of justice and liberty? Let the phrase of “justice to Ireland” be well defined and properly understood, and all would be ready to agree to it. But as well might they confound a real and well-regulated liberty with a licence to every evil disposition and bad passion to riot uncontrolled and with impunity; as well might they mistake eternal truth for that name which every sectary gave to his own opinions; as well might they take their notions of an exalted patriotism from a late graphic description of an Irish patriot exacting his tribute, as be content to take the definition of justice from those whose every word and action contradicted its precepts. They might, perchance, discover the meaning of the phrase by its application to other subjects from the same quarter. The House might learn then from that authority, that justice could not be effected as to Parliaments without their being annual, as to suffrage without its being universal, and as to voting without the ballot. Then take the question of the Irish Church. Justice to it meant its subversion. [Mr. O’Connell: No, no.] What! did the hon. and learned Gentleman forget the short and pithy sentence that he had pronounced in that respect—*delenda est Carthago*? As to the laws, what was the hon. Member’s sense of justice? His sense of justice was, that if they were not liked, they ought to be resisted. [Mr. O’Connell: No, no.] The hon. and learned Gentleman said “No.” Perhaps he meant actively, for that would incur danger, and required courage—but passively; still, actively or passively, they,

nevertheless, were to be resisted. Then as to the House of Lords, “down with them” was his cry of justice. As to hereditary succession, it was mocked at as the hon. and learned Member mocked at an hereditary tailor. What was his justice as regarded the Union between the two countries? To repeal it. As to the empire? To dismember it. As to the Whigs? When one day they opposed the hon. and learned Gentleman, they were “base, bloody, and brutal,”—and the next, they were “noble, generous, and high-minded,” because they submitted to his dictation. And was it consistent with these same notions of truth and justice for the hon. and learned Member to go, as he had done within the last few days from house to house, and from meeting to meeting, describing the highest and the most distinguished men in the country as miscreants and liars, and in language that would disgrace a frequenter of Billingsgate, to heap upon them every abusive epithet? Was it from such lips as these that the Ministers of this country and a British House of Commons were to learn the lessons of justice? He, too, would implore for his country justice. [Mr. O’Connell: Hear.] Yes, notwithstanding the sneer of the hon. and learned Gentleman, he would earnestly implore that justice to Ireland which would render to every man his due. Equal laws impartially administered—a settled and firm Government—safety for life—security for property—such as would preserve as well the wealth of the rich, ay, and the labour, and the fruits of the labour, of the poor, from the grasp of brutal outrage on one hand, and the grasp of selfish avarice on the other. The Protestants of Ireland desired no preference. This Bill established no sectarian distinction—it gave all equality [Hear, hear.] But he would intreat the House not to do the great wrong of adding the fuel of such a measure as the present to the flame of political, religious, national and social discord, which had so long wasted that unhappy country, and now threatened to consume there the vitals of civilization. [Hear, hear.] He would say in conclusion, with regard to that and every other question which had reference to Ireland, and he trusted that in its true sense and sound and sacred spirit the sentiment would animate every branch of the Legislature, and be echoed throughout the country—“*fiat justitia, ruat cælum.*”

Mr. *Callaghan* said, that since this subject had come under discussion, he had not the good fortune to be enabled to address the House upon it further than making a few observations sufficient to explain the petitions which he had presented with respect to it. He had listened with much attention to the speech of the right hon. and learned Gentleman who had just sat down, if for no other reason, because he had frequently heard the hon. and learned Gentleman make speeches to that House on the subject of Ireland, to the truth of the assertions and statements contained in which he was unfortunately never able to subscribe. But he was certainly somewhat surprised that the right hon. and learned Gentleman should have indulged, on that occasion, in the repetition of much that he had heard from him on former nights; and should have entered into the discussion of particulars and details respecting this measure, from which he might have well spared the House. The remainder of the right hon. and learned Gentleman's speech consisted of trite observations selected from some of the prints of the day; and amongst these was the assertion, which had been so often reiterated, that his Majesty's Government was forced to adopt this measure. Now he would not hesitate to state his conviction in their presence, that his Majesty's Government were not forced by anybody to adopt their present course. He should be sorry to give them his support, if he were not persuaded that they were actuated by no other feeling with respect to this measure, than a sincere desire of doing justice to his country; and so long as they continued to act in the same manner and spirit towards his country, they should have his warm support. The hon. and learned Gentleman had made a speech, garnished from the newspapers and caricatures of the day; but he rose to represent to the House the fact that he was there the representative of a large constituency that had long panted for a reform in Irish corporations, and were now anxiously expecting a participation in municipal privileges. They had waited patiently for several years in the hope that that object would be accomplished. They had petitioned in the year 1831, praying for an extension of that corporate reform which was intended, and they patiently waited for the application of the principle of the measures which

Scotland and England had obtained to similar bodies in Ireland. But he must say—and he had lately an opportunity of learning their sentiments—that their indignation could not be restrained if their just expectations were disappointed, and that they did not at length get that measure of justice to which they were unquestionably entitled. He had heard amongst his constituents great disgust and surprise expressed at the assertions which had been made in another House that the people of Ireland were subject to the complete control of priests and demagogues in the large towns. He could state, without fear of contradiction, that there was no foundation for any such assertion. He had the honour to represent a town, the constituency of which were as honest and independent as the electors of any city in England or Scotland. He knew they would not brook the insult which was intended to be offered them in another quarter, and they felt equal indignation and surprise at hearing those who undertook, as they said, the duty of legislating for them make accusations against them, and attribute motives to them which they were conscious had no foundation in fact. On a late occasion he had presided at a meeting, consisting of several thousands of his fellow-citizens, and at that meeting there was not a single Roman Catholic priest. Not that he saw any reason why a priest should not attend such meetings because he thought a man did not forfeit his rights of citizenship by becoming a priest. But it was a fact to which he could bear testimony, that the Roman Catholic priests did not attend political meetings in the city which he represented. They have quite enough to do to attend to their religious pursuits and to supply the spiritual wants of the people. The amendments which had been made in the Bill by the House of Lords would have the effect of continuing in the hands of those who now controlled it, that management of local taxes which they had so long abused. His hon. and learned Friend's (Mr. O'Loughlen) measure, as it was originally framed, left much to be remedied in the local institutions of the city of Cork. It was only necessary for him to state that funds to the amount of 30,000*l.* a year were raised by local acts, and these were allowed still to remain in the hands of the old corporations, according to the Bill of his right hon. Friend the vacancies being filled up by election from

the citizens as they were created. It would, no doubt, have been necessary to introduce some further legislative measure to meet this evil. But the inhabitants relied with confidence on the intentions of the present Government, as displayed in the measures which they introduced. But in the name of his constituents, he protested against the amendments which had been inserted by the other House of Parliament, as he believed them calculated to perpetuate those abuses which had been the subject of such strong and just complaint.

Mr. *Dillon Browne* rose under considerable excitement, and was happy that he gave way to the hon. Member for Cork. He felt much surprised at what had fallen from the hon. Member for the University of Dublin. The great vehemence and extraordinary action of the right hon. Gentleman, he would call the histrionic speech. He had addressed the House in a manner better suited to the boards of a county than of a British senate. He was not surprised that there was much agitation and discontent in Ireland when a person holding a high judicial office in that country asked what was meant by justice to Ireland. Was it possible a judge of the land could be ignorant of the definition of the term—or was it possible that he (Mr. Browne) heard the hon. Gentleman exclaiming against the principle of a people demanding their just and legitimate rights, whilst he stated at the same time that they had no better argument to support their claim than the hacknied cry of justice? He asked the right hon. Gentleman on what purer principle of civil liberty could a people rest their claims than the great principle of equal and impartial justice? The right hon. Gentleman had indulged in one of his annual tirades against the hon. Member for Kilkenny. There were some persons who found it necessary to do so for sinister purposes. It was the tenure by which they held their seats in that House, and they did so to gratify the base and malignant feelings of the base and corrupt Corporation of Dublin. An hon. and gallant Gentleman, the Member for Donegal, had felt indignant at the term Protestant agitation. He asked the gallant Member if he had ever heard of the lay association? Was it not to agitation that the hon. and learned Gentleman (the Member for the University) owed his seat, and was it not by that system that the hon.

Members for Dublin were placed in that House?—was it not agitation which produced the decision of the other House of Parliament?—to that secret agitation by which the Opposition hopes to dissolve the present Ministry, for he was confident that they only sought to make Ireland and her Corporations a means of getting into place. The Bill, which was sent to the House of Lords, was calculated to afford peace and happiness to a long-distracted and long-misgoverned people. The amendments which had been sent down by that House were an insult to his country. The Irish never could, they never would receive it. The question was were the whole people or were they not, to be governed by the same laws?—were the Irish, or were they not, to have the same institutions as the people of England and Scotland? The people of Ireland demanded equal laws—they would not be satisfied with less. If the Irish were refused this full measure of justice they would then say,—“Give us back our own Parliament.” The motion of the noble Lord had his hearty concurrence.

Mr. *Finch* said, that he was most anxious to approach the consideration of the question wholly divested of party and political feeling. While he disclaimed, therefore, all desire to treat the subject as a question of party, he could not, on the other hand, but view it as one in which the interests and welfare of Ireland were nearly concerned; and the strong wish which he felt for the tranquillity and welfare of that country would overpower any other motive in bringing his mind to the consideration of the important measure now under discussion. He confessed that, viewing the Government Bill in every possible way, and wishing to put upon it as favourable a construction as he could, he was nevertheless forced to the conclusion, that it was not calculated, either in its spirit or substance, to effect the welfare of Ireland. Since the period at which that country was admitted to a participation in the blessings of the British Constitution, she had been cursed by a system of agitation, which unfortunately existed there even up to the present hour, and he was perfectly convinced that the Bill proposed by his Majesty's Government would, under the plea of introducing corporate reform, produce ten-fold the evils it professed to remedy, and give a new impulse to agitation, discord, and outrage. He thought that it was the duty of the British

Legislature to pause before they consented to abolish one monopoly by the substitution of another far more objectionable than that which now existed. The avowed object of the promoters of the Government Bill was to place corporate power in the hands of the Roman Catholics of Ireland. Now, nothing was more natural than that the Catholics should wish to possess power; but it was the duty of the House to consider how far that power was likely to be usefully directed, and whether it would be exerted, not for the interests of one sect or party, but for the general good of all. In his opinion, the British Legislature would be deficient in duty if they sanctioned any measure that would remove power from the hands of one party in order to place it in those of another. Yet such was the principle for which his Majesty's Government contended. If upon mature and deliberate consideration the House of Lords had been induced to come to that conclusion, had they not a full right, as an independent branch of the Legislature, to act upon the view which they had taken? He was sure, whatever might have been said to the contrary, and however strongly hon. Members opposite might feel upon the subject, their own calm good sense must tell them that the House of Lords had an equal right to exercise their judgment as the House of Commons had to decide upon any measure brought before them. It could not be denied that certain parties who supported the Government in this measure had ulterior objects in view. The House had been told by a Gentleman who belonged to that party, that nothing but the total extinction of tithes would satisfy the people of Ireland. Thus had one concession led to the demand for others, and he was quite satisfied that the effect of the present Bill would be to establish Catholic supremacy in Ireland. The cry of justice would never be silenced but by the granting of new concessions; but the Protestants of Ireland were not to be intimidated by agitation, and he was equally sure that the people of England would see that reason and justice were on the side of those who objected to the principle upon which the Government Bill was founded, and that those who conscientiously opposed it had no desire not to do justice to Ireland. Let any man look to the situation of Ireland for the last thirty years, and consider the system which had been pursued there of intimi-

dation, violence, and open violation of the law; let them but consider the way in which Church property was dealt with notwithstanding all the efforts of the Government to prostrate the rights of the clergy; let them but weigh the fearful consequences which must necessarily result if the present Bill were passed, when the flood-gates of agitation would be opened, and tumult and bloodshed would follow. He contended, that the passing of the Government Bill would enable that party who wished to sever the connexion between the two countries to put their design into execution. No Government could then hope to administer justice in Ireland, for the laws would be openly defied, and nothing but the dreadful alternative of civil war could restore tranquillity. Debate adjourned.

HOUSE OF LORDS,

Friday, June 10, 1836.

MINUTES.] Bills read a Second Time; Instrument of Saisine (Scotland.) Bastards' Wills. (Scotland.) Petitions presented. By the Earl of Kinnoull, from Perth, against the Bankrupts' Estate (Scotland) Bill.—By the Marquess of LANDDOWN, from Portsmouth, against the Punishment of Death, except in Cases of Murder.

PROTESTANT CHURCH.] The Duke of Newcastle said, he rose, in pursuance of notice, to present a Petition which had emanated from the Protestant Association, at a meeting held, on the 11th of May, in Exeter-hall. He regretted that this duty had not devolved on some more able individual; but, as the petition had been placed in his hands, he felt that he should be guilty of a dereliction of a sacred duty if he did not present it. When he said that this petition came from the Protestant Association, their Lordships would naturally inquire, what the title "A Protestant Association" could mean? In this Protestant country it did not at all surprise him that many individuals, professing the Protestant faith, should feel alarm for the security of their Church, when they marked the extraordinary measures which had been recently introduced into Parliament. He confessed, that he participated in their alarm; and the consequence of the apprehension which they entertained was, that they found it necessary to embody themselves for the protection of their religion against any attacks that might be directed against it openly or covertly. He could not conceal from himself the danger which menaced the Protestant Church, when he saw Roman Catholics (who were sworn

not to injure it) and Dissenters joining together to assail it. He, however, should, to the last moment, and every conscientious Protestant would pursue the same course, resist the degradation or spoliation of that venerable Church to which this country, under Providence, was so much indebted. He should make no further observations, but move "that the petition be read at length."

The petition was read at length.

Lord *Stourton* disclaimed the object imputed by the noble Duke to the Roman Catholics when the noble Duke said, that they were united with the Dissenters, or with any other body of men, for the purpose of putting down the establishments of the country in Church and State. He would assure the noble Duke that he had no such intentions: on the contrary, he felt bound, under certain limitations and qualifications, to uphold those establishments. As to the allegations of the petition which the noble Duke had partially adopted as truths, he protested in the strongest manner, against charges at once so heinous and so disgraceful in their nature. He had never troubled their Lordships with controversial remarks and polemical discussions; but he could not sit silent and hear "perjury," and "idolatry," and "superstition," and the "tyranny" of the Roman Catholic priesthood of Ireland so broadly imputed, without defending himself and the body to which he belonged against such cruel and unjust accusations. As to the charge of infringing his oath, because he supported the Bill of last year on the Irish Tithe Question, in concert and in concurrence with the Ministers of the Crown, he was ready at any time—weak, and feeble, and unpractised in debate as he was—to meet, upon that point, whatever array of talent or ability might be embodied against him. He saw on the opposite side of the House, the most consummate ability, the most splendid attainments, the utmost experience, and the highest powers of debate arrayed against him; yet, relying solely upon the justice of his cause, he was willing, at any hour, to meet that formidable array! But was it possible that charges and allegations were to be brought against a Member of their Lordships' House, which would be felt to involve disgrace by the lowest criminal in the lowest courts of law, or was he to defend himself in this House against allegations that would stain with even deeper pollution the most polluted

characters of the kingdom? Might he not, with all deference to their Lordships, be allowed to ask if that were the way to sustain the dignity and character of the House of Lords, assailed from without? He was a Roman Catholic—but he hoped, as he had now a seat in their Lordships' House, he was not there to soil and tarnish by his presence or his conduct, their Lordships' bright escutcheons! He was not ashamed of that religion which he professed, and which at one time, and for several ages, was professed by all their Lordships' ancestry. Nay, more he would ask—and he would put it to their own bosoms to answer—were any of their Lordships more ashamed of their robes, for having been worn by the barons, who, at one time, with a Roman Catholic Archbishop of Canterbury, and at another time, with a Roman Catholic Bishop of Winchester, placing their mitres in front of the battle, extorted from a John the Magna Charta, and the *Confirmatio Chartarum* from an Edward, and who placed the liberties of Englishmen on a basis, which, under all the shocks of time, had supported them down to the present hour? Enough on this topic. But he would say one word upon the tyranny—the alleged tyrannical domination of the Irish priesthood. He was the more disposed to do so, because they were called upon to legislate, and in reality to amerce Ireland in the privation of all her municipal rights and privileges, on the express ground of the influence of the Roman Catholic clergy in that country. That was the ground taken by the noble Baron (from the evidence on the Intimidation Committee) in his scheme for demolishing at one fell stroke all the Municipal Corporations in Ireland. He might, therefore, be permitted to examine a little this important subject. If tyranny it were, it was at least a tyranny of a novel kind:—a tyranny in defence of the new Magna Charta, namely, the Act of 1829—a tyranny in defence of those Parliamentary and Municipal Reforms, which had conferred a new *Confirmatio Chartarum* on England and on Scotland! He challenged the noble Baron to state that single vote—nay, to select that single speech—he might, he believed, add that single word—which, during a seven years' apprenticeship, had been recorded or uttered by any Member of Parliament, on whose return any priestly influence in Ireland could have exercised the slightest effect,—that had not been uniformly uttered in favour and on the side of liberty! If Ireland were amerced, the

fine that took away her municipal rights would be levied, not on account of any tyranny, but on account of the ardour and honesty of her struggle by the side and in behalf of Irish and British freemen. Had this priesthood exerted their influence, whatever it might have been, in opposition to the liberties of their own country or of England, Ireland might have retained all her corporate rights. That might be tyranny, if noble Lords chose so to name it; but it was a tyranny bearing all the fruits of liberty, if it were a tyranny, it was in sympathy with all the feelings and affections of those folks on whom it was supposed to be exercised; and without a single exception on the side of the liberties of Great Britain. But had this priesthood no other motives that might fairly palliate or legalize their occasional interference—(though on some occasions it was carried even to an improper extent,)—in their intense anxiety to send Members to Parliament who might devote their acquirements and services towards bettering the fate of their unfortunate people? The condition of the Irish was the best defence of their pastors. Let the right rev. Bench place themselves for a moment in the same situation; with their people so suffering and so enduring (a case, thank Heaven, almost impossible), would they utter no bitter expressions, or exert no influence at elections, if they conceived good to their afflicted parishes might arise out of such exertions. He could not, in justice, to the right rev. Prelates, believe it. Let anybody view the condition of the labouring people of Ireland, as exhibited in *Ingalls's Report*, or more diffused in the evidences of the Poor Law Commissioners. What a terrific picture was there presented—a picture unparalleled, for its deformities, on the face of the earth. In too many instances, the Irish people seemed to unite all the restraints of the social system, without its protection; all the casualties of savage life without its unappropriated lands and wildernesses. And might not any priesthood, witnessing scenes like those of Ireland, be forgiven if they entered occasionally with too heated feelings into electioneering contests in support of those from whose constitutional exertions they might hope for some alleviation to the sufferings of their afflicted folks, a large proportion of whom, Mr. Ingalls said, lived on the verge of starvation? In this country the case of the Roman Catholics was wholly different; and since the Relief Bill had passed, they sat

down contented with their lot, excepting two Members of Parliament (and those both Howards,) they had no Roman Catholic Members in the Commons' House of Parliament representing their particular interests; for they felt that these interests, were safely confided to the Protestants. Again, it might perhaps be thought on great constitutional questions, and in those more especially involving the interests of churchmen, that they were the best guardians of their own interests; but he contended that even for the purposes of the Church itself, the parties most interested might not be the most judicious judges. Was not the fall of the close borough system a case in point? Here also there was an appropriation principle. Birmingham and Sheffield were to have no representatives in Parliament, lest the principle which had consecrated Gaton and Old Sarum should be violated and sacrificed; whereas, had the borough proprietors made timely sacrifices, up to this hour, they might have retained considerable sway, and the Duke of Wellington have been still the popular Minister of this country. It had been often repeated, and perhaps still oftener thought, that the Irish Catholics obtained every thing they ought to have craved, when the Relief Bill of 1829 was passed, and the Statute-Book was no longer a persecutor. But no greater error could well exist, than that persecution in its effects ceased at once with its most prominent cause. As well might it be expected after a storm had been raging in the Bay of Biscay, and the waves running mountains high, that the agitation of the waters was at once to subside, and the vessel cease to roll, because the wind had stilled. He had only, in conclusion, to return his grateful thanks to their Lordships for the courtesy they had shown him.

The Earl of *Shrewsbury* could not allow the discussion to pass without offering a few observations. This was one of the many occasions when opportunity had been taken to vilify and traduce the Roman Catholics. He could not help feeling deeply, and censuring warmly the expressions that were contained in the petition, when describing the Roman Catholic religion. If they looked at home, they would find that one-third of the population of the United Kingdom consisted of Roman Catholics; and if they looked abroad, they would find that 100,000,000 of their allies were Roman Catholics, inhabiting the fairest, and in some respects the happiest—for it was free from religious

strife and dissension—the happiest portion of Europe. It was surely to be greatly lamented, if noble Lords could not enter that House without hearing the religion they professed maligned and slandered. That was the principal reason why he so much abstained from attending their Lordships' House. It was high time that such a system should be discountenanced and that their Lordships should learn to conduct themselves within the rules of Christian charity, which taught them “to do unto others as they would wish others to do unto them.”

The Earl of *Winchelsea* differed in opinion from the two noble Lords opposite with respect to one point, for he believed that certain members of the Roman Catholic Church did use their political power for the purpose of subverting the Protestant Establishment, particularly in Ireland, and that they never would rest satisfied until that establishment, which had laid the foundation of the happiness and prosperity of the British empire, was destroyed. In making that statement, he felt bound to say, that he fully appreciated the honourable conduct pursued by the two noble Lords opposite with regard to the oath they both took on entering Parliament.

The Earl of *Wicklow* said, that if the petition contained a single allegation against the honourable conduct of the noble Lord opposite, and of other persons of his religion, connected with this country, and sitting in the other House of Parliament, he must state that he did not participate in the sentiments of the petitioners in that respect. Still, if the noble Lord, and those other hon. gentlemen to whom he had alluded, wished to stand well with the country, they must take means to disconnect themselves from that party which professes to be the representatives of the Roman Catholics of Ireland, and to prove that they did not share the feeling which avowedly influenced the party to which he had just referred.

The Bishop of *Exeter* had heard with pleasure the noble Baron (Stourton) disclaim any participation in the view taken of the Parliamentary oath by those Roman Catholics whose aim was the overturning or the weakening of the Protestant establishment of this country. The noble Lord said, that he had given his proxy to the Ministers; and most honourably and wisely might he, by anticipation, do so, knowing that those Ministers were sworn to defend the interests of the Protestant Church.

Of this, however, he was sure, that if the noble Baron had been present and had heard the discussion on the subject, the minority would not have had the benefit of the noble Baron's vote; and why did he especially state this? Because, to his utter astonishment and grief, the Minister at the head of his Majesty's Government had on that occasion allowed that the measure which he supported would be a grave and serious discouragement to the Protestant religion in Ireland.

Viscount *Melbourne* observed, that this kind of partial quoting from former debates was exceedingly unfair, as it led to partial and incomplete views of a subject. The right rev. Prelate had just quoted a sentence in a speech of his (Lord Melbourne), made in the last Session, but without the context, which was to the effect that the measure under consideration at that time was of such great and paramount importance, that, although the inconvenience of it would in some respects be felt, yet it ought to be adopted. The right rev. Prelate had, however, with great unfairness, repeated the sentence which adverted to the inconvenience, without adverting to the accompanying reasons why it was expedient that that inconvenience should be borne. Was it not manifest that many legislative propositions might comprehend one undesirable effect, and yet, that pressing circumstances might render their adoption upon the whole expedient? Why, the Irish Church Temporalities Bill was, by the diminution of the number of Bishops, and other provisions, to a certain degree discouraging to the Protestant party in Ireland, and, to the same degree, a triumph to the Roman Catholic party in that country. That was an inconvenience. But their Lordships thought that there were greater, more important, and overbalancing considerations, which rendered it expedient and necessary that that measure should be passed into a law. In fact, in almost all great national questions, it became necessary to consider on which side was the balance of inconvenience and evil.

The Earl of *Shrewsbury*, with reference to the Bill to which allusion had been made by the right rev. Prelate, expressed his conviction that the only object which the promoters of that Bill had had in view was to carry into effect the resolution of Parliament years before, that tithes should be extinguished in Ireland.

Petition to lie on the table.

CORPORATIONS (IRELAND) MISREPRESENTATION.] Lord *Lyndhurst* presented a petition from Rochdale, in favour of the Irish Municipal Corporation Reform Bill, as amended by the House of Lords. Their Lordships would, perhaps, allow him to take the opportunity of saying a few words on a subject personal to himself. There were two descriptions of misrepresentation. The one was of the words used by a speaker; the other of the sense in which they were used, and of their application to his argument. The latter species of misrepresentation was more artful and more mischievous than the former, because it was not so easily detected and exposed. Such misrepresentation, whether of the one kind or of the other—whether it proceeded from a demagogue on the hustings, a hired mercenary, who had not inaptly described himself as speaking daggers, but using none, and as one whose weapons were words, or from a Minister of State, in his place in the Senate, could not but be considered by every fair and honourable mind, he would not say contemptible, but in the highest degree reprehensible and unwarrantable. The time would, however, soon arise, when, having heard all the charges which could be brought against him, he should have an opportunity of answering them, of exposing their author, and of proving their utter futility, whether they had reference to what he might have said at the bar of the House, or what he might have said standing in his place among their Lordships.

Viscount *Melbourne* hoped the noble and learned Lord would be able to defend or explain the expressions to which he had alluded. Considering all the circumstances of the case—considering the great station which the noble and learned Lord had occupied in the State—considering his high abilities, and his eminent qualifications, he never experienced more surprise, or sorrow, or deeper feelings of regret, with reference both to the interests of their Lordships and to the interests of the country, than at the speech which he conceived he had heard from the noble and learned Lord on the occasion in question.

Lord *Lyndhurst* replied, that to those noble Lords who had heard him on that occasion, he was quite sure that no explanation whatever was necessary. The noble Viscount must have suspended his attention to what had fallen from him (Lord *Lyndhurst*) on that occasion, or he would not have said, that it required defence

or explanation. The present was not the proper time or opportunity for such an explanation; and he would, therefore, satisfy himself for the present with appealing to the recollection of those of their Lordships who had done him the honour of attending to his words.

BISHOPRIC OF DURHAM.] On the Order of the Day for receiving the Report on the Bishopric of Durham Bill with Amendments,

The Marquess of *Lansdowne* observed, that his original impression was, that the Courts of Pleas and Chancery in the Bishopric of Durham, ought to be abolished; but that further inquiry was previously necessary. With a view of facilitating that inquiry, and at the same time of preventing any delay in the abolition of those Courts, should it be deemed expedient to abolish them, he should propose to their Lordships to adopt the suggestion which had been made by a noble and learned Lord, and to transfer the jurisdiction of the county palatine of Durham from the Bishop to the Crown. That would enable the Crown, after the inquiry was terminated, to deal with the Courts in question as circumstances might warrant. He begged, therefore, to be understood, that though he proposed to strike out of the Bill the clauses which abolished the Court of Pleas and the Court of Chancery (there was no doubt that the County Courts ought to be abolished), he did not by that proposition mean it to be inferred, that it was essential to continue the existence of those Courts further than the inquiry might prove to be expedient.

The Marquess of *Londonberry* was glad that his Majesty's Government had at length condescended to look into the Bill. They now perceived that what he had stated on the subject was well founded. The last clause of the Bill it seemed, however, was to be retained. To that clause he entertained so strong an objection, that it was his intention to move that it be expunged. Its adoption would open a door to what was called Ecclesiastical Reform, which their Lordships would find it difficult again to shut.

The Lord Chancellor observed, that the last clause of the Bill had already been fully discussed and satisfactorily explained. There was now a large property belonging to the see of Durham. But certain portions of that revenue were to be taken away for the purpose of being applied to other ecclesiastical purposes. There was now no

Bishop of Durham. It would be inconvenient, however, to allow the see to remain vacant. But if a Bishop of Durham were to be appointed, without the adoption of the last clause in the Bill, it would be an extraordinary thing first to invest the Bishop with all the revenue of the see, and then to take away a portion of it. The sole object of the clause to which the noble Marquess objected, was to declare that although the Bishop to be appointed to the see of Durham was to have all the revenues of the see, yet that that arrangement should be subject to any alteration that Parliament might subsequently think proper to adopt. With respect to the Courts of Pleas and Chancery sufficient information had not been obtained. When that information was furnished, they would be dealt with as circumstances should direct.

Lord Abinger concurred generally in the proposition of the noble President of the Council. He (Lord Abinger) had drawn up a short clause to effect that which it was proposed to effect by a long clause, that had been introduced into the Bill. But he wished to guard himself against being responsible for the latter.

Lord Ellenborough wished to know whether the Act for the regulation of the revenues of the see of Durham was to have a retrospective effect; or, in other words, whether it was to have date from the time of its passing, or from the day of the appointment of the new Bishop. In his opinion it would be better, for the sake of uniformity, that the diminution of the revenues should commence from the passing of the Act.

The Marquess of Londonderry repeated the objections he had on the former debates urged against the last clause, and contended, that the observations of the right reverend Prelate, the Archbishop of Canterbury, wherein he proclaimed himself the advocate of vested rights, supported the view he took of that clause.

The Archbishop of Canterbury altogether differed from the noble Marquess in the conclusion he drew from his observations on a former debate. It was because he was the advocate of vested rights that he approved of the last clause of the Bill. That clause intimated a determination on the part of Parliament, not to allow a vested right to accrue, which—should they however resolve upon carrying into effect the recommendations of the Ecclesiastical Commissioners—they would have to meddle

with, and therefore it had his entire sanction. With respect to the date from whence the diminution should take effect, it was his opinion, that it should be the day of the demise of the late Bishop. That, however, was a point for further consideration.

Lord Denman regretted, that the Bill was not likely to pass in the shape in which it had reached that House, as he thought that it was most desirable that the administration of Durham should be assimilated in Durham as in every other county of England. In deference, however, to the wishes of his Majesty's Government, and, as he understood it, of the House generally, he was prepared to admit, that it would be improper to proceed to the destruction of any existing Court of justice, without the ordeal of a previous inquiry. He hoped however, that that inquiry would not meet with any delay, so that a settlement of the Question might take place in the present Session. Much had been said of the local advantages derived by the county of Durham from the holding of palatinate Courts, but as far as his means of information went, those advantages were imaginary. Their Lordships, perhaps, were not aware that those Courts held their sittings for the most part in London. It was only on Friday evening last that the Palatinate Court of King's Bench of Durham (of which he chanced to be Chief Justice) sat in his chamber at Sergeants'-Inn. It therefore appeared to him to be a very odd kind of local advantage that was derived by the inhabitants of the county of Durham. Of the Durham Court of Chancery he knew little; but he required nothing more than what had been stated in that House to arrive at the conclusion that, practically, that Court could be of very little use to the inhabitants of Durham. It had been stated, that the most eminent members of the Chancery bar presided over that Court. If so, it was obvious that its business must be principally transacted in the law chambers in London, and that, for all good purposes, it might as well be disposed of at Westminster. He regretted much that the present opportunity of assimilating the administration of justice in the county of Durham to that in force throughout the kingdom, had not been more unanimously agreed upon; but he confidently hoped nothing but the result of a solemn and deliberate inquiry would induce Parliament to reject the proposition originally contained in the Bill to adopt a general uniformity of process.

The Marquess of Lansdowne said, that in compliance with the suggestions which had been made to him, he had no objection to omit in the present Bill the clause respecting Coroners, on condition that, if further inquiry proved favourable to its adoption, it might be inserted in the Appropriation of the See of Durham Revenues' Bill.

Report agreed to with amendments.

HOUSE OF COMMONS, Friday, June 10, 1836.

MINUTES.] Petitions presented. By several HON. MEMBERS, from various Places, for the House to Adhere to the Provisions of the Municipal Corporations' (Ireland) Bill, as originally passed by them.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By Mr. JOHN FIELDEN and Mr. HANDLEY, from various Places, against the Factories' Act Amendment Bill.—By several HON. MEMBERS, from various Places, against the Turnpike Trusts' Consolidation Bill.—By Mr. PLUMPTRE, from Canterbury, against the Tithes' Commutation Bill.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).

MR. GORE JONES—THE DERRY MAGISTRATES.] Viscount *Morpeth*, in rising to present a Petition from the Derry Magistrates, had to apologize to the gentlemen by whom it was signed, as well as to the hon. Baronet opposite (Sir R. Bateson), for the delay which had occurred in its presentation. The petition had been by some accident mislaid in the office, and he regretted exceedingly that such a circumstance should have occurred. The petition was as follows:—

"To the right honourable and honourable the Knights, Citizens, and Burgesses in Parliament assembled,

"The humble Petition of the undersigned Magistrates of the Barony of Loughinshollen in the County of Londonderry, Ireland,

"Most humbly Showeth, That in the evidence given before a Committee of your honourable House on the subject of Orange Lodges in Ireland by Mr. John Gore Jones, a stipendiary magistrate, lately stationed in this neighbourhood, who had asserted as matters of fact that your petitioners are partial magistrates—that they are partisans—that the country has no confidence in them, and that they are Orangemen.

"That when your petitioners heard of this evidence having been given before your Honourable House, they met together, by requisition from the Lieutenant of their County, for the purpose of considering what they should do; and as it appeared that Mr. Jones was protected by the privilege of Parliament from an action at law, for any evidence given before a Committee of your honourable House, your petitioners had no course left for them to pursue, but to contra-

dict, in the fullest and most decided manner, the statements contained in such evidence, so far as regarded them, which they did.

"That your petitioners applied through the Lieutenant of the county, to his excellency the Lord-Lieutenant, to cause an investigation to be made into the statements contained in Mr. Jones's evidence, which his Excellency declined granting, on the grounds that Mr. Jones had intimated his intention of proceeding by action against your petitioners, for an alleged libel contained in their resolutions.

"That your petitioners again memorialized his Excellency, stating the peculiar hardship of their case; that Mr. Jones was protected by the privilege of Parliament, from any legal proceedings on the part of your petitioners, and your petitioners humbly prayed of his Excellency to take their case into further consideration.

"That in consequence of this, his Excellency removed Mr. Jones from this district, and recommended your petitioners to have their case submitted to your honourable House.

"Relying on the justice of your honourable House, your petitioners humbly pray, that your honourable House will be pleased to order a copy of the correspondence between his Excellency the Lord Lieutenant and your petitioners, together with the evidence of Mr. John Gore Jones, before the Committee on Orange Lodges, to be laid before you, from which your petitioners hope your honourable House will see sufficient grounds to direct a competent person to be sent to this district, to inquire into the truth of the allegations made against your petitioners, by Mr. Jones, in his evidence before said Committee, and also into the conduct of Mr. Jones, whilst stationed in this district as a stipendiary magistrate.

And your petitioners will pray. (Signed)

Willim Lenox Cunningham, J.P., D.L.; Rowley Miller, J.P.; John Waddy, J.P.; H. J. Heyland, J.P.; H. B. Hunter, J.P.; John R. Miller, J.P.; A. Spotswood, J.P.; William Graves, J.P.; George William Blathwayte, J.P.; John Hill, J.P.; John Stevenson, J.P.; James Clarke, J.P."

He felt bound to say, that Mr. Gore Jones had, in many instances, proved himself a good and efficient public officer, but in justice to the magistrates alluded to in the evidence given by Mr. Jones, he must say, that the censure contained in that evidence was of a very unmeasured and indiscriminate character, and was not deserved by these gentlemen. The Government did not make any complaint against these magistrates—and he had every disposition to believe that the magistrates in question discharged their duties fairly and conscientiously. Moreover, as a practical proof that the Government did not adopt

the charges as true, they have removed Mr. Gore Jones from the county of Londonderry; and although it was not the intention of Government ultimately to remove him from the police altogether, they have not as yet appointed him to any other situation. If the Committee before whom the evidence had been given were now sitting, he thought the magistrates had fair grounds for demanding permission to go into a rebutting case. As, however, that Committee had closed its labours, and as the circumstances complained of occurred in another session of Parliament, he saw no reasonable ground for granting the prayer of the petition respecting the inquiry. Besides, as the Orange body no longer existed—as they had dissolved themselves in a most creditable manner to the heads of that institution—and he should never lose an opportunity of bearing his testimony in favour of their conduct—he did hope, under all the circumstances of the case, that the matter would not be pressed farther.

Sir Robert Bateson, as one of the representatives for the county Londonderry, begged to offer a few remarks to the House. With regard to the grievance of which the petitioners complained, he hoped that a portion of that justice of which the House heard so much might be extended to them, and that their conduct, as magistrates, would be fully and fairly investigated. With regard to the delay which had occurred in the presentation of the petition, he had no wish to impute improper motives to the noble Lord in keeping it back; and he was sure he was but speaking the sentiments of all the Irish members who had occasion to have communications with the noble Lord, when he said that they were invariably treated with the greatest courtesy and attention. The origin of the complaint preferred by the magistrates of Derry, who signed the petition, was as follows:—Mr. Gore Jones was examined as a witness before the Orange Committee, which sat last session. That person in the course of his evidence preferred grave and deliberate charges against the magistrates in question. He accused them all of being Orangemen, of being violent party men, and, moreover, he distinctly accused them of not doing justice at their petty sessions. When the magistrates heard of this they communicated with Lord Garvagh, the Lord-Lieutenant of the county. A meeting of the

magistrates of the barony was held, and resolutions were entered into, demanding inquiry. The meeting came to resolutions, a copy of which he held in his hand. It appeared that Mr. Gore Jones, in the course of his examination before the Committee, was asked the following question:—“Are there many of the magistrates in that district avowed or reputed Orangemen?—I should say the whole of them were, that is my belief.” With respect to the processions, Mr. G. Jones was asked—“Have the magistrates, on these procession days, attended for the purpose of discharging their duty in suppressing those processions after the Act became the law of the land?—I never heard of any doing it. In that district?—Never.” Now what would the House think of the veracity of this Mr. Gore Jones when he stated that not one of these eleven gentlemen was at the time or ever had been an Orangeman—with the exception of one who had belonged to the society in 1798, the year of the rebellion, and had never since joined it. Mr. Gore Jones, it appeared, was examined with respect to the petty sessions, and was asked the following question:—“Have you attended the petty sessions frequently?—Always. I make a rule never to be absent from any petty sessions within my reach.” His answer was explicit enough. But what would the House think of this person, when he (Sir R. B.) informed them that the proceedings of the magistrates at these sessions was matter of record, and in referring to these records it was discovered that, at that time, he had been two years at Portglenone, and had attended only twice at Kilrea, once at Maghera, once at Magherafelt, and never at Moneymore. The magistrates called upon him to produce the evidence upon which he grounded his opinion of them; and as he did not comply, they felt justified, individually and collectively, in saying that his statements were not only not founded in fact, but were direct falsehoods. The noble Lord had stated, that Government did not impute any blame to the magistrates, but he wished he had gone further, and said that there was not a tittle of evidence to support the charge made by Mr. Gore Jones. That person was the paid agent of the Government, and the Government was, therefore, answerable for his conduct. It was well known that if any charge, however trivial, was preferred against a

magistrate, no matter how infamous the character of the accuser might be, an investigation was immediately ordered by the Government. But here were eleven gentlemen whose characters were maligned—eleven gentlemen of high station, and of both parties—for there were Whigs and Tories amongst them, whose conduct has been publicly assailed, and yet an inquiry has been refused. Mr. Gore Jones threatened the magistrates with a prosecution for libel. The magistrates courted inquiry even in that way, but as he did not proceed with his action, the magistrates felt that there was no way left them but to demand inquiry from the House of Commons, in order to free themselves from all stain. Those gentlemen who had been so wantonly assailed, were ready to prove before any tribunal that there was not one particle of truth to sustain the accusation. The noble Lord stated, that he had removed this person from the district, but that it was not intended to dismiss him. If he had acted improperly in the county Derry he was unfit to hold a situation any where else—and if properly, the magistrates ought to have been deprived of their commissions. He should not have entered upon this branch of the question had not the noble Lord said, that Mr. Jones was a useful officer. He had never seen Mr. Gore Jones in his life, but he had no hesitation in saying that his conduct as a stipendiary magistrate was most tyrannical and illegal. He had acted on more than one occasion in a most illegal manner—he had taken the law into his own hands, and set the opinions of the magistrates at defiance. On the 12th of July last he went into the town of Bellaghy and took two guns from a man of the name of Kennedy—one a registered gun and the other a yeomanry musket. He committed a most wanton outrage upon the man, and struck him with a stick. Luckily this happened during the time of divine service, when the people were absent, or it was hard to say what might have been the result. He went on the 13th of July into the town of Kilrea, with a party of military. He was told by Mr. Waddy, a magistrate, that there was no apprehension of any disturbance. Mr. Jones, however, in a most intemperate manner, followed the Orangemen, a collision ensued, stones were thrown, and one of the officers was struck with a stone. Eleven or twelve respectable farmers were taken up and tried before Baron Penne-

father. It was proved upon the trial distinctly, that no riot or disturbance whatever would have taken place if Mr. Jones had not interfered. It was he, in fact, created the riot, and the Judge in his charge to the jury stated that no riot would have taken place but for him. The men were, of course, acquitted, and permitted to return to their homes. This was but one of many instances in which Mr. Jones had acted most improperly. He apprehended three men of the name of Patterson, on suspicion of having committed an outrage in a burial ground. He took the first two magistrates' horses, and conveyed them into the county of Antrim. He detained them prisoners two nights and three days, examined them on oath respecting the outrage, and also respecting some gunpowder and two guns he found in Patterson's house. They were discharged without trial. Patterson said, he got the powder from Hall, of Bellaghy, who he afterwards summoned before him for having sold gunpowder, and convicted him, which he had no right to do. He committed him to gaol, there to abide for six months, or pay a penalty of twenty pounds. The men afterwards memoriated the Lord-Lieutenant, and were liberated. He was sorry to trouble the House at such length, but when the characters of highly respectable gentlemen were assailed, he thought it was not too much for the noble Lord either to grant inquiry or publicly state that the accusations were totally unfounded.

Captain Jones coincided in all that had fallen from his hon. Colleague. The public notice which he had no doubt would be taken of what occurred that night would, he thought, be sufficient to show how completely unsupported the charges were.

Petition to lie on the table.

FACTORIES.] Lord Ashley begged to ask the President of the Board of Trade whether it was the intention of Government to take any further proceedings in the Factory Bill?

Mr. Poulett Thomson said, that he had allowed the measure to drop, it not being the intention of Government to persevere with it. After the division of the other night, it seemed to them that it would be extremely difficult to carry the Bill; and if it were finally carried, it would only be against the sense of so large a body of the House, as to render any effort of the kind

unadvisable. In withdrawing the Bill, however, he begged to say, that he considered the responsibility to rest with the House of Commons.

SIR FREDERICK TRENCH AND MR. RIGBY WASON.] The *Speaker* said, I beg leave, before the House proceeds to any further business, to draw their attention to the special Report, which has been this day made, from the Committee on the South Durham Railway Bill.

[The Report was read.]

The *Speaker*: Of the two hon. Members who were ordered by this House to attend in their places forthwith, one hon. Gentleman, the Member for Scarborough, is now present. I am informed that a messenger has been sent to the residence of the hon. Member for Ipswich, and not finding him at home, the messenger has been directed to wait his return, that he may serve him with the notice to attend in his place forthwith. In the mean time it is my duty, without entering upon the merits of the question, to call upon the hon. Member who is in his place, to give the House an assurance that, as far as he is concerned, the affair shall not proceed any further until both Members are in their places in the House.

Sir Frederick Trench: I will briefly state to the House the circumstances as they occurred, and the position in which I am placed. The hon. and learned Member for Ipswich had made a very absurd motion in the South Durham Railway Committee, a resolution which, as it appeared to me, was not only very absurd—

Mr. Lambton: I rise to order, and to suggest, that in the absence of the hon. Member for Ipswich, it would be better to abstain from any statement as to what has taken place.

The *Speaker*: The House having had this matter reported to them, are bound to take cognizance of the facts. The hon. and gallant Member being in his place, I call upon him, without entering into the question, to give his assurance that he will not, so far as he is concerned, be a party to any hostile proceedings in consequence of what has occurred between himself and Mr. Wason.

Sir Frederick Trench: I have no difficulty whatever, Sir, in submitting myself to your judgment and that of the House; and I have double pleasure in doing so on this occasion, because I have already put myself in a position which does not re-

quire that I should take any further notice of the matter.

Subject was dropped.

MUNICIPAL CORPORATIONS (IRELAND) LORDS' AMENDMENTS—ADJOURNED DEBATE.] On the Order of the Day for resuming the Adjourned Debate on the question of disagreeing to the Lords' Amendments to the Corporation Bill for Ireland, having been read,

Mr. Sharman Crawford said, he hoped that he should not be considered presumptuous if he stated thus early his sentiments upon the question. He had been intrusted with various petitions from Catholics and Protestants praying the House to reject the Amendments of the Lords, and to those petitions he was anxious to do justice; but he required peculiar indulgence, because he could not concur in the proposition made on either side of the House. He was himself a Protestant, and naturally felt anxious for the welfare of the Church. But he could not conceal from himself that the means taken by the Protestant interest to maintain its ascendancy had been the cause of all the great evils of Ireland. The Bill as originally introduced by his Majesty's Government, went to destroy that monopoly of power in the Corporations of Ireland, which the Protestants had so long enjoyed. In the commencement of the Session an amendment was moved by hon. Gentlemen on the opposition side of the House, with the view of omitting from the Address that passage which spoke of the necessity of giving equal municipal rights to Ireland, as had been given to England and Scotland. That amendment was negatived by a majority in this House, but a similar amendment was adopted by a still greater majority in the other House. Ministers afterwards introduced a Bill which went to establish fifty Municipal Corporations for Ireland. That Bill was sent up to the Lords, though it was known that the Lords would reject it. The Lords did not reject the whole Bill, but they rejected its principle by abolishing all Municipal Corporations in Ireland. But now his Majesty's Ministers proposed that twelve towns shall have Municipal Corporations instead of fifty; thus annihilating no less than thirty-eight Corporations. He asked whether this was sustaining the decision of the House of Commons, or whether it was not rather admitting that the Peers had been right? The twelve Corporations were to have mayors and town-councils, but the

rest were to be left to the provisions of the 9th George 4th. If that Statute were sufficient for the thirty-eight Corporations, why was it not also sufficient for the twelve? According to the statement of the noble Lord, four towns with a population of 10,000, and four others with a population of 9,000 persons, were excluded from the twelve privileged Corporations; yet Derry with only 10,000, and Carrickfergus with only 8,000, were, for some incomprehensible reason, included. The great use of a Corporation consisting of a mayor and council was, that the inhabitants might annually have the means of expressing their opinions. This he would call wholesome agitation; but it would not exist in the towns left under the provisions of the 9th of George 4th. The proposition of the noble Lord would cause a collision with the House of Lords for what was not worth a collision, and he appealed to his hon. and learned Friend (Mr. O'Connell) whether it was consistent with the spirit of his noble letter to the people of England? [Mr. O'Connell; Yes.] In that letter his hon. Friend had said, "We will have Lord Lyndhurst kicked out—we will have no compromise;" but was not this Bill a compromise, and a degrading compromise, for the people of Ireland? He was very sorry to differ from his hon. and learned Friend, but, as an honest man, he was bound to express his strong convictions, with great deference to the opinion of his hon. and learned Friend on most points. He could not concur with him in this. His hon. and learned Friend knew that he (Mr. Crawford) had ever supported him in his general political views; but whenever he conscientiously differed from him, he honestly avowed that difference. His hon. and learned Friend had, on the occasion of his late letter to the people of England referred to that principle which he had so often inculcated on the people of Ireland, and which was expressed in the forcible words of the motto—

"Hereditary bondsmen, know ye not,
Who would be free, themselves must strike
[the blow.]"

Now how, he asked, was this blow to be struck? His hon. Friend did not mean to resort to arms. Then, what could he mean, except a firm, temperate, and uncompromising demand of the rights of Ireland? And was it consistent with such a principle of action to accept the degrading compromise in the proposition of the noble Lord. Looking at the policy of this question as regarded England, he begged to

inquire whether it tended to increase the honour of the House of Commons that it should thus succumb to the House of Lords? What was the inference from the course recommended?—Either that the House of Commons had sent up a bad Bill to the House of Lords, or that having passed a good Bill it was afraid of maintaining the right. If the representatives for Ireland submitted to this humiliation, the blame would not rest with the Government, nor with the English and Scotch Members. This was not a case for a temporising policy, when such an insult had been offered by the House of Lords to the whole population of Ireland; and for his part he was ready to reject the Bill at once, and rather to postpone relief to Ireland for a short time than accept so degrading a measure. It had been said, that to take any other course would be dangerous to the Administration; but the true friends of the Administration were those who recommended them to rest upon the rights of the people, and to depend for support upon the popular voice. The proposition which he conceived ought to have been made was, that the amendments of the Lords should be rejected. After the insulting manner in which Ireland had been spoken of—after the insulting language which a noble Lord in the other House had used, and which had been repeated in this House, there was no medium course for the real friends of Ireland to pursue, but to treat with reprobation the degrading proposition which the Lords had offered for their acceptance and to give to their amendments the most indignant rejection.—He did not, however, wish to offer any disrespect to his Majesty's Government by proposing the rejection of these amendments. He felt that Ireland was much indebted to the noble Lord for the admirable sentiments expressed by him last night; and far be it from him to offer any unnecessary opposition to the proposal made by that noble Lord to the House. But though he should not adopt that course, still it was his intention, whenever the question came on for discussion as to what towns should have Municipal Corporations and what not, to submit such a motion to the House as he conceived ought to be adopted. He trusted that in the observations he had made, he had not said one word, or expressed one sentiment, which could be considered offensive to any individual. If he had gone beyond any of his hon. Friends, it was only, perhaps, from over much zeal in the cause which he espoused though he by no

means intended to impute a want of zeal on the part of those who fell short of the opinions and views he entertained on this all-important question.

Mr. *Lefroy*, in rising after the hon. and learned Gentleman who had just sat down, could not avoid expressing his satisfaction at the straightforward and manly integrity with which the hon. Member had expressed his opinions. He did not feel called on to reply to anything which that hon. Gentleman had said; for what had fallen from the hon. and learned Gentleman proved very clearly that the Bill now under their consideration was not the Bill originally proposed by his Majesty's Government; and he, therefore, thanked the hon. Gentleman for proving, in reference to that Bill, the inconsistency of his Majesty's Government. He also thanked the hon. Gentleman for exhibiting the inconsistency of the hon. and learned Member for Kilkenny, if he supported his Majesty's Government in the course they were now pursuing; and after what the hon. Gentleman had said, he claimed his support in resisting his Majesty's Government in the steps they proposed. The hon. Gentleman had appealed to those around him, those of that party who called themselves the Irish representatives, to support him in obtaining what he designated justice for Ireland, by securing the extension of the same corporate principle as had been applied to England and Scotland. He would also join in the cry of justice for Ireland. He would join also in the call upon the House to legislate for Ireland on the same principle on which they had legislated for England and Scotland. But the value of that cry depended entirely on the meaning attached to it by those who used it. If the hon. Gentleman meant justice for the whole people of Ireland, and included in the term not merely the numerical majority which the Roman Catholics constituted, but the minority, as he admitted the Protestants of Ireland to be, but not inferior in wealth, rank, intelligence, station, or influence—if the hon. Gentleman meant to include that portion among the people of Ireland, then he was bold to say that the measure proposed by Government did not give justice to Ireland. It was usual with certain parties to speak of the Catholics as the people of Ireland—the hon. Gentlemen representing that side of the question were denominated the Members for Ireland; and even their leader himself was called the representative of all

Ireland—the great political primate of Ireland. Such was the view taken by certain parties of what constituted Ireland and its people; and it never could be considered justice to Ireland, to legislate without regarding the rights and interests, the feelings and wishes of one large and important class of his Majesty's subjects. They had not so legislated for England or Scotland. There was no analogy between the cases of England and Scotland and that of Ireland, as to the reconstruction of municipal Corporations. In England and Scotland these were called for by the general voice of the people, and the operation of that reconstruction could not be to transfer the rights enjoyed by one party exclusively to another. In Ireland, the property of Corporations was in the hands of Protestants. He did not say it should be so; but the effect of the Bill as at first proposed, and as it went to the Lords, would be to transfer the rights and privileges and property of Corporations in Ireland from the hands of Protestants to Catholics. The effect of the measure of Government would be to transfer from one exclusive party to another still more exclusive the whole of the corporate property, the whole of the corporate rights, the whole of the corporate privileges, and he was bound to ask what kind of justice to Ireland would that be? The House would not pass a bill *eo nomine*, to transfer to Roman Catholics the rights and privileges of the Protestants of Ireland. But if the effect of the measure be a transfer of rights and privileges, was not that House doing, indirectly, that which they could not directly sanction? What did the Lords' Bill do? It abolished all offices not essential, and by that means contributed to save the corporate property, the control of which it transferred to commissioners, for the purpose of paying off all debts, meeting all claims and pensions, and lastly, to apply the surplus for the public benefit of the inhabitants of each corporate town. A few offices necessary to the convenience of the inhabitants, such as those of weigh-masters and clerks of the market, were preserved. The appointment of these, instead of being placed in a town-council, composed of one party only of his Majesty's subjects, was vested in the Crown itself as *parens patriæ*, which would distribute them with justice and impartiality to all the classes of the community. The Bill sent down from the Lords was not a measure which gave a preference or

monopoly to either party, it was calculated to do justice to Ireland on the only condition on which that was possible—that of advertgnto the rights and the feelings and wishes of every class of the people. If the measure of Government was one of oppression and injustice towards the Protestant population of Ireland, as far as regarded the existing rights of corporate property and patronage, how much more seriously, how much more grievously, did the new power of taxation created by the Bill to be vested in the town-councils in twelve selected places, and in the commissioners in the remaining twenty, affect Protestant rights and interests? In twelve towns named in one of the schedules, the councils had a right to assume immediately all the powers of taxation vested in Commissioners by the 9th of Geo. 4th, and according to another provision of the Bill, that Act was to be applied, not at the option of the inhabitants, not through the instrumentality of popular election, but imperatively, to twenty other places. He found that the council would be authorised to impose taxes for the purposes of election, for the erection of polling booths, for the salaries of the mayor, treasurer, town clerks, and of the coroner, where there was one, and of such other officers as the council might think fit to appoint to carry this Bill into effect. For all these they might appoint salaries without stint or limit; they were authorised also to appoint a paid magistrate, and provide a police office, in which he should transact business; to appoint clerks, special constables, and watchmen. To defray these expenses they had full power to tax the inhabitants. This was to be a graduated tax, to be paid in proportion to the value of the houses. All above the value of 20*l.* were to pay double. Now, who inhabited the most part of the houses of that description?—The Protestants. Who inhabited the 5*l.* houses?—The Roman Catholics, who were to elect the town-council, or the Commissioners. He trusted that the House would pause before they intrusted to the Roman Catholics a power of taxation beyond that now possessed by any Corporation, without control either as to the amount or disposal of the sums levied, and with no security whatever to the Protestants of Ireland on either of these points. If this delegated authority was not withdrawn or modified, the Protestants would be placed completely at the mercy of those who had been taught to regard them as enemies,

and to whom they owed a large measure of retribution for past injuries. He could not imagine what solid grounds there were for the distinction drawn between the two classes of towns enumerated in the Bill. If Corporations were so essential to the well-being of the first twelve towns, he quite concurred with the hon. Member for Dundalk that they were equally necessary to the others. Why should they force on these towns the enormous expense which would arise under the Act of the 9th of Geo. 4th? The inhabitants of many boroughs had already rejected that Act, on account of the expense which it would have entailed on them; and he believed that if the wealthy part of the Roman Catholic population could venture to speak out, they would declare that they had no desire to be subjected to the taxes which must inevitably follow its application. They had heard much of justice to Ireland, but the word was used in a vague and indefinite sense. He tried it by the test of its application to property—which was its proper object. How small were the pretensions of this Bill to be considered a measure of justice, if they included under the denomination of Ireland the Protestant subjects of the Crown, and the wealthy portion of the Roman Catholics themselves. The Bill of the House of Lords left it to the option of every town whether they would apply for the provisions of the Statute of the 9th of Geo. 4th or not. Every duty which it remained to the Corporations to perform was provided for without expense, and in a manner not liable to those objections to which the Bill of his Majesty's Ministers was open. Justice was no doubt a good thing, but to be justice, it should be even-handed. There was another thing also which was equally good, and that was peace and harmony amongst fellow-citizens. He appealed to the consciences and understandings of all who heard him, whether they were more likely to have peace and harmony in the towns of Ireland from a measure which would give rise to all the bitterness and strife engendered by annual elections, or one which took away the bone of contention? He appealed to that House whether domestic quiet and concord would be promoted by a Bill which opened a wide field for protracted strife, for continual jealousy, for continual rivalry, which would be manifested in incessant conflicts between Roman Catholics and Protestants, until one party was overturned by the other. Was that Bill so

well calculated to produce peace and harmony as one which gave the inhabitants of the towns the option of introducing for the government of their respective communities the Statute of 9th George 4th, which answered all the useful purposes of a Corporation? He thought that no man who exercised his judgment, or regarded his conscience, could hesitate to say that it was not. The noble Secretary of State for the Home Department had said that, under the Lords' Bill, there would be no municipal liberty for Ireland. Did the noble Lord mean the term or the thing, the shadow or the substance? But would the noble Lord, or would his supporters call that municipal liberty which would be the consequence of their own measure?—Was it municipal liberty where one party was to have the absolute and uncontrolled dominion over another? Let the House but consider the temper and state of parties in Ireland—let them look at the vast preponderance, in point of numbers, of one party, and then let them conclude what sort of municipal liberty the Bill of the noble Lord would secure to Ireland. He regretted that, in the course of his speech, the noble Lord was betrayed into a threat that the Peers would retract their legislation on this measure the moment the first shot was fired in Europe. He did not think it becoming in the noble Lord to read so severe a lecture to the ex-Chancellor of England, for the language he was supposed to have used when speaking of the people of Ireland, and, at the same moment, to allow himself to be betrayed into a much greater indiscretion. He (Dr. Lefroy) regretted that any Minister of the Crown should use such language—should hold out an encouragement to the people of Ireland to attempt, on some future occasion, to wrest by force and violence from the Legislature, what, in their deliberate judgment, they thought it would be dangerous to grant them. It ill became the station of the noble Lord; it was not consistent with the high office he held in his Majesty's councils to minister this mischievous incentive to an easily-excited and inflammable population. Having already addressed the House on the details of the measure, he thought it would be inexcusable in him to trespass on its attention on that part of the subject again. He would allude to another topic, so admirably treated by his hon. Friend, the Member for Sandwich. In every thing that fell from him he entirely coincided,

and would not, therefore, go over the ground so ably occupied by the hon. Member (Mr. Grove Price). He thought that the time was come when they should determine whether we were only to have the name or the reality of a second branch of the Legislature. He thought the present a fit and proper occasion to put this question to the test, and unless the theory of the British Constitution was but a mere mockery, he had no doubt of the result being in favour of the independent legislative functions of the House of Lords. If the Upper House were not allowed to exercise their own judgment, and to differ with the Commons on any question, what would become of their separate existence as an independent branch of the Legislature; and if they were permitted to differ on some questions, and not upon others, who could lay down the line of distinction, and say "that on such and such questions, we, the Commons of England, will not allow you to exercise your own deliberate judgment; on these you must agree with us." He would defy any constitutional lawyer to draw the line, or point out any one measure over which the Upper House were not empowered by the constitution to exercise their full and free right of differing with the Commons. The noble Lord talked of a compromise, and speaking on an Irish subject, he doubtless was determined to propose an Irish compromise. The House of Lords pronounced their solemn decision, on the ground of the danger of the measure, against applying its provisions to seven towns in Ireland, and he supposed, by way of lessening that danger, the noble Lord now proposed as a compromise to extend its provisions to twelve. The noble Lord has given them a singular proof of his notion of a compromise. He proposes a measure pregnant with mischief, pregnant with the vice of the principle, and calls on this House to support him in his endeavours to apply it to a greater number of towns than it was proposed in the Lords to be given, when it was rejected—and he calls this a measure of compromise. He would not trespass further on the attention of the House, but would declare his readiness to give a decided negative as well to the mitigated Bill of the noble Lord, as to the one originally brought in by his Majesty's Attorney-General for Ireland.

Mr. Grote was anxious to offer a few observations to the House on the subject now under discussion, and wished the

rather to do so because he had not taken any part in the long debates on it which had already occurred. He was conscious that after the copious and ample manner in which the whole subject of the Irish Corporations had been discussed, it would be quite impossible for him to offer any thing to the House that had not been said before, and therefore he was under additional obligations to be brief. He must say, however, that if it was impossible for him to find anything new to submit to the House, other hon. Members had the same difficulty to contend with. The chief objection advanced against the measure in both Houses had been, that it was a transfer of power from the minority to the majority. He on the other hand maintained, that it was a transfer of power from a part to the whole. It placed both Protestants and Roman Catholics on the footing on which they ought to be in respect to citizenship—a full and absolute equality; and although the hon. Gentleman opposite wished that that level should consist in a community of subjection, he, for his part, preferred that it should consist in a community of privileges. The manner in which the proposition of the noble Lord had been introduced to the House, would render it unnecessary for him to make some observations which he should otherwise have thought it his duty to offer to the House. He confessed that he participated to a considerable extent in the feeling expressed by the hon. Member for Dundalk, who had first addressed the House that evening. He would have preferred that the amendments to this Bill sent down from the House of Lords should have been at once rejected, unless on a careful review of them there could have been found any one which in their hearts and consciences they could approve. It was never too late to rectify an error; but it appeared to him that the making of concessions against their own judgment and opinion was seldom attended with any other result than that which they had witnessed on this occasion. The concessions made had not had the effect of conciliating hon. Gentlemen opposite, who would no more consent to pay 10s. in the pound than they would to pay the whole, because they disputed the principle itself on which the measure was founded. If ever there was a Bill on which it would have become the House to exercise its privilege of discussing amendments proposed by the House of Lords with a scrupulous regard to its own dignity, it was

the Bill now before them, for most certainly it had been dealt with by the other House in a manner in which no Bill had ever before been treated. They had not only entirely changed the principle of the Bill, but they had embodied in it a principle which had been already considered and deliberately rejected by that House. He thought that the representatives of the people might at least have been spared the pain of making concessions to those who had declined, he might almost say insultingly declined, to make anything like concession to them. The question which they had to decide was not whether less should be conceded to the House of Lords, but whether more should be conceded. In that point of view he cordially agreed with those Members who thought that the House would be eternally dishonoured if they suffered the Bill to be commuted and transformed as it had been by the other House. Their Lordships had not offered the House of Commons any argument, or even the semblance of any argument, for altering the decision to which it had come; on the contrary, the tone and spirit in which their discussion on this Bill had been conducted, furnished the House of Commons with additional reasons for adhering to the principle of the Bill which they had sent up to their Lordships. He would ask any man who then heard him, whether the declaration of a noble and learned Lord, to which reference had been frequently made last night, had not been embodied in effect into the amendments made by their Lordships on this Bill? If, instead of relating to the people of Ireland, the amended Bill had related to the people of Hindostan, the people of Ireland could not have been more effectually debarred from all political franchise and office. The measure involved two principles—of which the first was, whether municipalities were useful and beneficial; and the second, whether the population of Ireland, Protestant and Catholic, was to be dealt with on the same rules and principles as the population of England and Scotland, Protestant and Catholic, and also without reference to the amount of the population belonging to those two different creeds on either side of St. George's Channel. He was inclined to decide both questions in the affirmative. He thought that we were bound, on every principle of justice, to deal fairly and impartially with the whole people of Ireland, without drawing any distinction as to the religious sect to which they belonged. That proposition had been

fully sustained by the Bill which they had sent up to the Lords, and had been negatived as decidedly by the amendments made by the Lords, who had insulted and dishonoured the people of Ireland, by declaring them unfit to exercise municipal, and therefore any other political, rights. He did not wish to speak lightly of a collision between the two Houses of Parliament; but let the collision of that House with the House of Lords come when it might, it could never arise on a more noble or a more national object than the present. If the House of Lords were determined to arrest the progress of improvement by eradicating, by their amendments, all the merits of the Bills sent up to them by the House of Commons, he would recommend them to save themselves the trouble of amendment in future, and would prefer their rejecting the Bills of the Commons upon the motion for a second reading of them. If it were to be understood that the two Houses must decide on all Bills for effecting great improvements upon principles diametrically opposite to each other, the sooner that fact was announced to the country the better. Indeed it was the duty of the House of Commons to announce that fact to its constituents as soon as it came under its knowledge. The fact that they must meet with the same spirit of opposition from their Lordships on all important measures which they might send up to that House, rendered him less solicitous than he might otherwise have been for the settlement of the difference between the two Houses on this particular subject. When he saw the House of Commons perpetually considering upon all measures of reform, not how much they ought in justice to give, but how much the Lords would be disposed to grant, he thought that the time was come when they ought to inform their constituents of that melancholy truth, and let them decide whether they would be governed on the principles avowed by the House of Lords, or on those acted on by the House of Commons. That was his view of the case—and he should therefore cordially second the motion of the hon. Member for Stroud, reserving, however, to himself the right of supporting the hon. Member for Dundalk in his proposition to extend the operation of this Bill to sixteen or twenty-three towns, as he might think fit.

Mr. *Richards* could not refrain from giving expression to the surprise which he felt at hearing the hon. Member for Lon-

don recommending the House to act in such a manner, as would bring on a collision with the other House of Parliament. What did the hon. Member mean? Did he mean to recommend the House of Commons to usurp the privileges of the Lords? Did he see the inevitable consequences of such an usurpation; and did he, with his utilitarian doctrines, flatter himself that the people of England were ready to go out with him on his Quixotic endeavour to change the form of government under which they had flourished and been happy for more than a thousand years? Why, what did the hon. Member's proposition lead to except republicanism? For what but republicanism could be the result of that House assuming to itself the powers of the Government and the privileges of the House of Lords? He (Mr. *Richards*) could not believe that the hon. Member for London supposed that by his proposition he should add either prosperity to industry, or security to property. Certainly it would not produce either of those effects. Instead of peace, the hon. Member was bringing a sword upon his country; and his proposition, if acted upon, would lead to confusion and civil war, and every thing that was disastrous and melancholy. The hon. Member for London had talked of the necessity of giving peace to Ireland, and had assumed that this was the only measure which could give peace to that country. He had also assumed, that justice to Ireland required that this measure should be adopted, and had spoken of the House of Lords as if they were animated by a determination to reject every bill which was calculated to do good to Ireland. Where were the hon. Member's proofs for these extraordinary assertions? Really, it appeared to him, that the conduct and language of the hon. Member for London required much greater charity than anything which had been either said or done in the House of Lords. He (Mr. *Richards*) contended that this was not a religious but a political question, and he should treat it accordingly. He was for granting to Ireland everything which was likely to contribute to its happiness and peace; and the rule which he had laid down for his guidance in the consideration of this Bill was, "would it give happiness and peace to Ireland?" Quite the reverse. One of the grounds on which this Bill was defended was, that it would encourage and promote agitation. The hon. Member for

Dundalk had said, that agitation was wholesome, and had bestowed great praise on the hon. and learned Member for Kilkenny for the manner in which he conducted it. Now, he thought that agitation was unwholesome, and instead of lauding the hon. and learned Member for Kilkenny for promoting it, he considered that the conduct of the hon. Member deserved the strongest censure. It was clear, then, that if this Bill increased agitation, the Municipal Corporations provided by it would not conduce to the happiness and prosperity of Ireland; and a measure more likely than this Bill to aggravate the mischiefs of agitation, he, for one, had never yet met with. Referring again to the collision with the House of Lords, which he accused the hon. Member for London of recommending that House to court, he observed, that it was indeed surprising that that hon. Member being a banker, should hold up a fire-brand and throw it among the multitude, for the purpose of destroying public credit. He could not forget the spirit of candour and political honesty with which the right hon. Baronet, the admirable leader of the opposition side of the House, admitted that the various powers vested in these Corporations had been administered for the benefit of one exclusive party, and had therefore been abused; nor the salutary caution which he had given to the noble Lord at the head of the Government, not to transfer the powers, which it would be better to abolish, into the hands of another exclusive party, which was quite as likely to abuse them. How had that salutary caution, proceeding from a noble spirit of candour, been met? Let them look at what occurred even in England. How had the reform recently given to the Corporations of England been applied? Had not the powers of the reformed Corporations been openly, boldly, and almost universally exerted to sustain the party of which the noble Lord was at the head? He contended that the noble Lord had used the powers vested in the Corporations *per fas et nefas* to increase the strength of his party in the country. The object of the noble Lord, then, in bringing forward this Bill, was not the promotion of the welfare, the prosperity, and the peace of Ireland, but the increase of the political power of his own party for mere party objects. His object was to increase the influence of the hon. and learned Member for Kilkenny, and to give

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him the power of nominating not merely forty Members, as at present, but sixty Members in future. He did not blame the Lords for the manner in which they had dealt with this Bill. Instead of blaming them, he, for one, as an independent Member of Parliament, speaking in the name of the people of England, ay, and in the name of the people of Ireland too, though he was but an humble individual, and did not pretend to the influence of the hon. and learned Member for Kilkenny over them, thanked their Lordships, because they had determined to stop that species of direct and indirect nomination, which this Bill, if it had remained unamended, would have enabled the hon. and learned Member to exercise over the different boroughs of Ireland. Let not Ministers plume themselves on the support which they now received from that hon. and learned Member, and his party of English and Irish Radicals. Though the hon. and learned Member now went on all fours with them, it was not because he liked them, or because the party with whom he acted liked them. He only acted with them *pro hac vice*; and already the day was anticipated in which, his objects being accomplished, he would kick them rudely off, and leave them to extricate themselves as they best could from the difficulties into which he had led them. Instead of promoting perpetual agitation, the hon. and learned Member for Kilkenny might have proved himself a better friend to his poor countrymen by promoting real measures for their benefit. He had before told the hon. and learned Member for Dublin how much he owed to his poorer countrymen. Much, very much, had the hon. and learned Member done to advance his own interest, and the interest of his party; but what had he done to advance the interests of the poor people of Ireland, to whom he was so much indebted? He had been horrified by the pictures of misery which the hon. and learned Member had described as existing in Ireland; but he had been still more shocked by finding that the hon. and learned Member had never exerted his great influence and his great talents in devising means to relieve that misery. He had opposed, however, all projects for the relief of his poorer countrymen, and he (Mr. Richards) had no hesitation in saying, that but for that opposition, some measure would before this have been adopted to relieve the extreme

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poverty and wretchedness of the people of Ireland. If the people of Ireland were to enjoy equal prosperity with those of England, they should learn, it was not to be promoted by listening to the voice of the charmer for factious and unprincipled agitation, charm he never so eloquently; not by seeking to create a disruption between two co-ordinate branches of the Legislature; not by a repeal of the Union, but by learning the arts of peace—by maintaining the security of person and of property, under a wise, fair, honest and impartial administration of the law of the land.

Mr. Wyse: The hon Member who has just sat down has, as a matter of course, professed an extraordinary love for Ireland. It forms the beginning and end of most of his speeches. He is deeply solicitous for her prosperity—he is more Irish than the Irish in calling for ample and universal justice; but when we ask for deeds, we find he has been giving us shadows. His love is purely abstract, his solicitude theoretic; he would do justice to the country generally; but the moment we point out some specific case or spot where this general zeal may be displayed, we are immediately told that we have hit upon the precise instance where an exception should be made, and where the justice we call for would be impossible. Why, what is this but adding insult to injury—trifling not only with our feelings but our intellects? The hon. Gentleman may take upon himself the character of Member for all England, and what is still more preposterous, for all Ireland—(why did he omit Scotland?)—but I doubt much whether the inhabitants of his own borough would recognise, if he were this moment to question them, either the insult or the absurdity. The hon. Member respects the other branch of the Legislature. So do I. I respect the Lords much, but the Commons more. The hon. Member dreads and deprecates these differences. So do I; but not like the hon. Member—I would end, or at least mitigate, instead of exasperating them. To talk of respecting the Lords, while the hon. Member advocates measures which must inevitably bring the Lords into public odium and contempt—to talk of avoiding collisions by requiring all concessions from one side and applauding al resistance on the other, is a species of logic which it required the very peculiar reasoning powers of the hon. Member to have been guilty of. In one thing I thoroughly agree with the hon. Member. This is a most momentous

and grave discussion, not terminating in the details of the measure itself, but producing a long series of the most important consequences. Other differences between the two Houses have been differences of etiquette, matters of ceremonial privilege, the mere forms and externals of the Constitution. Here the Constitution itself is at stake. On other occasions the nation looked with indifference on the struggles of a House of Commons emanating principally from the Peers. Here a reformed House of Commons, eminently the people's House, their image and their organ, is in direct opposition to a House which is declared more than ever to require reform. Nor is the contest upon a question like that of Catholic emancipation, in which large masses of the people were adverse to the opinion of the Commons themselves. Here three nations are of but one opinion. The question, though applying specifically to Ireland, is, if we are to believe their own express declarations testified through the innumerable petitions which cover our table, a question truly imperial—a question involving the interests of all three. It is a question, too, still more than reform itself, pre-eminently and essentially a question of the people. It is of their interests, and of their franchises, and of their rights, and not of those of the Lords that we now debate. If self-government be denied in the towns of Ireland, what right can we set up for it here? If the people be too vile or ignorant to choose a mayor or amend a road, what business have they with choosing representatives to this House, or wielding through their hands the destinies of empires and generations? More than all, this is a struggle in which it cannot be for an instant doubtful who is to be the conqueror. If any be incredulous, I point to the Relief Bill, the Reform Bill, the Municipal Bill. They also were to be resisted eternally—on them, also, were final stands to be made. The Bills are now Acts of Parliament—the revolutionary measures are the constitution of the country. War to the knife has subsided into obedience to the law of the land. So also will it be with this—so also must it be. It is in the very nature of the laws which have been passed to produce a necessity for others, until the reform which they have begun, not completed, shall be perfect. To stop now, when they could not stop then, is impossible; and if it were not impossible, it would be impolitic and unwise. The worst of all states is that where institutions themselves are,

from their variance with each other, sources of discord. Let us at all events have harmony—let us build in the sense of despotism, or freedom, but not of both. Nor is this contest one in which the Commons were the aggressors. Two branches of the Legislature may be said to stand against one. His Majesty's Ministers, it is presumed with his Majesty's consent, bring down a Bill modelled on an Act already sanctioned by the three estates. It passes by a large majority this House, with the full consent (to judge from their petitions) of the people. Who objects to it? A majority of the Lords. Is it possible that this majority, which is a minority in the nation, can succeed?—is it possible they can long continue to resist?—is it possible their resistance can be unaccompanied with evil—and on whom is the *onus* of such defeat or of such resistance—on whom is the responsibility of such calamities to rest?—on this House or the other, or those who bring in the Bill, or those who were the first to resist and reject it? The sole object of Corporations, if we are to believe the hon. Member for Exeter, was simply to oppose the enactments of the barons; as the reign of baronial warfare and oppression is at an end, so also, following up his reasoning, should Corporations. But this is a mis-statement of the question. This was an incident—they served for this amongst other things. Their original object was much wider. They are not Norman, nor even Saxon institutions—they are Roman. Sir Francis Palgrave's theory is founded on analogy—on fact. They are relics of the old republican institutions of Rome. Their object was self-government. The *municipia* were, even under the imperial sway, as far as local affairs were concerned, small commonwealths. Traces of this organization are observable not only in these countries, but over all Europe. Their true object, to which all others were secondary, was the management of their local affairs. In Ireland, indeed, the case is said to be different. Corporations were planted there, it was said, solely to preserve and extend the Protestant religion. This was, however, the abuse, not the use. A despotic prince employed a constitutional instrument to carry more absolutely and arbitrarily into effect his own views of proselytism and government. But he would put it to any Member in the House, had they effected either the real or presumed object? Had the Irish Corporations been good instru-

ments of self government, or good instruments even of proselytism. The Catholic religion existed and increased under the very shadow of these fortresses—increased, too, from their very character; because they excluded and oppressed, the excluded and oppressed sect naturally augmented both in numbers and hostility. But do their warmest advocates in their hour of need support them? Who, of all that profited by them, now stretches out a single hand to save? The Corporations of England had some defenders. The "immaculate" Corporations of Ireland had none. On this point all are agreed; the abomination of abominations must be got rid of. Accused and convicted of profligacy, pecuniary and political, to an extent even beyond Tory palliation, they are condemned on all sides of the House to be delivered over to the secular arm. But now comes the great difference between us. Having cleared away the rubbish—having got rid of the abuse—having cast away the useless and injurious institution, we would build, reform, and restore. We, on the cleared ground, would erect institutions which would answer the ends for which they were designed in their place. What do the supporters of the Lords' amendments—what do these "architects of ruin" propose in their place? No municipalities—no corporations—no; the very name is loathsome in their nostrils; but commissioners on one side, after all their vituperation of commissions, and an elected body, with all their horror of election and the people, on the other. Without entering as yet upon the merits of the change, I simply ask the House is this consistent? Where is the conservation? They destroy, without once deigning to hear a single witness, a single evidence for or against. Last year nights were spent in testing the accusations against the English Corporations. What has become of the scrupulousness and fastidiousness of the Lords this year? Yet there was not a greater difference between one English Corporation and another, than between one Irish and another. Who will rank in the same category Dublin and Waterford, Cashel and Wexford? The iniquities of the pipe-water expenditure are not to be found in Waterford. Wexford already enjoys a Corporation comparatively open and free. Where was the justice of the Peers in condemning the guilty and innocent together? Where was their orthodoxy in sweeping away, without mercy, Protestant Corporations in the north, in order to render doubly sure, the exclusion

of Catholic Corporations in the south. But do they really sweep them away?—This is the pretext—the seeming—the phrase. They annihilate the Corporation, but preserve the officers. The clerks of the markets, weigh-masters, butter-tasters and assay-masters are continued—absolutely the defects of the freeman-franchise are continued—the staff is continued, though the common men are disbanded. What constitutes the essential vice in the system is rendered permanent, the accessory only is flung away. But this is out of regard for property. All these salaries are to be considered as a sort of heritable freeholds. Let us see how the regard for property operates in other particulars. Commissioners for the Crown are, in the first instance, to apply it to the sustainment of a whole host of the old sinecurists; and if there be a surplus, not very probable where there are so many to be fed, it is then to be applied to such improvements as the Commissioners deem fit. What do the Commissioners know, or what can they know, of the interests of these towns? Is it not obvious, that this Leviathan Corporation, which is to swallow up all others, must, after all, depend upon information from each town? But from whom is it to come? Not from any public or authorised body, but from this or that private intriguer; to the hand of the flatterer, or the spy, the dexterous haunter of the Castle offices, will be delivered up the substantial interests of the most influential portions of the community. Nor is this all. Gentlemen on the opposite side seem to be convinced that our confiscated funds are never to increase. Certainly with the monstrous clauses, inserted for facilitating and screening alienation, it would be impossible. But these cannot be seriously maintained by a House which piques itself on being the *ex-officio* guardian of the public purse. Well, then, what happens? In Waterford, for instance, the greater part of corporate property is held on terminable leases. When these leases shall terminate, the Commissioners will be called to relet. Here is another wide door open for every sort of fraud and personal negotiation, for individual interests, for motives secret, and, for aught we know, too dark to bear the light. Who will lay out money on a holding which may yet be disposed of to God knows whom? and how have these scrupulous defenders of the rights of property managed the charity funds? Just

as they have all the others—left them in the enjoyment, that is the phrase, of the old, half-extinct, half-surviving Corporations. The trustees are corporators, and to be corporators; so that in Dublin, where the Blue Coat Hospital has been a receptacle, by a strange perversion, for the sons of corporators only, it is still to be in the hands of corporation trustees, to be applied hereafter to precisely the same use. But, answer the supporters of the amendments, you will have (in the rate proposed to be levied under 9th George 4th) abundant means for improving the town, and for the levy and administration of such rate we give you a body chosen by yourselves. But the powers under this Act do not extend half far enough. Where are the means for widening streets, erecting buildings, &c.? If the Peers are anxious for these objects, consistently with such anxiety, they ought to have left the Bill as it originally stood. And why have they not? Simply because they have persuaded themselves that a Municipal Council would become an encourager and organ of agitation. But is this enough? Ought they not also to show that a Board of Commissioners, under the 9th George 4th, will be sufficient? But this I defy them to do. Nay, I will go further, and assert, that if a municipal council be a school for agitation, *à fortiori*, must also be such a Board of Commissioners. Who chooses them? Not the Crown; no—but the people. And what part of the people? Not the 10*l.* householders, but the 5*l.*;—the very men whom our opponents are in the habit of considering the mob populace specifically of the cities. How, too, are they selected? In mass, and not by wards. Wards, in many cities—in Waterford, for instance—will mix a large portion of Tory and Liberal interests; and why not? But here you must have, if politics be at all the test, the extreme popular party solely, or in strong majority. The men not only have no very steady principles, but those they have they do not know how to bring them out. But I deny utterly, first, that these bodies would in general be converted to political engines; and next, I do not consider it an evil, that in them, as elsewhere, political opinions and feelings should be evinced. Our charitable institutions are managed by elected Committees; the men drawn are not the political partizans, but the careful, skilful, and honest, the benevolent and

the discreet. I rejoice to see, and so do my fellow-citizens, such men in such places. Roman Catholics choose Quakers and Dissenters without reference to party or creed. If agitation be an evil, let us have it in its visible, fair, and purified form, in such bodies, recognised and under the eye of the law and the State, rather than in large and dangerous masses, unauthorised meetings, and turbulent and partial selections. Here it may answer a two-fold purpose, both as a free outlet, and a natural one, for emotions and opinions which will exist, and act as a good gauge and scale of the character and quantity of popular feeling. So far from thinking it dangerous, I think it safe. Men have ambitions, and intellect, and energies—give food at home for their honest and useful display, and they will not turn to illicit or perilous gratification for them abroad. Besides, how can you put down this agitation? Do you think it depends upon place or names, or the hearts and heads of men? Whether you call it Council or Board, or its head Mayor, or Chairman, it comes precisely to the same thing. Even if you shut it out altogether, do you not think it would find itself a meeting place and president in every room in a discontented city?—nay, at the corner of every street? Have these men lived in the times of the Catholic Association, and not know this? The Corn Exchange did not make or maintain it. It grew out of, lived, and flourished in your bad laws. If you would wish to expel it—to chain the bad angel in the depths from which it sprung, use fetters which love and justice forge. They, and they only, are equal to the task. I said that Ministers acted consistently with themselves. I say, they also act not less consistently with the British Constitution and freedom. These two last terms I consider identical. What is our Constitution? Self-government. Even the King himself is only a Minister, to obtain more effectually this great object. Self-taxation is the first item in self-government. In this scale it is of no consequence to me whether it be a shilling or a pound. If I give a pound through my own express consent, or through others acting for me, my independence is inviolate; if a farthing be taken without it, I am plundered. On this principle I demand for every ratepayer a proper organ for the levy and management of his rate. The Bill gave

it; the amendments would directly or indirectly take it away. Nominated Commissioners from the Crown are to manage property belonging to the people as much as the tax levied but yesterday. What is the conduct of other countries? Not a single State, however opposed in institutions, in Europe (I need not speak of America), with the single exception of Russia, which has not municipal bodies and franchises quite as large and liberal as those proposed by the Bill. I have hitherto argued this question without reference to what is indeed the question—its flagrant injustice to Ireland. It is enough that England has these institutions, that Scotland has them, and that you deny them to Ireland, to make us fling your amendments from us with indignation and scorn. The hon. Member for Exeter thinks lightly of these institutions. Would he dare to have spoken thus to a Scotch audience before they were granted? Of their usefulness we, not he, are to be the judges. We value them—that is enough. The same cant was used when Emancipation was demanded and Reform was demanded—is that your opinion now? Injustice to Ireland is what you proclaim,—our rights, not more, but not less, is our answer. A late publication calls on us tauntingly to make out a list of our grievances, and they will discuss them with us. Our answer is not written in books, but in every feature of our country—go and read them there. Is it not enough that Ireland is what it is? The very barbarism of which you complain is in itself as foul a blot—as merited a stigma as any which the bitterest hatred could fling upon you. It says, in language which is unanswered, that you—you, who boast in the face of Europe, that your institutions are all-civilizing, all-subduing—you; who vaunt to be the Promethei of new men wherever your touch is felt—here is a country—yours for centuries—yours entirely—yours in every change—open to all your experiments—and what have you made it? Ask Europe, ask history, and they will answer. We ask for justice; other nations so treated would have asked for vengeance. But I am sick, not to hear the taunt, but to reiterate the demand. Events will do for us that which our strength could not do; and with England and Scotland at our side, it will be strange if you refuse us with impunity. This is strong language, but I have a right to speak it;—I am no

alien, nor ever will brook to be termed so; the blood in my veins is as Saxon—aye, and as much British as in that of any of our revilers—so also are my feelings. It is not this air I breathe, nor this beam above our heads, nor these sticks, nor these stones about us, that attaches this country—this Britain to our thoughts and hearts; but those noble institutions which have been our glory and our power—this moral might of freedom and justice, which clothes us, like the Roman of old, with the majesty of this empire, wherever and however we travel. I speak the language of Milton and Shakspeare as you speak it, and am of the land which has placed beside you heroes—heroes great in arms, in titles, to all that makes the height of human dignity and power to man. Never, then, will I yield, be the consequences what they may, any share in this my birth-right, for it is mine, as well as yours. I take it not by concession or grant, but as a well-purchased, dearly-fought-for inheritance. I said I had a right to speak—judge yourselves. I am not one who have struggled in all seasons in agitation. I never spoke in or out of this House a word which was not my conviction. I have given proof stronger than words of my sincerity. A word would have placed me in the representation of Tipperary or Waterford—that word was Repeal. I refused it, for I could not lie to thousands any more than to one. I was severed from friends, from popularity, from all chance of honourable ambition, but I held my conviction untainted—my conscience was untouched. In the same sincerity as then I now speak to you, I entreat you to unite us in deed as well as word. I then said, as I say now, wait a while, an Imperial Parliament there must be, but it can only rest on local government beneath and around it. If I had not that hope, that certainty, how could I have spoken—where would have been my faith? That pledge I call on you to redeem. Believe not that you may refuse it with impunity. Trust not to your permanency. I know of nothing permanent in politics—nothing where nations are concerned, but change. Institutions may crumble, and the ascendancy of one day yield to the ascendancy of the other; but the masses cannot pass away. Read history, and read it to act on it—your own will tell you striking, but useful truths. Kings have been dethroned, the

Lords voted useless, but the Commons of these realms are indestructible and immortal.

Mr. *Præd* said, it was once an honour and a satisfaction to be engaged with an adversary who, like the hon. Member for Waterford, acted fearlessly on his own notions of right and wrong. In a contest with such an adversary victory must be without exultation, and submission without shame. He gave the hon. Member for Waterford credit for sincerity in the views which he had expressed to the House. They had been told by the hon. Member, that if the measure of the Government was rejected the cry for municipal reform would not cease, but it would be coupled with a cry for reform of the House of Lords, and the hon. Member had expressed himself on that subject in terms loud and strong. To Gentlemen of the country to which the hon. Member belonged—much on account of a prevailing feature in the national character, and partly on account of a warmth of feeling which, on such a subject as this, was to be expected from them—it was conceded that they should use stronger language than might be expected to fall from other Members of that House. But from an English Member he had looked for much solid and grave argument on a question which confessedly involved consequences so important to the national welfare. The hon. Member for London had disappointed those expectations. He could understand that an Irish Member who represented all the warmth, as well as all the wisdom, of Ireland, should use expressions such as that the House of Lords was opposed in spirit to the people, that they did not care for the people, that they must be reformed as the Augean stable was reformed, and that when on another occasion it was proposed to turn the river through the House of Lords, the reply was that it would be better to turn the House of Lords into the river; such expressions as these he could understand coming from an Irish Member; he could understand that hon. Member when he represented the House of Lords as the spirit of evil in the Constitution; but he could not comprehend the propriety of such expressions when falling from an English Member. He would submit to the hon. Member for London, who had condescended, in discussing a grave constitutional question, whether it were proper to use language such as no English Mem-

ber ought to have used on any subject. The hon. Member had called the House of Lords a herd of swine, and had alluded to a noble and learned Lord as their driver. He submitted to that hon. Member whether the question of the reform of the House of Peers, ought not to be brought forward in a specific and Parliamentary form, and not in a manner calculated to excite the passions and prejudices of the people, and in language unworthy of a Member of Parliament, either in that or any other House. But the hon. Member for Waterford had said, that the cry for reform of the House of Lords might be expected if this measure was refused. Then it became proper that they should proceed to consider what was the real position in which that House was placed as regarded the House of Lords. Hon. Members on his side of the House, entertaining all that respect for the other House that the Constitution prescribed, held that the amendments made by the House of Lords in this Bill, were recommended not only by their intrinsic excellence, but also by that deference to the opinion of the House of Lords which was consistent with the Constitution. It was natural that hon. Members on the other side of the House should not only condemn those amendments, for what they believed to be their intrinsic defects, but also because they originated in that House, towards which they entertained such strong sentiments of dislike. This being the state of feeling on both sides, and if it became necessary to contemplate the question of reform of the House of Lords, it became desirable to inquire by what means, supposing the difference of opinion to be irreconcilable, under the provisions of the Constitution the difficulties could be overcome. Now it was a necessary ingredient in the constitution of the House of Lords, that it should change from time to time by the introduction of fresh members; and the question was, whether the class of society out of which were generally selected the individuals raised to the Peerage, was of such a way of thinking as to render it impossible that in the course of years the House of Lords would become re-organized and changed in feelings, in the same degree that the same change would have operated in the class from which they had been taken. If this were denied, and if it were granted that the feelings of the class

in question were so opposed to that portion of the constituency of the country represented by the House of Commons as to render it impossible that the feelings and views of the House of Lords could be so radically changed as to bring them into conformity with those of the House of Commons; then, he maintained, that the great political difference which existed ought not to be represented as a difference existing between a certain number of the Members of the House of Lords and the people, but the situation of parties ought fairly to be stated as a total opposition of the whole of the upper class of society to that portion of the people represented by the House of Commons. But this was a dangerous admission to make, and as no adequate remedy had been suggested he was disposed to wait for the operation of the natural and constitutional causes, in order to work a change in the House of Lords by the gradual infusion of fresh Members from the upper classes of society, and for a change in the feeling produced in the country by the Reform Bill, and which was rapidly dying away. He would not follow the hon. Member for Waterford in many of the subjects he had adverted to. He would not enter into the circumstances which attended the passing of the Reform Bill or of the Catholic Emancipation Bill, although he thought that the effect of the passing of those two Bills had taught the Legislature a most important lesson. It had taught them, that there had been a want of prudence or of foresight in those by whom the introduction of those measures had been enforced. It had told them that a blunder had been committed, for that the measures had not effected the object to accomplish which they were introduced—that they had not prevailed to mitigate the feeling of discontent in Ireland, or to reconcile the people of that country to the Government of the empire. Nor should he follow the hon. Gentleman in his travels through different countries of the continent in search of municipal institutions, for he could not but think that there were circumstances—peculiar circumstances—in the situation of Ireland, as regarded this country, which rendered the example of other countries not similarly situated of no possible importance to the Legislature of Great Britain. Those circumstances were, that the inhabitants of Ireland were divided

into a majority and minority peculiarly and singularly situated—a majority poor, uneducated, mistaken, in point of religion : a minority confessedly educated, and loyal in politics. [*A laugh.*] He knew what that laugh meant. He said loyal, because, notwithstanding the universal disappointment of their own views, they still desired to continue their adherence to the Union and their loyalty to the Crown. A majority and minority thus constituted were set against one another in a virulence of hostility not to be found in any other country; and, moreover, there was the fact that this minority had been maintained in a most undue supremacy, while the majority had been reduced to what he admitted to have been a most unworthy subjection, and that the question now was, not whether they should remove as well the supremacy of the minority as the subjection of the majority, but only whether the subjection of the majority should be changed to a not less bitter subjection of the minority. That was the real question. Both Houses were agreed that it was wise to abolish the supremacy of the minority. It was asked, on the other side, why were not the Protestant Corporations left untouched? The reason was, that they (the Opposition) wished that there should be no supremacy of the one sect or of the other. They were asked for equal laws for Ireland with those of this country; but was it doubted, for one moment, that all legislation ought to be adapted to the particular wants of the society for which it was to operate, and to the circumstances of the time at which it was to take effect? In 1817 the Six Acts were passed, but when a motion was made to extend the provisions of one of them—that which related to seditious meetings—to Ireland, that motion was immediately negatived on the ground that Ireland was so tranquil as not to require the operation of such a law. Again, it was only three years since the very Ministers who now called for justice to Ireland themselves introduced an arbitrary measure into that House, the effect of which was to destroy the right of trial by jury, and to hand over the people of Ireland to the tender mercies of the court-martial. Yet the agitation which then prevailed in Ireland arose from no other cause than that the people of that country were expecting to take by force that Church property which the Legislature had since sought to confer upon them. But was

there at that time any attempt to transfer that Act to England? It would have been absurd. He might perhaps be told that the provisions of that Act were intended to be temporary only, and they had already been told so. An observation had been made, which was as true as it was pointed, that legislation was for a time, the people for eternity. But the Peers did not mean their present legislation to be more permanent than circumstances required. On the contrary, they desired to see the people of Ireland exercising those rights which had already been granted to the people of England and Scotland, so soon as the state of the public mind in Ireland should be such as to warrant its being supposed that the concession of them would be a benefit and not a mischief. He felt that he was justly entitled to refer to their limited experience of the working of the English Municipal Corporation Act, in order to show that, as many parts of that Act had operated in a manner totally different from anything intended by its framers, if he had rightly represented the state of parties in Ireland, still worse effects would result in that country than had occurred in this. He particularly referred to the exercise of the trusts vested in the town-councils, and the mode of their election. The town-councils were elected by a majority of the constituency, and the consequence was that, in places where parties were very nearly balanced, and very highly excited, the town-council was wholly composed of partisans of the one side or the other. The patronage in such towns had been distributed for political purposes, and in total disregard of all principles which should have regulated their conduct. He would mention an instance of this. It had occurred at Yarmouth, and he had a personal knowledge of it. At that place political feeling prevailed to a very great extent, and parties were not very unequally balanced. At the last election the Tories were successful. He understood to what that laugh referred, but he would not be diverted from his course by it. The numbers of the two parties in the town were nearly equal. There were thirty-six members of the town-council, of whom only one was a Tory—the remainder were Radicals. Under the old system there were eight watchmen for the town, three of whom only were voters. Under the new system sixteen had been appointed—all Blues, and every one a voter—five of whom had been

examined against the Tories on a committee up stairs, and one of whom was the single witness who ventured to assert that he (Mr. Praed) had, with his own mouth, offered him a bribe (a statement which, although somewhat irregularly, he took the opportunity of contradicting). The Attorney-General was afraid to make use of that witness as the supporter of a prosecution, and he was afterwards expressly disbelieved on his oath without allowing the counsel for the defence to go into his case. Here, then, was an instance which had fallen under his (Mr. Praed's) own personal knowledge of the manner in which the patronage vested in the town-councils had been exercised. Was it not reasonable to suppose that in Ireland, where the same objections existed in a still greater degree, the effect of the same power being intrusted to similar bodies would be worse. Why, in a Bill which had recently been introduced into that House, under the auspices of the Government, the principle for which he contended had virtually been recognised; for in the Bill for the appointment of the trustees of charities in Ireland, a provision was made against that unanimity of opinion in the majority preventing the minority from being represented at all; and he must say, therefore, that if his Majesty's Ministers had in this instance recognised the evil of the principle which regulated the election of the councils, the same objection ought to be extended to the elections of town-councils in Ireland. They were called on by the hon. and learned Member for Kilkenny to do justice to Ireland. He did not quarrel with the expression; but he could not see how the call could consistently be made by the hon. and learned Member. A friend of his, an Englishman, had been present at a meeting at Limerick, at which the hon. and learned Member had made a most eloquent speech on the miseries of the people of Ireland. The same Gentleman had, in the course of the day, had an opportunity of witnessing, in company with a priest of the Roman Catholic persuasion, places where he had seen more misery than it had ever been his lot to witness anywhere. After the meeting (which was on the subject of the poor-laws), he suggested the desirableness of a subscription, by the 800 gentlemen present, on behalf of the unfortunate beings whom he had seen in so much misery; but he was answered, that it would not succeed if it were proposed, for that such a mode of dealing with the question was not popular.

But the Peers did not feel themselves called on to do justice to Ireland in the manner proposed by the hon. and learned Member, more especially when they were told by him that he wanted the establishment of municipal Corporations, not for the purposes of lighting and paving, but as normal schools of agitation. They were of opinion that it was in schools of a very different kind that the people of Ireland ought to be trained, that they ought to be graduated at colleges of a very different description. They wished the welfare of the people of Ireland to be secured, their commerce to be improved, and their wealth to be increased, but they did not wish to give additional means of exciting disaffection, and of injuring the people. The hon. and learned Member for Kilkenny talked about justice for Ireland; but they told him at once, that if they could not do justice to that country without creating fresh instruments for his purposes—if they could not suppress agitation without opening the door to that which, in his apprehension, would be a still greater pestilence—they would infinitely rather leave the matter as it stood than make any change whatever in the present system. Now let him put to the House the case as it really existed. It had been stated on all hands, that the present corporation system of Ireland was full of abuse; and no one had been louder in denouncing the mischiefs of that system than the hon. and learned Member for Kilkenny himself. Well, a Bill had come down to them for the removal of this abuse, and what did the other branch of the Legislature in that Bill propose? Why, to abolish Corporations in Ireland altogether, and place the whole of the powers now exercised by those bodies in the hands of the present Lord-Lieutenant in whom it could not be said by hon. Gentlemen opposite they could not safely be vested. This was the proposition contained in the amendments of the Lords; and although the hon. Members opposite had complained of the mischiefs arising out of the imperfections of the present Corporations, they refused to accept it. The question therefore before the House was, whether they would adopt a measure which would abolish that which had been protested against by the hon. Gentleman opposite as unjust and illegal, or whether they would retain the old system with all its evils, because they were not in a position to do all the good they could wish to effect. The course which the hon. Mem.

bers opposite wanted them to pursue would, in his humble judgment, be neither agreeable to the House of Commons, consistent with their duty as representatives of the people, nor consonant to the trust which had been reposed in them.

Viscount *Ebrington* would not follow the hon. and learned Gentleman who had last spoken through all his various matter, nor enter into any discussion with him as to the working of the English Corporation Reform Bill in the particular place which the hon. and learned Gentleman represented. He could assure the House, that in the few observations he had to make he should confine himself strictly to the subject before them; and he would add, though he could not share with the hon. and learned Gentleman the deference which he had expressed to the amendments of the other House, he should at least abstain from anything like vituperation of the authors of these amendments. It was his feeling that the language of both Houses, in reference to each other, should be that of respect and conciliation; and however freely he might discuss the measures emanating from the other House of Parliament, he should always think it incumbent upon him to speak in terms of respect of the authors of these measures. In the course of the debate, nearly every hon. Member on the opposite side of the House had enlarged upon two topics in reference to the subject before the House—namely, the hon. and learned Member for *Kilkenny*, and the *Repeal of the Union*. It was not his purpose to enter into a vindication of the hon. and learned Member from the taunts which had been so plentifully thrown out against him, nor should he enter into any discussion as to the *Repeal of the Union*, a proposition of which he was one of the very last men in the House who could be charged with being a supporter. At the same time he must say, that with the opinion he entertained with respect to this Bill as it now stood, he felt that if he could conceive it possible that such a measure should pass into law, though he did not say that even such a result would make him the friend or supporter of repeal, yet he would say that such a measure, if it were passed into a law, would afford full justification for the language of those who should say that such an Act presented sufficient grounds for demanding repeal. He was old enough to remember something of the grounds upon which the *Union* was proposed, of the

arguments by which that measure was enforced, and of the great principle upon which those arguments were grounded. That principle was equal laws, equal rights, and equal participation in all the blessings and advantages of the English Constitution. This was the principle which pervaded every sentence of the powerful and eloquent speech delivered by Mr. Pitt in 1800, on the occasion of proposing that measure to the House; and he could not help recalling to the House the words in which that great statesman concluded one of the most eloquent passages of his powerful address, and which appeared to him peculiarly applicable to the circumstances under which a participation in the tried advantages of English Corporation Reform was now sought to be given to Ireland. Mr. Pitt, after happily combatting the argument which had been raised upon the insult which it was alleged would be inflicted upon the national pride of Irishmen, in depriving them of an independent legislature, proceeded in these words:—

“If there be a country which, against the greatest of all dangers that threaten its peace and security, has not adequate means of protecting itself without the aid of another nation; if that other be a neighbouring and kindred nation, speaking the same language, whose laws, whose customs and habits are the same in principle, but carried to a greater degree of perfection, with a more extensive commerce, and more abundant means of acquiring and diffusing national wealth; the stability of whose government—the excellence of whose constitution, is more than ever the admiration and envy of Europe, and of which the very country of which we are speaking can only boast an inadequate and imperfect resemblance;—under such circumstances, I would ask, what conduct would be prescribed by every rational principle of dignity, of honour, or of interest? I would ask whether this is not a faithful description of the circumstances which ought to dispose Ireland to a union?—whether Great Britain is not precisely the nation with which, on these principles, a country, situated as Ireland is, would desire to unite? Does a union, under such circumstances, by free consent, and on just and equal terms, deserve to be branded as a proposal for subjecting Ireland to a foreign yoke? Is it not rather the free and voluntary association of two great countries, which join, for their common benefit, in one empire, where each will maintain its proportional weight and importance, under the security of equal laws, reciprocal affection, and inseparable interests, and which want nothing but that indissoluble connexion to render both invincible?”

"Non ego nec Teucris Italos parere jubebo,
Nec nova regna peto; paribus se legibus ambas
Invictas gentes æterna in fœdera mittant."

Such were the sentiments delivered by Mr. Pitt, in introducing the measure for the union of the two countries, and such were the principles upon which the union was founded and carried into effect. What, he would now ask hon. Members opposite—what would that great statesman, if he could return now upon earth—now that that measure had been thirty-five years in operation—what would he say if he could hear those ill-omened words which had been so often alluded to in the course of this debate, what, he would repeat, would Mr. Pitt have said, if he could have been told that these words were applied to Ireland by the leader of the Conservative party in one of the Houses of Parliament—by the leader of that party who affected to act, as far as possible, upon the principles and upon the model of Mr. Pitt? What would that great statesman have said if, immediately after the period at which the abuses of the Municipal Corporations of England had been reformed, and when those Corporations had been rendered subject to popular control, and after the Corporations of Ireland had been denounced as fraught with abuses still more intolerable and still more grievous than those of England had ever been—what would he have said if he had been told, that the only means to be offered to Ireland for getting rid of those abuses, was by destroying altogether every vestige of municipal government in that country, and by investing the whole corporate power and authority of Ireland in the hands of Commissioners appointed by the Crown? Would Mr. Pitt have considered such a proposition as accordant with the great principle upon which the Union was founded, namely, that of the junction upon equal terms, of two countries into one great empire? Would he not rather have pronounced it an insult and a degradation to the whole Irish nation? He (Lord Ebrington) would ask the noble Lord and the right hon. Gentleman on the opposite bench, whether, in case the consequence of this difference between the two Houses upon this question should be a change in the Ministry, whether they really thought it would be possible for them or any other new Ministry to carry through this measure as it stood? He would ask them whether they thought that, with the feeling which existed with

respect to this measure as it stood in Ireland, it would be possible to apply it to that country without the aid of force and coercion? He would ask them whether, in the present state of public opinion in this country, they really conceived that the people of England, by their representatives in Parliament, would consent to apply the force and coercion which would be necessary to enforce such a measure upon Ireland? He was well assured they never would. He, therefore, felt extremely sorry that the considerable and respectable minority constituting the noble Lord's and right hon. Gentleman's followers in that House, and the majority in the other House, should have taken their stand upon a question which he considered to be at once so insulting and so injurious to Ireland, and which he was quite sure was altogether repugnant to the general feeling of the people of this country. When he first saw the amendments, as they came down from the other House, it certainly had appeared to him that no course was left to the House of Commons but to reject them altogether. At the same time, he was free to confess, that he was heartily rejoiced at the step taken by his noble Friend; at the wise and temperate course he had adopted, of trying, at least, how far he could advance on the road to conciliation, consistent with the great principle to which the Government and the vast majority of the House stood nominally pledged. He in no degree underrated the mischiefs which would arise from a collision between the two Houses of Parliament, and he had always, here and elsewhere, maintained the right of each branch of the Legislature to perfect independence in the discharge of their duties in reference to every measure which came before them. He could not, however, but regret that the sentiments of each House should be found so much at variance upon a measure which, if not adopted, left no alternative except a continuance of abuses which on all sides of the House were denounced; for he should prefer the temporary continuance of the present system to any attempt to force upon the people of Ireland such a measure as that which had been substituted for the Bill brought in by his right hon. Friend the Attorney-General for Ireland, by the amendments of the other House. He had spoken warmly upon the subject, because he felt strongly. He should vote for the original proposition.

Mr. *Horace Twiss* thought, that if any one thing more than another showed the necessity of that useful rule of the House which had been established against introducing allusions to what passed in the other House, it was the course taken in the present debate; because attacks had been made upon particular speeches from time to time, to which it was impossible for the noble personages impugned to offer any reply, or give any explanation of the words attributed to them. But all the inconvenient results of that course must fall upon the heads of those who had thought proper to indulge in such attacks. The noble Lord who had just addressed the House, had not been content with the usual strain of condemnation, poured out upon those who opposed him, but he had evoked from the shades of the grave one of the greatest statesmen England had ever produced, in order to convert his recorded eloquence into a weapon against those who did not think fit to support the course taken by the noble Lord, the Secretary of State for the Home Department. But was it not the constant practice of the hon. and learned Member for Kilkenny to inveigh against the English people, not merely as usurpers and tyrants, but as *Sassenachs*? The hon. and learned Member might be justly called the originator of the offensive expressions, if to describe others as aliens were offensive. Hon. Gentlemen on the other side of the House had been in the habit of stating that seven centuries of misgovernment had brought the population of Ireland to a state of comparative barbarism in some respects, and absolute ignorance in others, and therefore they had called upon the House to provide, not from the ordinary funds of the State, but from the funds of the Church, means to check and remove that ignorance and barbarism. Now, it was upon the very fact which those hon. Gentlemen thus admitted, that he said corporate rights ought to be exercised only by men who had arrived at a state of intelligence and civilization, which would render them capable of appreciating them. The hacknied cry of "justice to Ireland" had never been properly explained. Must that which was justice to England necessarily be so to Ireland? Would any sound constitutional lawyer tell him that there was any thing in the common law of the land to give the right of exercising the corporate franchise to any town whatever? He wanted to know how it could be shown

that because British subjects had a right to trial by jury, the Habeas Corpus Act, and the Parliamentary franchise, that also they had a right to corporate reform; for that ought to be the basis of the reform which was demanded. Did it follow that because corporate franchise had been given to England and Scotland, it should also be given to Ireland? Was there any similarity between the cases of the respective countries? Were England and Scotland, when they received their corporation Acts, under circumstances similar to those of Ireland now? Was it not necessary to pass an Act which was sometimes called the coercion Bill, and at other times the Bill for the preservation of the peace in Ireland? Was such an act necessary in either England or Scotland? He would ask the hon. Member for Tipperary were he in his place, but in his absence he would ask the House, whether clergymen were escorted to Church by a guard of police or military in England or in Scotland. Did not the House recollect that, at no very distant period, the Secretary of State for Ireland, now Lord Hatherton, reported to the House that the average number of murders in Ireland was two per day? With these facts before them, he called upon them to consider the probable results of putting power into hands so ill prepared to exercise it. The hon. and learned Member for Kilkenny had told them fairly and explicitly that discretionary power was wanted, but he had not fully explained what he meant by it, though no man was better able to do so; because when it was discreet to be discreet, no man could be more discreet than that hon. and learned Member; but when it was discreet to be rash, he was among the rashest of men. But was it not the object of that hon. and learned Gentleman in his present discretion to establish schools of agitation? Was it not intended to extend the flame of agitation from one man to another through the whole mass of society? If not, would the hon. and learned Member consent to the insertion of a clause into the Bill to limit the discussion of corporation meetings to local affairs? No, he would not do that; and yet, to take him at his word, that would be the sort of Bill which he ought to receive. But the House had been told, that the great principles of charity ought to be carried out. What was meant by that? He did not ask that question in the spirit of hostility. He was

anxious to contribute any little aid in his power to pacify, rather than to irritate parties. What other objects could he have in view? From his earliest appearance in that House, he was the supporter of the question of Catholic emancipation. He was one of those who in former times were threatened with all the dangers that now appeared to be approaching them, and yet he was bold enough to support Catholic emancipation, being assured by its advocates that if it were granted peace would follow, and that the concession of political equality would destroy agitation. Having, then, been one who supported a liberal policy towards Ireland, ought not those who called upon him to support this measure to tell him definitively how far they intended to go, after what had followed the passing of the Catholic Emancipation Act? He might be told, that Catholic emancipation was carried too late. Perhaps there was too much reason to regret that it had been carried at all; but of this he was quite certain, that the corporate franchise was asked for too soon. He contended that the people were not ripe for it, for the advocates of the measure itself admitted that the population was not in a condition to appreciate it. The justice which they demanded for Ireland was in reality injustice both to England and Ireland. It might be an act of justice to relieve the people of Ireland from the burden of these Corporations entirely, but was it just to give them instead a set of irresponsible and exclusive Corporations? It was not to be said that the people of Ireland were to be excluded from the exercise of the corporate franchise because they were Catholics; no, but because they were not free agents. It was well known that every election of a parliamentary representative was a religious struggle carried on under the direction and influence of religious teachers; it was, in fact, perfectly ridiculous to attempt to deny that the political movements of the people of Ireland were entirely under religious control. He confessed, that he had been struck with astonishment by the concluding passage of the speech delivered by the noble Lord, the Secretary of State for the Home Department:—"The first cannon ball fired in Europe will be the signal for retracting all your denials, and making that concession, and doing that justice in your need which you refused in the hour of your glory, and in the day of

your strength." It was for the noble Lord to judge how far such sentiments as those were prudent; and how far the utterance of such suggestions was fitting and becoming a minister of the Crown. As to how far they might be useful to the hon. and learned Member for Kilkenny, that was another question; but it was most strange that His Majesty's Secretary of State should suggest to the people of Ireland, that when the country might have to ask their assistance against some common foe, they should draw the broad claymore, of which so much had been said, to wrest by threat or main force that which they were not able to obtain by reason and sound argument. The noble Lord's argument, however, went too far; for if the present measure must be inevitably conceded, so must any other demand which the hon. and learned Member for Kilkenny might think proper to make at any time. The noble Lord's argument went to show, that not merely must the House, at the command of the hon. and learned Member for Kilkenny, grant Municipal Corporations to Ireland, but surrender also any alleged or imaginary surplus of the Irish Church, and hereafter not only the overthrow of the fund itself, but of the fabric through which it was created, and thus sweep away the Protestant Church from the face of the land. Ay, and it showed that his Majesty's Ministers were always in danger of that weapon which the hon. and learned Member for Kilkenny always carried about him, half-cocked, and ready to fire off against them, if they refused any demand he made—namely, the Repeal of the Union.

Mr. *Gisborne* hoped the House would not be led, by the extraneous nature of the several matters which had been introduced into the debate, to depart from the consideration of the real question before it, which was, whether or not they should agree to the alterations which had been made in this Bill in another place. These alterations were totally destructive of the principle of the Bill as sent up to the other House, and were a studied insult to the people of Ireland. They proposed to destroy all the municipal rights and institutions now existing in Ireland; and on what ground? Why, because a great portion of the Irish people professed a particular creed. The Lords might have done the business in a much shorter way. They

could at once have distinctly stated their object in the preamble in some such words as these:—"Whereas it is important to maintain the exclusive system which at present exists in Ireland; and as three-fourths of the people of that country are unfit to be intrusted with municipal privileges in consequence of their being Papists," &c. That was the principle which ran through and governed every enactment of this altered Bill. Because the majority of the people of Ireland were Papists, they were not fit to enjoy municipal rights, or fill the offices of mayor, sheriff, or butter-taster. He would not appeal to the justice of those who supported the amendments. He would not appeal to their charity or toleration; he would merely ask them, did they suppose they could contend against a whole nation? He did not suppose it was the intention of those opposite to compel his Majesty's Ministers to abandon the Government, unless they could show that they themselves were prepared to take office with a likelihood of success. Upon what principle did they propose to proceed, should they come again into power? Was it the principle held out by an important organ of that party, namely, *The Quarterly Review*? There was a time when an acquaintance with polite literature was supposed to soften and humanize.

"Ingenus didicisse fideliter artes,
Emollit mores, nec sinit esse ferus."

But the *artes ingenue* had produced a contrary effect upon the writer from whom he was about to quote. In the last number of *The Quarterly Review*, the organ of the party opposite, was the following passage—

"Why has not Mr. O'Connell, who, like Hotspur's starling, speaking nothing but Mortimer, scarcely utters any sound, in or out of Parliament, but "justice for Ireland;"—why has he not been formally called upon to make out a specific list of the grievances he affects to be lamenting? The substantial justice which Ireland has long required, was ten years' subjection to martial law, under such an officer as Cromwell, whose strictness and impartiality would have thoroughly habituated the country to peace and good order."

Was that the principle on which the Gentlemen opposite were prepared to govern Ireland? Would they so conciliate those "aliens in blood, in language, and religion," on the other side of the Channel? The hon. Member for Sandwich, argued that "aliens in blood, religion, and language," did not mean what the words expressed. Perhaps the hon. Member would also

undertake to prove that martial law did not mean anything harsh or tyrannical. If the sentence which he had read were in accordance with the opinions of Gentlemen opposite, they would no doubt concur in the passages which followed,—

"A course of discipline of this sort would soon put an end to the murders in Tipperary, and the turbulence of fathers M'Hale, Kehoe, and Maher, for ever."

And in this passage,—

"It has long been the misfortune of Ireland to have institutions forced upon it in imitation of those of England, for which it was obviously unfit. The justice which Mr. O'Connell and his followers want is of a very different sort."

Were hon. Members opposite prepared to agree in such atrocious doctrine?—if not, by what measures did they propose to tranquillize Ireland, if they should succeed in returning to power? He would not call this language an unnecessary and gratuitous insult to the people of Ireland, but it was a very equivocal sign of affection, and not calculated to show a leaning towards indulgence. Allusion was made, last night, by the hon. Member for Sandwich, to the power of the Lords. The hon. Gentleman asked, whether the Lords were to have no voice or power over the questions sent up to them from this House? Nobody ever dreamed of denying the rights of the House of Lords; but if they insisted upon a rigorous exercise of their extreme rights, the House of Commons would be driven to the assertion of its extreme rights also. That House—it was unpleasant to be driven to a discussion of the rights of the two Houses—but that House had a peculiar power of enforcing its own wishes. The right hon. Gentleman opposite declared, on a recent occasion, that the powers of the State must be ultimately vested in the majority of the House of Commons; and he said truly, for that House possessed the means to assert its opinions. It was not wise in the advocates of the Lords to compel such discussions as these, by insisting on their extreme rights. They could reject any measure sent up to them from the Commons, but it was to be hoped that they would not drive the Commons to exercise the power they possessed. He had no doubt of the ultimate result of the measure. The principle of the Bill, as sent up to the Lords, had been twice affirmed by the Commons, and yet that House was called upon—ungraciously called upon—to give up a principle which it had twice affirmed. Neither the majority in that House, nor

the Ministry could recede from that principle without disgrace; and even though that majority should not be increased by an appeal to the people, it must prevail against the minority, backed although it be by a large majority in the other House. He did not think it possible for a political party to occupy a position so weak as that now held by the hon. Gentlemen opposite. The very arguments they used for the assumption of corporate property, and the abolition of vested rights and charters, were calculated to outrage the feelings of a large body of their own supporters. If the hon. Member for Oxford (Sir R. Inglis) were in his place, he would call to his recollection the arguments that had been used on the other side of the House, and show him that they were applicable to every one of the colleges of that ancient and venerable institution of which he was the representative. He would remind the hon. Baronet that the principle contended for would bring the vested rights of that institution, her right to her honours, with her imaginary right to her property, which has been powerfully said by the right hon. Gentleman to be protected by the broad shield of prescription—these would be brought by the principle of the hon. Gentleman opposite, to the bar of public opinion. Well, then, the hon. Gentleman opposite having thus shocked the feelings of a large body of their own supporters, they propose to proceed next to insult three-fourths of the population of Ireland. What hope of success had they in pursuing such a course? When they were asked for a general law, they would give a partial law—when they were asked for municipal corporations, they would give armed garrisons—when they were asked for watchmen, they would give sentinels—when they were asked for impartial justice, they would give drum-head courts-martial. He was confident of ultimate success, and he hoped no Gentleman would compromise the character of the House to avoid a temporary difficulty.

Mr. Henry Grattan: The right hon. Member for Tamworth says, that on that subject allowance must be made for Irish feeling. We do not require it; but he requires that allowance should be made for his insensibility. The case of the corrupt voter at Tamworth occupied his speech much more than the rights and privileges of the people of Ireland. Sir, it is difficult to know where to begin, still more so where to stop; and I know not whether I am to address you as a free

citizen or as one belonging to an inferior and disfranchised class. I have heard of individuals being put out of the pale of nations—one great and distinguished leader was put out of the pale of a nation, but the proscription of entire communities is a new idea. This Bill, Sir, is an insolent, ignorant, fraudulent, and tyrannical proceeding; it carries falsehood at its outset. Its title is a Bill to abolish Corporations, yet it studiously and craftily preserves them, and it offends Ireland by introducing in the first paragraph the passage regarding the police, as if that were to be the sole mode of governing Ireland. Those who have defended this Bill display great ignorance of Irish history; they represent these Corporations as enrolled for party or political purposes—not for the good government of the towns, and the care of local concerns, but for political and religious views. Sir, if they had examined history—if they had read Doctor Lucas's work on Corporations, or even if they had read the Reports of the Commissioners, they would have found that thirty-six of those bodies existed long before the Reformation, and that the chief and largest of them date from the reign of Henry 3rd; but it suited their design to misrepresent the fact, and to give a religious character to bodies that existed long before Protestantism was thought of. With respect to the Bill as returned by the Lords, it not only does not abolish Corporations, but expressly provides that at the end of the present year all the old Corporations are to remain in, and are to have the disposal of the local and charitable trusts. These amount to very considerable sums; and to whom are they intrusted? Why, to the very men whom you on the opposite side have condemned as dishonest; yet you vest in them the power of disposing of those large sums of money, and all charitable trusts are placed under their direction and control. Do you know the amount of property which you propose to place at the disposal of seven individuals under the name of Commissioners? When I see the word "compensation" introduced into the Bill, I cannot persuade myself but that the framer of it had an eye to the 74,000*l.* which was awarded to the citizens of Dublin. Do you know that, by these amendments, it is proposed to give to seven individuals discretionary power over a property little less than 400,000*l.*?

There are four towns in Ireland possessing a corporate income of 127,000*l.* In the lesser towns, Drogheda has 13,000*l.* or 14,000*l.*, others have upwards of 12,000*l.*; is property to such an extent to be vested in seven individuals? I wish to know what must be the feelings of the people of Ireland when they read your speeches, hear your charges, and behold your condemnation of those men, and yet find that to their hands has been committed the cause of charity, and the care of the widow and the orphan. You declare them to be speculators—convicted plunderers, and yet to them you intrust the helpless and unprotected. Shall this be tolerated—can it be listened to for a moment; and will the people of Ireland patiently submit to it? Where were the Bishops, where were the pious protectors of the poor, when this clause was proposed? Why did they not protest against such a junction—against such an adulterous connexion? Virtue and vice are to go hand in hand, and the public robber is to become the guardian of the poor man's property, and is to relieve those wants he was insensible to before—and where the offences of him who was to distribute were as great as the sufferings of those who were to receive. This is one of the many outrageous parts of this insolent legislation. Have Gentlemen considered not only the large sums thus abused—the growing and increasing amount of these sums under their chartered and local trusts, amounting in five places alone to near 130,000*l.* a-year? Have they looked to the vast share of patronage vested in the Crown—the officers, the courts, the clerks, the attendants, collectors, and a horde of appointments?—sheriffs, coroners, magistrates, recorders, judges, registrars, clerks, collectors, commissioners, trustees, and an army of dependents, all with salaries, and places, and pensions, which in the course of a short time would make, including other costs, a sum of near 400,000*l.* a-year, and all forming in one irresponsible officer a mass of power and influence that any lover of liberty must abhor, and raise not only his voice but his arm against. No matter whether exercised by Whig or Tory—no matter whether conferred upon Whig or Tory—I say it constitutes so formidable and dangerous a power, that, along with that possessed already by the Lord-Lieutenant, there will be created a complete and unqualified despotism. Sir, I say that no free people

ought, and that Ireland will not submit to it. This is a measure of tyranny as well as insult, and we shall resist it at every hazard. The question you have to decide is not one of detail—it is short, it is plain, but it is important; it is a question of union or no union. I do not mean that paper union that lies on the statute book, but a real living union of affection. Without that your parchment unions are worth nothing; you must have the heart of Ireland, for without that it is not worth preserving. Now, what are the steps you take to secure it? We heard to night some abuse and much invective cast upon the people of Ireland; they were represented as unfit or unable to manage their own local affairs. The answer to this charge is your own conduct, for even in the Tithe Bill of the right hon. Member for Cambridge, he introduced the middle classes in Ireland to inspect, examine, and control the money paid by the people; and the cess payers, under his Composition Bill, assembled and voted, and even to females the right of voting was extended. In the Grand Jury Bill the popular control was introduced; and in the County Board Bill brought in by an hon. Baronet, the introduction and interference of the people and their control is admitted and proved, therefore the charge against the Irish people is proved by the acts of this House to be unfounded. The people of that country were represented as ignorant, uneducated and turbulent; such charges deserve no answer, and coming from the quarter that they do, will be met with the contempt which they merit. But there is another and a graver charge; the people of Ireland have been characterised by a noble Lord as "aliens in descent, aliens in affection, speaking a totally different language, of totally different custom and habit, and professing a totally different religion from you." Aliens in descent appears to me to be a blundering phrase, and would so be called in Ireland, but here it suited the purposes of the noble Lord, and those words were heard without laughter which generally termed the Irish aliens in their native land. The charge is absurd—it is false; but if it were true, who made them so? You, you—that very party whom the noble Lord of late has joined; your bad government made them hostile, as tyranny always will make men hostile, and render a proud people resolute in their pursuit of freedom. They are not hostile to you,

but they are hostile to your bad government, and they will continue and increase in their hostility to such government, until you give them full, fair, equal, and impartial government—a system such as yours, without any other distinction among persons or classes, but such as attach to worth, and honesty, and merit. We ask for that equality. We say that Ireland was promised it. We call for it now, and we repudiate those insolent phrases, and those libels upon the people. The noble Lord (the ex-Chancellor) was heard to say that those aliens were men of different habits and different customs from the people of this country. Certainly, Sir, in some respects this is true. The Irish have different habits—they neither sell their wives, nor allow their wives to sell themselves. Sir, I remember to have seen a lady with a halter round her neck exposed for sale in the streets of London! But I pass on to the next charge. Another noble individual has also made an attack on the Irish. I regret it. It was unworthy of the Duke of Wellington—it was unworthy of that man, who owes so much to the Irish, to turn upon them, and in opposing this Bill to have said, that his countrymen would use it “for the purpose of avenging the past.” Of avenging the past! How so? The Irish avenge the past. The thing is impossible. It could not be done, for such have been the crimes, and so great the offences, against Ireland, her people, and their liberties, that to avenge them were impossible, and the Irish had covered them with a noble and generous oblivion. And shall we suffer our country thus to be slandered—the people thus to be traduced, and their nobler feelings thus misrepresented, and this too by one who owes so much to their noble and gallant achievements? Sir, the noble Duke knows little of Ireland—or what he knew he has forgotten—let him read her history! Did he ever hear, or did Gentlemen opposite ever hear who proposed at one period to avenge the past, and who it was who resisted that proposition?—the last is not generally known, but I know it to be true. There was a proposition of that nature made in 1782, but it came from an Englishman—and more, it came from a Bishop. At the time that England had not 5,000 troops in Ireland, then all Ireland was armed—100,000 men in the field, and 200 pieces of cannon, led on by the nobles and chief men of the

land. The Bishop of Bristol, a relative of a noble Lord opposite, came to the late Lord Charlemont to induce him to strike at the connexion between the two countries, and he said—“we shall have blood, my Lord—we shall have blood;” these were the words of the Englishman, the Bishop. No, replied Lord Charlemont, no blood if I can prevent it; and he, along with Mr. Grattan, joined, not as the Duke of Wellington would have it, to avenge the past—but, impressed with nobler feelings, and assisted by a man whose name will ever live while gratitude exists in Ireland, and love of liberty in England, in conjunction with Mr. Fox they effected the disenthralment of their country, and restored to her rights and liberties, without shedding one drop of blood. The Irish are rescued from the imputation. The next statement then is, that this is a transfer—that the corporate influence has been ill-exercised, and that it would be dangerous to impart it; that the majority being Catholics, they should not be allowed to enjoy it—this is but ascending in another step—this is spoliation and degradation as well as insult. I ask, why should I as a Protestant be deprived of my right? Why should the hon. Member for Sligo be deprived of his privileges of citizenship? We are opposed in politics, yet I doubt not that as a municipal officer I would be found to vote for him, as he possibly would do for me; therefore why deprive us of our rights? You have quarrelled with the Catholic, and because of this quarrel you avenge yourself upon me and the gallant Officer, and deprive both of us of our undoubted rights and privileges. I call on my hon. Friend to stand forward like a freeman to defend his rights, and take his station by his country. Let him reject those clauses so disgraceful, so fraudulent, so insulting—penned with a venomous dexterity. The hand is traceable, and we see the cunning clause of the Cork attorney, and the sanctified duplicity of the university drawing the pen from the judicial wig in order to write away the rights and privileges of the entire community. Now listen to the facts:—you say it is a transfer of power—I deny it; but how was the power exercised which was already conferred? Look to those places where these men enjoy the right of voting for Members to serve in Parliament—those men whom you contend are unfit to possess municipal rights—look to Cloumel, where the constituency is

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chiefly Catholic—that place was, I believe, offered to two Protestant gentlemen to fill the vacancy in the representation—look to Carlow—to my knowledge the representation of that county was on a late vacancy offered to three Protestant gentlemen—look to the county of Meath, where a Roman Catholic was displaced from the representation and a Protestant chosen. There are numerous other cases, but I will not fatigue the House by reciting them. I appeal to you as men—I appeal to the people of England also—they are with us—the majority of the people of England, on this question, are with us. We contend for equal rights—we seek for privileges such as England enjoys, and in this we are joined by the English—they sympathise with us, and they will support us. It is vain for the right hon. Baronet and his party to think that Ireland can be governed on the old system—let him remember that the people of Ireland have borne down all his efforts—that in 1792 it forced the elective franchise from the unwilling hands of the Government. In 1793 they made further progress. In 1829 they made greater progress. In 1832 they defeated you on reform; and do you think you will be able to resist them now? But ought you as men—as freemen should you desire it? Would not your interests be endangered if ours was lost—or would your liberties be destroyed if ours were in existence? Remember the saying of your first conqueror. When Agricola looked to Ireland he said, she must be conquered, because Britain could never be kept in subjection while Ireland, that lay so near, was suffered to enjoy liberty. Your honour, your interest, as well as those of Ireland, demand it. The Irish call for equal laws and equal privileges with yourselves. England responds to that call, and we must prevail. You can only govern us by affection. We hold forth the hand of fellowship. We call on you to decide—Union or no Union. We ask not for concessions, but we demand our rights. Ireland seeks for nothing more, and she will be content with nothing less. Mr. Grattan sat down amid much cheering.

Viscount Sandon denied, that the corporate property in Ireland was more than 50,000*l.* a year. He denied too that the Bill deprived Ireland of Municipal Corporations for local purposes; for the towns would possess a means of providing for their own wants, by adopting the provision of the 9th Geo. 4th. It was not a question of Catholic or Protestant, nor was it because power

would be transferred from the hands of the one to the other, that the Corporations were to be abolished. The abolition was proposed because the people of that country had their political feelings in so excited and excitable a state that it was not safe to intrust power in the hands of the majority. As to the reference which had been made to the *Quarterly Review*, he acknowledged no such authority, and it was not fair to taunt those at his side of the House with contemplating martial law for Ireland, more especially when the taunt came from that party who, three years ago, asked the House to pass the Coercion Bill.

Mr. *Sheil* observed, that to the noble Lord opposite he should make this simple observation—the town which that noble Lord represented was within twelve hours' distance of Dublin. Now what would the noble Lord think, if the extraordinary proposition were made to him, that a corporation was to be continued in Dublin, and refused to Liverpool. [Lord Sandon: Look to Manchester.] Dublin had a corporation even before Liverpool possessed one. But how would the people of Liverpool feel if it were suggested that their Corporation was not to be reformed, but abolished, and its estates transferred to Commissioners of the Crown. Did the noble Lord not know—and he appealed to the candour and frankness of the noble Lord—that an universal feeling of indignation would be excited by such a proposition? He passed from the noble Lord to the hon. Member for Sandwich. He was always exceedingly loth to speak of himself—it was his opinion that the more a man avoided speaking of himself, the more did he manifest a regard for his own character, advance his own interests, and please his audience. But really the reference that had been made by that hon. Member to the speech delivered by him at Thurles, imposed upon him the obligation of removing that which, on the part of that hon. Member, was misconception, and with others misrepresentation. He hoped that the House would begin to observe, that it was with the utmost reluctance he spoke of himself. He assured the House that he had clear and unequivocal proofs to produce in confirmation of what he had to state. He was not about to say, that the speech that he had made at Thurles had been misrepresented. Far from it—he avowed the report; but he denied the commentary that had been made upon it. Again and again it had been alleged that a compact

had been entered into with the Irish party, of which his hon. Friend on the left was at the head. Now he had not spoken of such a compact; but he spoke of the compactness of the union that prevailed amongst Members sitting upon that, as there did upon the other, side of the House, and who would deny it? If they insisted upon a proof of the compactness of that union, he should say to them, "*Circumspice.*" No such statement was made by him, as that a compact had been entered into. He spoke of "a compact junction;" but the word "junction" was left out in the commentary. In place of the epithet "*compact*" the substantive a "*compact,*" had been introduced [*Laughter.*] Hon. Gentlemen opposite smiled, as if he had recourse to a variety of intonation to mark the distinction. It was no such thing. He had the speech by him at that moment, and if they called upon him to read the paragraph he would at once do it. He had hitherto refrained from alluding to this subject; because he had found in a reported speech of the hon. Member for Bradford, that he intended to make this the subject of one of the many motions, with which he had threatened the House. He had waited therefore in expectation that the hon. Member would introduce that motion, as he had brought forward others. He should now read the last passage in his speech, to show the spirit in which it had been delivered. It stated that between the Whigs and the Irish people a compactness of union now existed. Now, it was upon such sentiments that it had been over and over again stated by the hon. Members for Leeds and Bradford, and by others, that there was a compact between the Irish Members and the Government. The hon. Member for Bradford had declared that "they knew perfectly well what Mr. Sheil had said, that there was such a compact, and that Mr. Sheil should explain that in the House of Commons." It really was involuntarily that he was dragged into this discussion; but of this he was quite sure, that however greatly the spirit of party might prevail, yet in a matter which was personal, he was sure that the spirit of fair play would be always found to predominate.

Now he should omit a passage from his speech, and for this reason, that it was his business at that moment not to attack the late Government, but to vindicate the present. After speaking of the disunions which had prevailed between the Whigs and the

Irish Members, he proceeded to say, that with the Whigs they now entered into a close alliance, and that, seeing this, they were forced into a compact alliance and indissoluble junction. Then they did provoke him to the reading of the preceding passage, and he would gratify them. He stated that they beheld with indignation the persons who were placed in the Privy Council; that Lord Roden was marked out for an office near the person of the King, and there were the grand treasurer and other officers of the Orange Lodges appointed. Then, that which he called a compact alliance and indissoluble junction, they insisted was a compact. He did not think so; but then they ought to recollect that he was an "alien in language." Assuredly, looking at hon. Members opposite, he would say, that there was no compact amongst them, although there was a compact junction. They said at once, then, that there had been a misrepresentation of his words. There was no bargain—he appealed to their common sense upon this that there was no compact; and he trusted upon this subject that no man would resort to miserable expedients. If they asked him, had there been a junction, he would at once answer that there was—a fair, open, and honourable one. They did support those whom they had opposed, and he was one of their most determined opponents—they did oppose the Whigs, as long as they considered they were acting hostilely to the interests of Ireland; but the moment the Whigs adopted principles that were favourable to Ireland, that moment their opposition ceased. The moment that the Church Commission was issued and acted upon, and that the Whigs of 1824, Lord John Russell, Sir John Hobhouse, and others, took a prominent part in the Ministry, from that moment everything was forgiven, though perhaps not forgotten. What did the Irish party obtain? Measures were promised favourable to Ireland. Those only they sought for. What was gained upon the other side when they came into power? They stipulated for office. Did the right hon. Baronet remember what was the death-stroke to his Ministry? Let him think on Knatchbull, upon Lefroy, upon the division on the Civil List. What was asked for by the Irish Members? The benefit and advantage of their country alone. Let them show him one man amongst them who was in place. Of all the Irish Members, the only one in office was the hon.

Member for Kildare. They asked but for justice, because they knew that in that was included equality. They were charged with entering into a compact. In what did it consist? That there should be done that which, in their hearts, the Opposition knew ought to be done for Ireland. He should not dwell any longer upon this subject—he had been led beyond the line that he had intended to pursue upon this subject; but the hon. Member for Sligo had forced him to do so, and for going so far, he trusted he should be excused by all parties in the House. It was, he thought, of importance that the debate should end that night, and therefore it was his intention to be as brief as possible. He did not mean then to enter into the question of the differences between the Corporation for Ireland Bill, as it was returned to that House, and as it went into the Lords. There was another question now between the two parties that divided that House—it was a question between the House of Lords and the House of Commons. Before he went into the facts of the case, he would remark upon the principle applicable to those differences. He had one authority to quote, it was that of Mr. Canning, and it was to be found in a speech of his delivered in June 1827, after amendments had been introduced into his Corn Bill. The object of those amendments was to destroy Mr. Canning's administration. The Bill had been sent up from the Commons to the Lords—there an amendment was introduced which was fatal to the principle of the Bill. He wished now the House to observe, that he was not quoting a man who was a revolutionist, he was quoting a man as devoted to the maintenance of existing institutions as any who then listened to him; and here was the language of Mr. Canning—this was the advice which Mr. Canning suggested, that the unreformed House of Commons ought to adopt. Mr. Western having moved an amendment to enforce those adopted by the Lords, Mr. Canning said—

"I agree, Sir, with the hon. Gentleman, that something is necessary to be done; but the rule I should lay down upon the subject is a very plain one. As, I presume, the House of Commons is not so reduced as to abjure what its Members have declared to be necessary principles, to rescind their deliberate resolutions, and to throw away as waste paper that Bill which they have so much and so carefully considered, merely because in a certain assembly, which, for many reasons, is entitled to our respect, they did not happen to be entertained with that courtesy which might have

been expected, but were made the subject of an amendment, which not merely went to rescind what we had enacted, but to introduce principles, that, besides being new, were positively contrary to what we had determined to be necessary. Let the House, themselves, feel this as they may. If there be a single spark of pride or of shame in it, they will not submit to it.*

This was the doctrine laid down by Mr. Canning. Now the Bill which was before them had been carried by a large majority—a majority of sixty-four—in a House of Commons called by the right hon. Baronet. Now, what had been done with respect to this Bill? A resolution had been proposed by a noble Lord, who was known to be the translator of Faust, and who, in proposing such a resolution, seemed to have consulted with some familiar. What was done on the other side? They were not satisfied with increasing the influence of the Castle, but care was taken that all existing officers should be preserved. Such was the sympathetic solicitude for speculating trustees and plundering corporators, and all were most carefully maintained. And the Irish were to be thus treated, because it was said that they were "aliens in language." It was rather hard that their defect in language should cost them their institutions. There would be a lasting recollection of the words applied to them. They were said to be "aliens in language, in country, and in blood." Now he called upon hon. Members opposite to say, did they adopt that phrase? Did they deny it? or dare they confess, and blush at it? He asked the right hon. Member for Tamworth, did he adopt that phrase? Was it, and he did so, with every respect for that right hon. Baronet; was it he who would now say that he had conceded emancipation to those who were aliens in country, creed, and language? Let the opposition mark to what a condition they had reduced themselves. He entreated of the noble Lord who sat beside the right hon. Baronet, to remember who was his leader—who at the head of his party. Did the noble Lord remember—he was sure the House could not forget his powerful and emphatic language upon a former occasion, and with what force he had used a quotation, from which he might now apply to the noble Lord these words—

"Yet time serves wherein you may redeem
Your tarnished honours, and restore yourselves
Into the good thoughts of the world again:
Revenge the jeering and didsained contempt
Of this proud King."

* Hansard, (New Series) vol. xvii. p. 1308

He should now pass with as much velocity to the remaining facts. They could not but observe that the proposition of the Duke of Richmond was rejected—a proposition that came from one who supported Conservative principles. ["No."] Why, that noble Duke had resigned with the noble Lord (Stanley), and did he not support Conservative principles with more than a convert's zeal. Having thus quoted the authority of Mr. Canning upon the great constitutional principle involved in the conflicting principles of the two Houses of Parliament, he had now another authority to go to. This was a speech delivered at the Merchant-Tailors' Hall, on May 11, 1835. He found the report of this speech, not in the debates of Hansard, nor in the "Mirror of Parliament," but in a small volume of speeches of first-rate eloquence, delivered by the right hon. Sir Robert Peel, and corrected by himself. He entreated and solicited the attention of every man whom he at that moment addressed, to the principles laid down in the extract which he was about to read to the House; principles in which the relative position of the two Houses of Parliament in regard to one another, and their joint relation in respect to the executive, were distinctly laid down; he would give the extract verbatim as he found it. The hon. and learned Gentleman then read the following passage from the speech referred to:—"I warn you that you must not place a firm reliance upon the prerogative of the Crown—on the influence or authority of the House of Lords. The prerogative of the one, the authority of the other, are constitutionally potent in controlling the powers of the Lower House, but you must not, now-a-days, depend upon them as bulwarks which are impassable, and which can be committed without apprehension to the storm and struggle of events. The Government of the country"—Yes! let both sides hear it, for to both sides it affords matter for reflection—"The Government of the country, and the mode in which it is conducted, allow me to tell you, must mainly depend upon the constitution of the House of Commons. I again say, the royal prerogative, the authority of the House of Lords are most useful, nay, neces ary, in our mixed and balanced constitution. But you must not strain these powers. You would not consider that that was worthy of the name of a Government which existed upon nothing but a series of collisions and hostilities between the two branches of the Legislature. You

would rather see them moving in that harmonious manner which insures the utility of each, and the efficiency of all. I ask you, then, to take means to assert in the House of Commons those principles which we believe to be just, and to exercise that authority to which you are fairly entitled. On taking office, I avowed my determination to abide by the Reform Bill. I trust I have redeemed that pledge, not by a niggardly and cold acquiescence in details, but, I trust, an honest and generous deference to the broad principle it involved. On this broad, constitutional principle my friends and I acted. We acted in the spirit of the Reform Bill. When we found that we had not the confidence of the House of Commons, although the array against us was miscellaneous in the extreme—although the majority was small, we felt it our duty to resign. However strongly we might have opposed the elective system before, we now adhered to our pledge; we not only gave the Reform Bill a fair trial, but we regarded it as a constitutional settlement of a great question. We did not entertain the idea of governing the country against a majority of the Reformed House of Commons." He would now ask the right hon. Baronet, "Do you entertain the same opinions on this subject now?" Mark how the facts stood. Lord Melbourne resigned, and the right hon. Baronet dissolved Parliament without meeting it. There was not an instance in history of the same force as this. The right hon. Baronet met the new Parliament, and the first question pressed upon his notice was the English Corporations, and the necessity for placing them under a system of popular control. If his memory failed him not, the first question raised was an amendment to the Address, with a view to placing the Corporations of England on a popular footing. That amendment was carried by a considerable majority, and after two or three months vain conflict with the majority of the House of Commons, the right hon. Baronet resigned. It might be said that the majority which turned the right hon. Baronet out of office was a small one; but had it since decreased? On the other hand, had it not rather swollen and strengthened on each succeeding occasion? Under these circumstances, he asked the right hon. Baronet what his prospects were? With what hopes could he resume office in the

face of the Parliament which had already driven him from the seat of power? Or would the right hon. Baronet avoid all this dilemma by again dissolving Parliament without facing them, and send back the very House of Commons which he had been the instrument of calling together? He begged the right hon. Baronet to pause and consider what was the state of the feelings of the people of England? He asked the right hon. Baronet whether, in his knowledge, the feelings of the people of England were ever raised to a higher pitch of sympathy with the people of Ireland than they were upon the present question. If you deny (continued the hon. and learned Member) that this feeling exists amongst the people of England, do you deny that you made similar allegations before—that you strained the prerogatives of the Crown to dissolve the former Parliament, and that all the efforts of your incendiary eloquence were tried in vain in bringing together that which was to succeed it, for in that Parliament you were discomfited. I will not say that you were made prostrate, for that can never be. I ask you again, are your schemes now improved? The right hon. Baronet, he well knew, was not an adventurer—he was not a speculator on public ruin. He did not think that the right hon. Baronet would submit to construct so many electric shocks for the country as this. There were sixty-four Irish Members on his (Mr. Sheil's) side of the House who would be against the right hon. Baronet. A majority of sixty-four Members would perhaps be a small account if questions of Irish grievances were once extinct, but as long as they remained unsettled, and as long as the present Government remained faithfully devoted to that object, they would be supported in power. If this assertion was doubted, let the question be tried—let Parliament be dissolved; the Opposition parties think that they would have all the Protestants of Ireland with them? Let them look to the petition from Bangor, signed by 1,000 Protestants; let them look to the petition from Londonderry, which foremost asserted the glories of Protestantism, the very seat of orthodoxy. He had asked the hon. and learned Member for Londonderry, whether the sentiments expressed in that petition were not those of the majority of his Protestant constituents? and the hon. Member replied that the case was so. All these men,

then, concurred in asking of the House was, what he and his party called justice to Ireland. The hon. and learned Recorder for Dublin, had last night entered into a very interesting disquisition as to what justice to Ireland really was. The right hon. Gentleman would perhaps pardon him, (Mr. Sheil) if he very respectfully expressed his wish that the learned Recorder's name had not been to be found in the lists of the Lay Association. The hon. and learned Gentleman knew very well that a Civil Bill for the recovery of tithes would lie in his own Court; and yet the learned Judge subscribes to pay counsel for the prosecution of that very process. He would ask, was it conducive to the public interests—to the ends of public justice, that a man holding a high judicial situation, and a Privy Councillor, should rush headlong into this arena of persecution, and hold out a premium to any speculating and trafficking attorney who chose to take advantage of it? The hon. and learned Recorder had concluded his speech by exclaiming, "*Ruat cælum, fiat justitia.*" He supposed that "*ruat cælum*" meant perish religion, perish humanity; whilst "*fiat justitia*" should be construed, let tithes be levied. If he was wrong in attributing that construction to the hon. and learned Recorder's observations, he was sorry for it. He could only assure him that he had stretched his imagination for the purpose of aiming at his meaning. Let, however, those who opposed this measure, now remember two things—that in so doing, they were raising the question of reforming the House of Lords in this country, and that of the Repeal of the Union in Ireland. The hon. Member for Waterford had already, in the course of his speech, pointed the attention of the House to the physical position of Ireland. On a former occasion, when the Repeal of the Union was agitated, that hon. Member threw up his seat because he would not pledge himself to support that proposition. The warning of the hon. Member deserved the particular attention of the House. He had told the House to-night to beware of pursuing a course which would withhold from Ireland what she is entitled to, or the question of the Repeal of the Union would be raised again, and he must become an advocate of it. No language of excitement he could use could have the effect of the evidence of that Gentleman, who was known and valued, not only for

his understanding, but for his political consistency. He candidly told the House that if they denied Ireland these institutions, they must give her back her independence, considering that the people of Ireland were an intrepid, an energetic, an enthusiastic, and, when employed, an industrious people. When he looked into the history of the country, and saw how her prayers had been rejected, and her demands for justice disregarded, he had a right to claim equal rights with the rest of the empire, or a restoration of her independence. The speech of the noble Lord, the Secretary for the Home Department, had assured the House that Ireland was not to be treated on the footing of a colonial dependency; and though, when he looked at the place where its Parliament had been held, and remembered the proud antiquity which hallowed it, he regretted its loss; yet when he was animated and excited by the glories which Ireland had gained through her association with this country, he thought they had been a compensation for the loss. Let, then, the Irish be Britons in equal laws. They must be on a footing with Britons in every respect—they must be (emphatically added the hon. and learned Member) they must be your equals. To be your vassals, your dependents—to lie in colonial submission before you, we never will consent; and when we are told that in religion, in language, and in blood, and in all but country, we are aliens to you—if any men are mad enough to tell us so—thanks to that power which placed our throbbing hearts within our breasts, we are not base enough to submit to such an insult.

Sir R. Peel felt under a double obligation of making an apology to the House for offering himself to its notice. He felt that the subject had been completely exhausted, and the hon. and learned Gentleman must have risen under the same impression; for, although his speech abounded in much lively allusion, much personal comment, and much eloquent declamation, yet not one single approach to argument did the hon. and learned Gentleman discover throughout the whole of it. He felt, as he before said, a double obligation to apologize to the House on the present occasion, not only on account of the exhausted state of the House and of the subject, but because the hon. and learned Gentleman had read so long an extract of a speech of his, that he was

somewhat doubtful whether the strict rules of the House did not incapacitate him from speaking. He, however, thanked the hon. and learned Gentleman for this extract from his speech, because as to-morrow he should have the honour (it being the anniversary of the day) of again dining with the respected corporation before whom that speech was delivered, he should have an opportunity of repeating the sentiments he then expressed, and which he still entertained. He did think the Government of this country could not be conducted without a good understanding between both Houses of Parliament. He should not call that a safe and efficient system of Government in which there was a constant collision between the two Houses. He thought that the affairs of the Government could not go on where there was this perpetual conflict. But he did not mean by this to imply that the House of Lords had no other course to take on these occasions than to relinquish its independent right to act, and merely register the decrees of the House of Commons. The hon. and learned Gentleman had referred to the doctrine laid down by Mr. Canning with respect to collisions between the two Houses; but he (Sir R. Peel) did not understand by the speech of Mr. Canning, which the hon. Gentleman had read, that Mr. Canning meant, whilst he maintained the privileges of this House, that the maintenance of the privileges of this House was inconsistent with the maintenance of the rights and independence of the other branch of the Legislature. Mr. Canning was referring to the question of the Corn Laws, which had produced a difference of opinion between the two Houses. Mr. Canning was happily relieved from witnessing the political conflicts which now agitated the country; but on this same question he (Sir R. Peel) would refer to another authority—a living authority—an authority from whom it had been his fate to be separated altogether during the whole of his political career, but for whom he felt the utmost respect, and, in all their political disagreements, not one word of disrespect towards that eminent individual had ever fallen from him: he referred to the language used upon a similar occasion by Earl Grey. Lord Grey did not deny the independent right of the House of Commons; but Lord Grey, at the same time, felt it to be his duty to maintain the equal independence

of that branch of the Legislature of which he was a member. But he would first refer shortly to the speech of Mr. Canning. The two Houses differed in respect to the Corn Bill; would the hon. and learned Gentleman advise the House of Commons, out of respect to the authority of Mr. Canning, to adopt the same course of proceedings as in the Corn Bill. Mr. Canning said on that occasion, "My first proposition is, to let loose the corn now in bond, by the operation of the principle of the Bill itself; and then to let in, under the same restrictions, the corn of Canada, which has been shipped on the faith of the Bill. To neither of these parts of the Bill was the smallest objection made in the House of Lords; and the amendment which lost the Bill was, as far as I understand the matter, one which did not touch them in the least. In proposing them, Sir, for the consideration of the Committee, I am, therefore, doing that which will not bring us within the risk of a conflict with the other House, since the principles on which I now wish to act are those which met with no objection, and were in fact adopted from us." * He did not say that the House should pursue the same course now; he did not say that this House should abandon its right; but he said, that after the argument used by Mr. Canning, there would be no degradation in adopting the measure of the House of Lords; and on that occasion, Mr. Canning by adopting the course of conciliation ended the conflict, and led to an amicable and conciliatory settlement. What was the language of Lord Grey? Lord Grey said, "I stand here one of a body which will always be ready firmly and honestly to resist such effects which always considers anxiously and feelingly the interests of the people, even when it must oppose the people themselves, and which will never consent, under the influence of fear, to give way to clamour. If I am told we run the risk of having a worse Bill, I shall never suffer myself to be intimidated by any such threat; and if a worse Bill should be sent up, I am sure your Lordships would pursue the course you have pursued by the present Bill. You would consider it, and you would amend it; and if you could not make it good, you would reject it. I am sure that any such measure should be met by me with a firm opposition, and that I should be prepared to

do my duty to myself. I have said thus much, and I might say a great deal more. If there should come a contest between this House and a great portion of the people, my post is taken; and with that order to which I belong I will stand or fall. I will maintain, to the last hour of my existence, the privileges and independence of this House." * On that occasion, these words the hon. and learned Gentleman would find were spoken by one whose authority he had ever held in great respect. He had omitted to notice the first part of the hon. and learned Member's speech; and those who forgot the precept, could not fail to learn, by the effect of example, a warning from the hon. and learned Gentleman, unless there was some cogent reason to abstain from personal explanation. The hon. and learned Gentleman had found it absolutely necessary to explain a speech he had delivered at Thurles; and the hon. and learned Gentleman had been provoked by a look, or something like it, from his right hon. Friend, the Member for Sligo, into an apparent position of hostility towards the Members of the late Government—he said apparent, because he who admired the hon. Gentleman's talents, and did not expect or desire to entertain other feelings than those of respect for him, whatever might be the difference of their sentiments in regard to measures of government, felt no hostility towards him. But the hon. and learned Gentleman had thought it necessary to explain a misapprehension as to a supposed statement of his, of a compact between the Irish Members and his Majesty's Government; and if the hon. and learned Gentleman had simply said that it was a misapprehension, and that he denied the interpretation put upon the expression, it would have been quite sufficient for him, and the hon. and learned Gentleman would never have heard of it from him. But the course pursued by the hon. and learned Gentleman in his explanation, had a tendency rather to confirm the misapprehension. The hon. and learned Gentleman said, "you suppose that I said there was a compact between us and the Government; but this is an error, for there has been an important omission in the text of my speech; for where it seems as if I had used only the word 'compact,' the words I really used were, 'a compact and indissoluble junction.'" Now, there certainly might be a junction without a

* Hansard (Third Series) vol. xvii. p. 1311.

* Hansard, (Third Series) vol. xvii. p. 1361,

were abolished—for there were many towns which had no Local Act. He would not enter into the question of the appointment of weigh-masters and butter-tasters, for those were points on which there could be very little difference between him and the noble Lord. When he heard the language used by the hon. Member for the county of Meath, he hardly thought that the Bill deserved the epithets which that hon. Gentleman had applied to it; nor could he have thought that the corporate property in Ireland was so great as that hon. Gentleman had set it down. When he heard the hon. Member for Meath, he was strongly reminded of that familiar quotation from the Latin grammar, which the hon. Member for North Derbyshire (Mr. Gisborne) had used for another purpose.

*Ingenuas didicisse fideliter artes,
Emoluit mores, nec sinit esse feros.*

Without stopping to inquire into the amount of corporate property in Ireland, he would come to a much more important point—namely, whether it was for the advantage of Ireland, that after the abolition of the old Corporations, new ones should be established in their stead. It was said, that the objects were the dissolution of the old Corporations, the mitigation of the present evils, and the reconstruction of new Corporations in place of the old. He would admit that the existing Corporations were very different from those of former years, and that they had ceased to produce those good effects which it was originally intended they should produce; but the noble Lord (Lord John Russell) seemed to consider that those who voted for the abolition of the old Corporations were also to vote for the reconstruction of new ones. “The noble Lord, adverting to some observations of mine (continued the right hon. Baronet), addressed to the company at the Goldsmiths’ Hall, said, that I was right in complimenting them on having built their new Hall on the old foundation; but the noble Lord added, what would have been thought of you had you told them, they were wrong in building on that foundation—and still more, what would have been thought of you, if you told them they were wrong in building a new Hall? But the question in that case would be, is the new Hall as good for useful purposes as the old? If the old Corporations of Ireland, like the old Goldsmiths’ Hall, had served to promote social harmony and good fellowship—if

they had tended to promote good and kind feeling between man and man, then, indeed, I should have been justified in advising the noble Lord to build on the old foundation; but if I find that those Corporations have not tended to promote social feeling—if I find that they have not tended to bring man to a good and harmonious understanding with his fellow-man—if I find that they had ceased to promote the good objects for which they were instituted, then I should be exceedingly inconsistent if I praised the noble Lord as I did the Goldsmiths, for rebuilding on the old foundation.” The old Corporations were at one time of great use to the country, but of late they had become institutions for the purpose of keeping up exclusive interests and privileges: but then if, in looking at the state of society in Ireland, in considering the probable, nay, the almost certain effects of the reconstruction of the Corporations, they should find that the new would be equally intolerant and equally exclusive as the old, would the Legislature be justified in reconstructing them out of the scattered materials of the former? He had no doubt that if this question were viewed distinct from the prejudices with which it was connected, as one affecting national feelings and national honour, the opinion would be general that the removal of the old Corporations, and the refusal to construct new ones on their foundation, would be pregnant with immense benefits to Ireland. He was sure that by refusing to reconstruct the Corporations we should have much better guarantees for the promotion of domestic peace and harmony in Ireland, for the investment of capital, and the promotion of industry than we now possessed. When the proposition was first made in that House, he was sure that it received the, not open, but quiet and tacit sanction of many cool, calm, and considerate persons in and out of that House. He held in his hand a letter addressed to Lord Mulgrave, signed by one who called himself “a dissatisfied country gentleman.” He had no knowledge of the writer, but whoever he was, he was no friend (politically speaking) of his. That writer took extreme views of political measures, but in his letter he said that there were four measures required for the improvement and the pacification of Ireland, and that we were now in progress to them. The measures which he recommended were—1st., the complete and unqualified extinction of tithes; the 2nd., was the reduction and

remodification of the Church Establishment; the 3rd., was the annihilation of the Orange Lodges. Now, what did the House think was the 4th recommended by this writer, who was certainly a man of acuteness and ability. The 4th was the total dissolution of all Municipal Corporations. It might be said, perhaps, that the abolition of the Corporations did not necessarily imply that they should not be reconstructed; but what was the argument of this writer—an argument penned in a cooler moment than could be expected in the excitement of such a debate as the present? He said, look at the two great corporate towns of Dublin and Cork. The former, in every point which could constitute a great town, had retrograded nearly a century, while other parts of the country, which had no Corporate bodies, had advanced and improved to a great extent. What was Cork?—a city possessing local advantages belonging to few cities in the kingdom, with a splendid harbour, in the midst of a fertile country, enjoying a fine climate, the metropolis of the largest county in the empire, and yet a very large proportion of its inhabitants were sunk in the lowest state of poverty; their morality was in a low state, and in the excitement of election times they were most violent and riotous. He would not say, to use the noble Lord's quotation, "*Sic foris Etruria crevit*." The writer next noticed Belfast, a town worthy of England in arts and industry, nominally the third, but in reality the first in commercial importance in Ireland; yet fifty years ago Belfast was an insignificant town. What was the cause assigned by the writer for the increase of the one town and the decrease of the others? He said, that perhaps Mr. Mortimer O'Sullivan and others who took his view might attribute it to the fact that Belfast was a Protestant town, but the writer attributed it to the fact that Dublin and Cork had the most numerous, and, until lately, the most wealthy Corporations in Ireland, while in Belfast they had what scarcely deserved the name of a Corporation, and which did not exceed twenty Members. These, then, were the reasons assigned by a clear and intelligent writer for wishing to put an end to all Corporations for the benefit of the country generally. He would now quote another authority on the same subject—that of a noble Lord with whom he had had the honour of an acquaintance. That noble Lord had not only written a letter, but also

drawn up a Bill on the subject. One great object which the noble Lord contemplated as necessary for Ireland was the abolition of fiscal powers by Grand Juries and Corporations. He proposed a general tax, which should be administered by Commissioners appointed by the Crown, aided by Local Commissioners elected by rate-payers, and he pointed out the mode of election. One clause of the Bill drawn by the noble Lord, provided that the Crown Commissioners, aided by some of the local Commissioners, should have the power to inspect Corporate Charters, in order to ascertain if any property possessed by them had been intended to promote public works, and if any such were discovered, the amount should be handed over to the Chief Commissioner, to be applied as originally intended. This was the opinion of an individual well acquainted with the wants of Ireland, and who had made the remedy of many of the evils affecting it a subject of mature consideration. He was of opinion, that Chief Commissioners, whose office should be in Dublin, aided by local Commissioners elected by the people, should take on themselves all the fiscal powers at present intrusted to Corporations and Grand Juries, and he thought that those who proposed the establishment of institutions with similar objects could not be fairly accused of intending to insult Ireland, or to place it below the level of England and Scotland as to municipal rights. He would put it to hon. Members opposite, whether the reconstruction of those Corporations would conduce to that civil equality of all parties which some hon. Members asserted—for unless it was shown that it would have that effect, there was no ground whatever for the proposition. In considering this question he could not overlook the analogy between the circumstances of England and Ireland; for, if any such existed, it ought to be clearly made out. Now, to him it did not appear that that had at all been made out. So far from analogy, there was a vast difference between the circumstances of the two countries. It was true that within the last few years a great moral and social revolution had taken place in Ireland. Within six years we had removed those great barriers which had separated two classes. That removal had been acquiesced in by the Protestants. Those Protestants had not even petitioned against the plan for giving up the privileges which they had so long enjoyed, and was the

House to overlook those who had thus acted? The House should not forget what the late Corporations were. Did any Member believe that the new Corporations, backed as they would be by the physical strength of the country, would be more careful of the rights and privileges of others than their predecessors had been? Did any one believe that they would be willing to share their newly-acquired power with those to whom they were opposed? Then, if such powers were to be granted to parties so supported, did any man believe that their exercise, as they would be exercised, would be otherwise than injurious to the country? Hon. Members were greatly offended and indignant at the proposition that the property of Corporations should be placed in the hands of Commissioners. But how did they themselves propose to deal with a corporate body of another description—with the Church. The Church had a prescriptive right to property long anterior to the existence of most of those Corporations. The security of that property had been guaranteed in the fullest manner by one of the articles of Union between the two kingdoms. By that article the Churches of England and Ireland were to be called the United Church of England and Ireland. Now let hon. Members look at the 70th clause of the Tithe Bill, and see how far that guarantee of the Church property had been respected by those who were now so loud in their exclamations against the investment of any corporate property in the hands of Commissioners. By that clause it was enacted, that when a living became void, the glebe, glebe-house, and offices were to become invested in the hands of Commissioners appointed by the Crown. And this is (said the right hon. Baronet) from you, who deprecate interference with corporate property—you, who profess anxiety to keep sacred from the slightest violation—you, who cannot reconcile it to your views of justice to transfer property from a Corporation to the management of a Commission appointed by the Crown, felt no compunctious visitings when you enacted, that on the voidance of every living, the glebe-house, offices, and glebe, should be transferred from the Church and vested in the Crown. What is it that you have done? You say to us, that those suspicions and surmises on our part are unreasonable, that we ought not to object to the exercise of power, that we have no

reason for objecting to it but antipathy to the Roman Catholic Church—that, in point of fact, religious bigotry is at the bottom of our opposition, that we hate you as Roman Catholics, that we are unwilling to cement the union—a union of heart and affection—with you, and refuse to you corporate institutions, for the purpose of obstructing your prosperity and insulting your feelings. But what have been your own words? Have they not been the justification of the distrust you have experienced? Have you not told us that those institutions have been in England, and will be in Ireland, the schools of political agitation? May we not object to convert institutions that were intended for the purposes of local government into the arena of civil discord? You tell us, that your object is, unless justice be done—a repeal of the Union—you tell us that you will never be satisfied without making the House of Lords responsible. You tell us that the arrangement made with respect to tithe is wholly unsatisfactory. You use arguments implying a present acquiescence in it, by a determination to take the first legitimate opportunity of defeating it. Why can you be surprised, then, if we are unwilling to consent to the institution of those societies, after the warning you have given us, that they will not be applied for the purposes of local government, but will be consecrated to those of political agitation—to objects which appear to us destructive of the Constitution under which we have lived, and think we have flourished, and fatal to the integrity of that empire, the bonds of which we wish to see indissolubly compact? We think that in the present circumstances of Ireland, practical civil equality is the right of the citizens of that country; we say that that practical civil equality does not depend upon the formal and nominal adoption of similar institutions existing in England and Scotland, and that if the adoption of these similar institutions will destroy that equality, we have a perfect right to object to them, on grounds stronger than the argument from analogy of institutions. We believe that Ireland wants repose; we think that these institutions will increase her agitation. We do not deny that there may be agitation independent of these institutions. You prophesied to us, that there should be agitation; and, I am sorry to say, that the truth of that prophecy we have too good reason to acknowledge. But

we are averse to making ourselves participants in it; we are unwilling to lend the sanction and encouragement of the law to the objects which you propose to yourselves. We believe that the institutions of these corporate bodies, if perverted to purposes like this, will, in point of fact, re-constitute in another shape that political ascendancy which we, on our part, are perfectly willing to abandon. Our wish is, with respect to the government of Ireland, to see perfect freedom from civil disability, perfect equality of civil privileges; but we do not deny that our object is to maintain in that country that established religion which we know to have been guaranteed at the time of the Union, and which we believe to be essential to the best interests of Ireland and the Irish nation. We do not, at least, I speaking for myself, do not dissent from this measure from any national prejudice; I do not dissent from it from any hostility which I entertain towards Ireland, but I do dissent from it—and I do intend to exercise the privilege of free judgment regarding it—I dissent from it on the ground that, instead of promoting civil equality it will constitute political ascendancy, instead of giving repose it will insure agitation. Instead of really destroying the monopoly of power and exclusive privileges, it will, under present circumstances, and in the present condition of Ireland, merely operate as a transfer of that monopoly and those privileges from a body which is perfectly willing to resign them, but which protests against their being transferred to others.

Viscount *Howick* said, that at that hour of the night he undoubtedly felt great reluctance in presenting himself to the House, but he hoped that the engagement to which he would bind himself, to adhere as strictly as he possibly could to those parts only of the speech of the right hon. Baronet which bore directly and immediately on the question now before the House, would induce them to allow him to occupy a very small portion of their time. He must be permitted, in the first place, to say one word, and but one word, on the observations made by the right hon. Baronet at the outset of his speech, upon the explanation afforded by the hon. and learned Member for Tipperary, of a speech made by him in Ireland some time ago. The right hon. Baronet had very dexterously endeavoured to show, that

while professing to explain the language imputed to him, the hon. and learned Member did, in fact, admit all that was alleged respecting it. The right hon. Baronet told them that an alliance upon terms was neither more nor less than a compact. He was not going to follow the right hon. Baronet into any verbal criticism, criticism which savours of sophistry; but this he would say, that they all knew perfectly well what was meant by those who used the word "compact;" they knew that they meant to imply that there had been something dishonourable in the terms upon which the support of those Gentlemen who sat in that part of the House was afforded to the present Government. He asserted, however, that their support had been purchased by no promise whatever, by no understanding, secret, implied, or expressed, that the members of the present Government would do any one act in the slightest degree at variance with those principles and with those opinions which they had always professed. He said, that upon the question of the Union, on which they had differed with the hon. and learned Gentleman upon various questions of ecclesiastical policy upon which they had avowed their difference, no compromise whatever, not the slightest even approach to an understanding, had existed between the hon. Gentleman and that part of the House in which he sat, on the one hand, and the Members of the present Government on the other. That being the case, he was at a loss to perceive what disgrace there could be in either giving or receiving an unbought support, on such grounds. But enough, and, perhaps, more than enough, on this subject. He would hasten to consider the question before the House. The right hon. Baronet affirmed, that the question was not whether local government should exist or not. His noble Friend near him having, in his speech of last night, most justly stated that the real question for the House now to decide was, whether Ireland should have the advantages of local self-government or not, the right hon. Baronet boldly met him upon that ground, and said that was not the question. Upon what grounds did the right hon. Baronet rest that assertion, which was so much at variance with what must, at first sight, appear to be the plain interpretation of the provisions contained in the amendments of the House of Lords? The right hon. Baronet

had two reasons for the assertion; in the first place, that it was not like local government to impose upon twenty-one towns, whether they liked it or not, the provisions of the Act 9th Geo. 4th; and in the next place, that the question had not been correctly stated by his noble friend, because municipal institutions were not necessary for good local government. These were the two arguments on which the right hon. Baronet mainly rested his assertion. [Sir Robert Peel—Not exactly.] The right hon. Baronet seemed to deny what he had said, but it was in the recollection of the House whether the right hon. Baronet had not stated explicitly that he denied the position of his noble Friend, and followed it up, by showing in considerable detail that in his opinion it was inconsistent with the principle of self-government to enforce in these great towns the adoption of the statute 9th George 4th. [Sir Robert Peel again expressed his dissent.] The right hon. Baronet would by and by have an opportunity of explanation, but in the mean time, he would venture to argue on the right hon. Baronet's assertion, as he himself had understood it, and as he believed the House had understood it. The right hon. Baronet certainly had said, that it would be more in conformity with the principle of allowing them to manage their own affairs to give them the option of adopting the provisions of that Act, or of dispensing with them. He believed that now, at least, the right hon. Baronet would admit, that he had correctly stated his argument. Let them, then, consider how the fact really stood. What was the ground on which his noble Friend proposed that those towns should not be left free to choose for themselves? It was simply this—that there being in existence at the present moment Corporations which exercised various functions, which had various officers, and were in the possession of considerable property, it was absolutely necessary that at the time of abolishing these bodies some provision or other should be made for the discharge of those duties now performed by them. His noble Friend, and hon. Members on his side of the House, had insurmountable objections to the appointment of Crown Commissioners for that purpose. It was, therefore, absolutely necessary that they should decide either for or against the principle of self-government—in the one

case, either by rendering necessary the adoption of the 9th of George 4th by enacting that municipal affairs should be placed under the management of persons elected by the inhabitants; or, on the other hand, by recognizing that sort of government in which the persons interested had no share, by the appointment of Commissioners. Now it happened, curiously enough, if he were not much mistaken, that during the discussion of the English Municipal Reform Bill last Session, the right hon. Baronet presented a petition from the borough for which he was Member, the prayer of which was, that that town should not be included among those to which the provisions of the Bill were to be applied; and if he had not entirely forgotten what passed at that time, the right hon. Baronet had distinctly stated, that he did not expect the House to concur in the prayer of that petition; and that he did not think it reasonable, that in deciding upon a general measure, they should allow the provisions to be rendered partial or incomplete by consulting the wishes of each individual town. He believed that had been the argument of the right hon. Gentleman, and, upon the same principle, in corporation towns of Ireland, when they were driven to the alternative of allowing them to elect Commissioners to manage their affairs, or to place them under the management of the Crown, he would say that they should elect their own Commissioners. The other argument of the right hon. Baronet was, that municipal institutions were not necessary to local government. The right hon. Baronet had accounted for this by telling the House that Manchester was as near Liverpool as Dublin was. He was surprised to hear an argument which bore upon its very face so obvious and palpable a fallacy, from a Gentleman so distinguished in that House as the right hon. Baronet. He contended that local government in the sense in which his noble Friend used the expression, that was, local government by the parties themselves who were interested, did necessarily imply either municipal institutions, or something analogous to them. The right hon. Baronet said, that municipal institutions were not universal in England. He maintained that they were; at least, either municipal institutions, or something analogous to them. With re-

gard to boards of management, where Corporations now existed, the ground was not left free from municipal institutions of this description; the Corporations performed certain duties that invaded the functions discharged at Manchester, by Local Boards, and prevented any opening for similar institutions. The right hon. Baronet had pressed on the House the case of Dublin. If that city had no property, its affairs might be managed satisfactorily without a Corporation, by some such machinery as Manchester. At the same time he must be permitted to express a doubt, and, if he were not mistaken the right hon. Baronet had last year expressed the same doubt, whether the affairs of Manchester would not have been far better managed than they had been—whether the local government of the country would not have been greatly improved, had it possessed for some time back a well-organised corporate system, in the strict sense of the term. By abuses in the old corporations the institution had been rendered odious to the people, and it required some time to eradicate the hatred which those abuses had excited. Where Corporations existed, it was absolutely necessary that the management of their affairs should be transferred to some other hands. He would ask the right hon. Baronet if the case of Manchester presented any parallel to the indignity which would be offered to the citizens of Dublin by taking out of their control the 34,000*l.* of corporate property now belonging to them, and giving it to the Commissioners appointed by the Lord-Lieutenant? Was the case of Manchester at all analogous to such an outrage as that? If the right hon. Baronet could have shown that that town possessed large property, and that its inhabitants were not allowed to elect by free and unbiassed voice the managers of that property, but that, on the contrary, his noble Friend, the Secretary of State, sent down any body he pleased to dispose of it, and to administer municipal concerns, then indeed the parallel might have some force. That not having been proved, the right hon. Gentleman's case entirely broke down, and the instance of Manchester, adduced by the right hon. Gentleman, was decidedly favourable to his argument. The right hon. Baronet had, with that cautious dexterity which he well knew how to employ in a difficult case, glided

over some of the provisions of the Bill. Did the right hon. Baronet forget that it not merely changed the management of corporate property to Commissioners nominated by the Crown, but that it enabled the existing members of those close and rotten Corporations which they were about to abolish, where they happened now to be, by virtue of their office, members of Local Boards, to continue in those situations? He (Lord Howick) had seen a letter printed and circulated among the Members of that House by a gentleman who was a native of Ireland, Mr. French, which stated the dues annually levied in the city of Cork at these sums;—corn-market rate, 2,700*l.*; wide-street rate, 8,000*l.*; pipe rate, 1,500*l.* The management of all this revenue, and of the other important business of the town, would, under the provisions of the amended Bill, be confided not to persons under local Acts, but to at least a large proportion of the members of the present Corporations. It was true, that members of the existing Corporations frequently acted jointly with members chosen by the citizens, or trustees appointed in various modes; but in all those cases the old Corporations were constituted by an Act of Parliament joint managers of these concerns; and the right hon. Baronet, instead of allowing the citizens to succeed to that management, held by those who only derived their title to it from faction, would actually confer such offices in every borough on the existing holders of them. If any thing like this had been proposed last year in the English Bill—if it had been proposed that the defunct Corporation of Liverpool should remain in the situation of trustees for the docks and other vast establishments in that town—if any provision of that kind had been introduced in the Bill of last session, if they had virtually continued Corporations while they nominally abolished them, how would it have been received by the people of England? The question before the House was simply whether the large and flourishing towns of Ireland were to be intrusted with the management of their own concerns. There was no longer any pretence for the various arguments advanced, when the measure was first brought before the House. They had been told that they ought not to interfere with the administration of justice; that Belturbet and Middleton were insig-

nificant towns; and that the provisions of the Bill would be extended to many others equally trifling. Any one who had listened to the right hon. Baronet's speech would have gone away under the impression that the English Bill had proposed to place the administration of justice in the hands of persons popularly elected. So far was that from being the case, that it was expressly and repeatedly stated, that they proposed to take all the duties connected with the administration of justice out of the hands of persons chosen in this way; and the only point on which a difference on that subject existed, was the one comparatively trivial question of the appointment of police. There was an end, then, of this objection. He well remembered the appalling picture which the glowing eloquence of the right hon. Baronet had drawn, on the second reading of the Bill, of the consequences which would flow from the supposed enactments on this head, and how he had alarmed the imagination of the House by the misery and oppression he had represented as likely to result from them. But that picture was not a representation of the facts. It was proposed to deprive the towns of Ireland of the direction and control of their own affairs; and the grounds for the proposition were stated with more of candour than of a prudent or conciliatory spirit. He had asked the right hon. Baronet distinctly and pointedly, if he adopted the declaration made by a distinguished member of his party, if that was his reason for supporting the amendments of the Lords. It struck him, and he believed it must have struck the House, that the right hon. Gentleman had carefully and studiously avoided returning a direct answer. The right hon. Gentleman had indeed declared that he was not influenced by any national prejudices. They had been told, that it was childish to think of giving English institutions to Ireland, because they were now legislating for a country three-fourths of whose inhabitants were aliens from us in blood, aliens from us in religion, differing from us in language, and longing for an opportunity to throw off our yoke. Now it did not follow, even supposing the right hon. Baronet to concur in this description of the Irish people, that he felt towards them any national antipathy. It was quite conceivable that a humane and benevolent conqueror might be perfectly aware that

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feelings were entertained by his subjects, and yet bear no enmity against them, and he could not help thinking, from the right hon. Baronet's argument, that feelings analogous to these existed in his breast. The right hon. Gentleman, he knew, felt nothing like national antipathy; he was sincerely desirous of obtaining what he considered the welfare and prosperity of Ireland; but he had not disavowed an opinion he was sorry to hear from such high authority, that for the welfare of that country legislation must be conducted, not upon the principles of a free constitution, but upon those alone which were applicable to a conquered and degraded country. Why was it that the right hon. Gentleman was so much afraid of lodging power in the hands of the people of Ireland, except he really in his heart believed, though far too cautious to have avowed it in such plain and direct language as was used by another, that the Irish people must be governed by the stern means of compulsion, and were to be debarred from the right of self-government? Let the right hon. Baronet beware how he adopted such a theory of legislation; let him remember that, by avowing distrust and suspicion, he would very speedily arouse in the bosoms of Irishmen those feelings which he had shown to pervade his own. If we treated Ireland as if she were kept in subjection only by violence, as if we feared and distrusted her, we should soon have ample cause for that fear and distrust, and she would be indeed reduced to the condition of a conquered province, watching with jealous solicitude every opportunity of throwing off the yoke. In the first moment of danger and distress, when the first cannon-ball was fired against England, we should have much cause to rue conduct so ungenerous. The right hon. Baronet knew, that even if he wished it, he could not act consistently upon such principles. He could not deprive the Irish people of those rights with which the English Constitution had invested them; he could not prevent them from exercising their privilege of freely electing their representatives in that House; he could not interdict them from the right of meeting in public and petitioning the Legislature; and, when the right hon. Baronet spoke of agitation, he would ask him which was most to be feared, that of the town-council of Dublin, or that of the Corn-Exchange

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with the hon. and learned Member for Kilkenny, armed with this most exciting and dangerous topic, a deprivation of municipal institutions? The hon. Member might tell his countrymen, "the injury was inflicted because you are aliens from England; it was on that principle that the Imperial Parliament legislated, and I am here to call on you to vindicate your country from the insult and the wrong which has been heaped upon it." Establish local councils, and peace and quiet would follow. Men's minds would be occupied by the management of the corporate property, and the regulation of municipal affairs. They would practically experience the value of subordination and concord, and acquire all the virtues necessary for the full enjoyment of free institutions. The plan of the right hon. Baronet appeared to him to concede to the people of Ireland all those powers which would enable them, if so disposed, to injure and weaken England; and yet it would have the effect of embittering their minds, and provoking them to abuse the boon. The right hon. and learned Gentleman opposite said, that Ireland needed only domestic repose and rational liberty, security for person and property. He would ask the right hon. Gentleman how it happened that Ireland actually reckoned those blessings among those which she wanted, instead of, as in this country and Scotland, among those which she possessed. It was because the people of Ireland had been for centuries treated as aliens in blood. It was in the present state of Ireland that they were reaping the bitter fruits of that very principle of legislation, and he called on them, if they wished to see a better state of things arise, if they wished to see Ireland gradually raised to an equality with this country in civilization, in prosperity, and in tranquillity, to show her that they trusted her, that they had confidence in her, and were ready to extend to her that blessing which in every part of England was now enjoyed—the management of their own local affairs.

Mr. O'Connell entreated the House to bear with him, since, though he was extremely unwilling to trespass on their attention, yet he did not know that he could properly avoid it. He might have an appeal to make to the people of England, and he could not make that appeal to them without having first tried what he could do in the House. It might be little, but he was the advocate of his country, and it was his duty to make an appeal to that

House in the first instance. He might be sneered at, but he demanded justice for Ireland. The Lords presumed to sneer at him when he mentioned the word, but he must have justice for Ireland, and they might sneer at him as they would. Scotland had municipal reform, England had municipal reform; and yet they presumed to refuse it to Ireland. What cared he what pretext they made? He cared for none they had: the right hon. Baronet (Sir Robert Peel) had not one remaining. He gave them an anachronism instead of a speech: he pronounced a discourse that would have been very applicable when he resisted the Municipal Reform Bill of the last session. It would not have been prudent in the right hon. Baronet to have insulted the people of England with such a speech, for then there would have been little chance of his future restoration to office; but the right hon. Baronet now hoped to get back to place by trampling upon the people of Ireland, and by rearing up again that ascendancy which through the right hon. Baronet's instrumentality and assistance the people of Ireland had put down. He appealed to the House for justice to Ireland. England had reformed corporations; Scotland had reformed corporations; Ireland had applied for reformed corporations; the House of Commons had granted her application; the House of Lords had refused it, and the collision had at last arrived. It was an advantage undoubtedly to destroy the present Irish Corporations; but destroying them, and telling the people of Ireland that they had no materials for re-constructing Corporations among them, did they not draw a contrast between the people of Ireland and the people of Scotland and England much to the credit of those two countries, and much to the degradation of the people of Ireland? The collision had come. The House of Commons had determined that the Irish should not be degraded. The House of Lords had determined that they should be degraded. Be it so. It was said, that as soon as the House of Commons was reformed, it would seek a quarrel with the Lords; that the influence of the democratic principle would be so great and powerful, that the Members representing the democratic part of the community would anxiously seek for a collision with the other House of Parliament, and would thus make another revolution necessary. That prophecy had been completely falsified. The House of Commons had been forbearing in

the extreme—in order to avoid a quarrel, it had exhibited too great humility to the House of Lords, and it had therefore been insulted by that House, and absolutely defied to the collision. The Bill sent up to the Lords was a Bill for destroying all the Corporations which had abused their trusts, but it was also a Bill for reconstructing them on a plan which would have let into them all sects and classes of the people. That plan would not have let in the Catholics of Ireland and kept out the Protestants. That plan was founded on the principle of property. That plan gave to property municipal functions, and as the Protestants of Ireland possessed the greater part of the property of Ireland, the Bill founded on that plan was a Protestant Bill. The House of Lords, however, had declared that the people of Ireland were not competent to manage their own affairs. They had therefore altered the Bill, had substituted for the reconstructed Corporations a Board of Commissioners, and had taken care to preserve the worst part of the existing Corporations for the management of charitable and all other trusts—for, though the House might not be aware of it, there was a clause in the Bill by which those persons who were now mayors, aldermen, or sheriffs should, from the 1st of January next to the end of their natural lives, be trustees for every charity under the management of the defunct Corporations. [No, no.] He said yes, yes. But why did he enter into these details? [Read.] He would make those who cried “read, read,” a present of the clause. He believed that some of those who cried out “read, read,” raised that cry because they did not know how to read themselves, and wanted him to perform that task for them. There could not be the least doubt that the alterations made by the House of Lords in the Bill sent up to them by the Commons, had been made for the purpose of placing the people of Ireland in a most insulting position. Had he seen it written by any man—had he heard it said by any man, that the people of Ireland were aliens to the people of this country in blood, in language, and in religion? Had any man had the inconceivable atrocity to use that language respecting his countrymen? If any man had been guilty of that audacity, depend upon it, he would also have the unparalleled meanness to deny it. Sorry was he to say it, but he had heard with his own ears those expressions used by a noble and learned Lord, and so, too, had twenty-five hon. Gentlemen, whom he saw at that

time sitting near him. Those expressions, unfortunately, formed the basis of the legislation of the House of Lords. It might, perhaps, be thought that some Irish agitator had hired the noble and learned Lord to use that taunt, to employ that language. He did not know that such was the case; but had he hired the noble and learned Lord to labour in the work of agitation, the noble and learned Lord could not have used expressions which would serve an agitator's purpose better. There was no covert taunt in them—there was no hypocrisy in them—there was no plausible pretence about them. The person who used them had intended to insult the people of Ireland, and he had insulted them; and yet when the right hon. Baronet was asked, and pointedly asked too, whether he had adopted the same sentiments, he would not state explicitly whether he had or not. The leader of his party in the House of Commons was too discreet a Gentleman to quarrel with the leader of the same party in the House of Lords. He beat about that declaration, and he beat around it; but he took good care not to mix himself up with it; and yet it was upon that self-same declaration that all the legislation of the right hon. Baronet in the present instance was founded. And then hon. Gentlemen, and right hon. Gentlemen talked to him of the fifth article of the Act of Union guaranteeing the preservation of the Church of Ireland. Did that article say that the union between the two countries should not be an union of mutual interests and rights? He had repeatedly declared his opinion on the subject of that union. It was an union hatched in fraud, and brought forth in blood, for which a rebellion was first fomented, and afterwards made to explode, in order that in the weakness of national distraction an unprincipled faction might put down the national liberties. An equalisation of civil rights was promised; and it took the Irish twenty-nine years of agitation to extort the performance of that promise, and the very first opportunity that the House of Lords had to render that performance nugatory, it gladly seized on it, in order to make an insulting distinction between the Catholics and Protestants of Ireland. The two Houses of Parliament had thus come to the collision, and that man was undeserving the name of a statesman who did not look calmly and steadily at the prospect then before him. They had heard the hon. Member for the city of London in the early part of this evening—

and he had none of the warmth and animation of an Irishman about him—but, in the cool language of philosophical abstraction, he this night told the House, “The question which you have now reduced the people of England to the necessity of determining is this—shall the House of Lords continue to be irresponsible to public opinion operating upon them through its representatives in the House of Commons, and shall it continue responsible to nothing but the wild caprice of some of its Members, the indiscreet enthusiasm of others of them, and the national antipathy entertained by a third portion of them against an essential ingredient in your empire?” It was the House of Lords who had raised this question,—it was for the people of England to decide it. Depend upon it the people of Ireland would never submit in quiet to insult. They had submitted for centuries to tyranny, but they would not submit with patience to insults. They would do nothing violent, nothing illegal; they would confine themselves within the limits of the Constitution; they would agitate, agitate, agitate, until Ireland was organized peaceably and legally as it was before; and he trusted that the people of Ireland would have responsive England joining them in the cry of “Justice to Ireland.” He defied the House of Lords to keep from Ireland municipal institutions. They might, indeed, delay the arrival of them, but keep them from the people of Ireland the Lords could not. The noble Lord opposite, too, must have his fling at Ireland, and no wonder, for he hated Ireland, and had injured it too deeply ever to forgive her. He it was who first suggested this legislation of the Lords—the idea of it came first from him, and it was worthy of him. He was delighted that the suggestion was the noble Lord’s; in coming from him it came from the proper quarter; and did he think that Ireland would be reconciled to these amendments of the Lords, because they happened to come from his suggestion? He would not, at that late hour of the night, pretend to go through the arguments by which hon. Gentlemen defended, or rather palliated, this insult to Ireland. It had been said, that this Bill offered no compromise to the Lords. True, it did offer them no compromise, but it offered them what they wanted—a *locus penitentiæ*. If this Bill had compromised any of the principles of the first Bill, no one would have opposed the Government plan more strenuously than he would have done. It had

been well said by an hon. Friend of his, that there was no express understanding between the party with which he acted, and the Government to which that party gave its support; but there was this implied understanding between them—that that support would be withdrawn the very first moment that the Government consented to an insult to Ireland. Why did he support this Municipal Bill? Because it contained no compromise of the original Bill—because it raised a mere question of detail, as to whether thirty-two or fifteen towns required municipal institutions. That was a fit question for future discussion; but if the plan of Government had compromised any principle, it would have been our duty to have opposed the Government, and heartily and strenuously should we have done it. The principle of the Bill had been most ably advocated by two noble Lords, who were members of the Cabinet, and by his right hon. Friend, the Attorney-General for Ireland. He meant what he said when he called that hon. and learned Gentleman his friend; he meant not such friendship as was bandied across over the table by a noble Lord, who hated his noble Friends on this side of the House exceedingly. He was proud of the manner in which his hon. and learned Friend, the Attorney-General for Ireland, had denounced for himself the atrocity of the insult offered to Ireland in the speech of the noble and learned Lord to which he had already adverted. He and his friends stand on a principle. Against that principle the first Member who had broken a lance was the hon. and learned Member for Exeter, the Solicitor-General of the late Administration. He had entered into an examination of the Bill, and by his examination of it had proved that he had never read it, and that he knew nothing of the population of the towns in Ireland to which it was to apply. That hon. and learned Member had said that he was a friend to Ireland. No, he was not; neither was he a friend to England, for everybody knew him to be a Tory to the backbone. The hon. and learned Gentleman was not in Parliament at the time when the Reform Bill was passing through it. He had therefore not spoken nor voted against it. But what had he done when the English Municipal Reform Bill was before the House? He had made speeches against the extension of the franchise granted under it; and he had supported by his vote, if not by a speech, that clause which made the rights to muni-

cipal office depend, not on the worth, not on the intelligence, not on the activity of the individual, nor on the free, open, and unbiassed selection of his fellow-citizens, but on the paltry possession of a paltry sum of money. After him came the hon. and gallant Member for Donegal, who would deny municipal rights to the people of Ireland because they were ignorant. Look at his own speech, and see what a specimen of classical education it presented—what a mirror of literature it was. That hon. and gallant Member had said, that a learned sergeant had gone to Dublin to agitate, in company with two culprits who had been turned out of Kilmainham gaol by the royal clemency, for the express purpose of agitation. He thanked the hon. and gallant Member for reminding him of that circumstance, for it led him to ask for what were those two culprits, as they were called, put into gaol? For having had the insolence to keep the peace—nothing more. They had been indicted for a breach of the peace, and on their trial they produced several police-officers, the magistrates at the head of the police, and the officer commanding the military detachment that day on duty, to prove that they used the most anxious exertions to preserve the peace; and those witnesses proved that fact: and yet these two honourable and respectable gentlemen were convicted. How? By a corporation jury, selected by a corporation sheriff, and by a partisan judge, who presided on the bench. There was a foolish superstition about the sacredness of the ermine on the bench. But had the judge in that case acted with impartiality? No. He had not; and had not Lord Mulgrave said the same? for he had not consulted that learned judge when he determined to extend to those two respectable gentlemen the mercy of the Crown? He thanked the noble and gallant Member for reminding him of that conviction, for it showed better than any other instance which he could recollect what the Corporations of Ireland were. It was rather an extraordinary circumstance that all the speakers on the other side of the House had concurred in describing the Corporations of Ireland at the present moment as exclusive, bigotted, monopolizing, oppressive, and full of every description of abuse and impurity; and yet the right hon. Baronet, who now declared that he would not give reformed Corporations to the Roman Catholics of Ireland, had been toasted and supported by those Corporations, and had complimented and eulogised them in return, when

he was Secretary of State for Ireland. Where was his sense of their impurity and corruption then? The right hon. Gentleman, too, (Mr. Goulburn) who now sat near the right hon. Baronet, as the representative of the learning and piety of the University of Cambridge, had also been Secretary for Ireland. He, too, had borne testimony to the abuses existing in the Corporations of Ireland: and yet he had lifted up his pious eyes to Heaven and had allowed the corruption to go on from year to year uncorrected and unredressed! On a former evening he had seen a batch of four or five ex-Secretaries for Ireland seated close to each other, who had all seen and enjoyed the corruption of the Irish Corporations—who had done nothing in their official capacities to remove it—and who now came forward to write epigrammatic epitaphs upon them, because they were at last about to be consigned to the grave and rottenness which was so congenial with their nature. Then came the hon. and learned Member for Sandwich, who observed that he did not believe one word that he (Mr. O'Connell) said. He thanked the hon. and learned Member for the compliment. The hon. and learned Member had talked about a mountebank. Now, he would tell that hon. and learned Member, that there was no mountebank so amusing as the grave one who spoke dogmatical sentences in oracular tones, and who, with serious face and pompous labour, undertook to prove what everybody knew,—namely that two and two make four. He begged the hon. and learned Member not to believe a word he said. Let him continue to believe himself a very Solomon of patriotism, intelligence, and truth; and with a perpetual grin on his face, from not knowing whether the House was laughing with him or at him, to draw out in solemn tones his tedious truisms. He next came to the speech of the hon. and learned Member for the University of Dublin. That hon. and learned Member was stout enough to be very manly. He recollected right well, that on that hon. Member's offering an insult to his valued friend Mr. O'Dwyer, when Mr. O'Dwyer retorted on him in a becoming manner, the hon. and learned Member said that he was a judge. Yes, he said he was a judge; and as you protected him as a judge, you shall now judge of the value of his testimony. The hon. and learned Gentleman said, that there was no corruption in the Corporation of the city of Dublin. He did not deny that that Corporation was bigotted and

exclusive—he did not deny that it was fitting that it should be put an end to—but he denied that it had been guilty of corruption or of anything like corruption. He should like to know what the hon. and learned Gentleman called corruption. Was the sale of judicial offices corruption? The hon. and learned Gentleman was the keeper of the conscience of the Corporation of Dublin? But before he remarked upon their sale of judicial offices, he would introduce the House to a knowledge of their management of the charities under their control. There was the Blue-coat Hospital. The funds of that hospital amounted to 1,900*l.* a-year, and were left to it for the support of old men and orphans. What amount of salary did the House think that the Corporation of Dublin took for itself out of those funds? Just 975*l.* a-year—that was all. There was, of course, no corruption in that. The hon. and learned Gentleman perhaps never checked the accounts by which 975*l.* was granted in salaries to the Corporation of Dublin for managing the 925*l.* a-year which was left to the old men and orphans dependent upon them, and yet, if he was rightly informed, it was the duty of the hon. and learned Gentleman to have looked strictly into those accounts. He came next to the office of Lord Mayor. The report of the Irish Municipal Corporation Commissioners on the Corporation of Dublin stated, that the Lord Mayor of that city exercised an extensive jurisdiction within it, and was in the habit of farming out to his secretary, for stipulated sums, the fees accruing to him from that jurisdiction. In some years the fees had been farmed out at 350*l.* He was also President of the Court of Conscience, and as such he got 1,200*l.* a-year, thereby becoming, like the Don Fabricio of *Gil Blas*, rich by looking after the affairs of the poor. The Commissioners reported that the practice in this Court had given rise to serious abuses. After stating, that when a cause was once decided it might be rehearsed, the Commissioners used this language,—“In case the defendant wishes to contest the justice of the order, he may do so by a rehearing of the cause. The practice of the Court, as to this power or privilege of rehearing, is very peculiar and extraordinary, and is, we apprehend, too much the result of that pecuniary interest in the increase of business in the Court which all its arrangements give to the judges and officers. If the case is decided in favour of the defendant on the original

hearing, he may take out an order for a dismissal, for which a fee of 8*d.* is charged, but he cannot, on the order, recover this fee, or any fees he may have paid for swearing witnesses. For these costs, if he seeks to obtain them from the plaintiff, he must take out and serve an original summons, with the usual fees, &c. The whole course of these proceedings appears to us to have no useful object whatever in reference to the suitors of the Court, and to tend to no purpose but the encouragement of petty and vexatious litigation, and the consequent increase of emolument to the judges and officers.” This he supposed was no corruption; it was only farming out the fees of a judicial office. If it were an earlier hour of the evening, he would show the manner in which processes were multiplied to increase the amount of fees. It was reported that in the course of the last twenty years the amount of fees in this court of conscience had been doubled. Had the hon. and learned Member for the University of Dublin, during the period he had acted as Recorder of Dublin, ever suggested any remedy for these abuses? If he had done so, the sun had never shone upon his good deeds. Again, there was the office of grand jurors. They exercised control over a taxation amounting upon the average to 30,000*l.* a-year. How did they exercise it? Look at the Report of the Commissioners. Then there were the sheriffs and sub-sheriff. The sheriffs had scarcely any duty to perform save that of farming out the office of sub-sheriff, who collected their fees—and how they were collected the Commissioners had reported at length. [“Question.”] Ay, question. No one cried out now “*Read, read,*” for the subject was too unpalatable, and yet all the time that the hon. and learned Gentleman had been in office, the Recorder of the city of Dublin, who in that House exclaimed, “*fiat justitia, ruat cælum,*” had seen these most corrupt and extortionate practices going on, and, to the best of his knowledge, had done nothing to check them. Nay more, it had been stated to him that the deeds authorising the exaction of the fees in the Sheriffs’ Court had been laid before the hon. and learned Gentleman for perusal, and that he had given them his sanction by not objecting to them. Here he would stop to ask how the hon. and learned Gentleman contrived to get his office of recorder? He had only been five years at the bar at the time, and if he had

ever held a brief in court, it had not fallen within his observation, though he had been daily practising in all the four courts. And yet after that short experience in his profession the hon. and learned Gentleman had been appointed to a judicial office from which he derived an income of more than £,000*l.* a-year. How, he would again ask, had the hon. and learned Gentleman obtained that appointment? By cultivating the passions and bad prejudices of the corporators who elected him. The hon. and learned Gentleman had last night made a speech justifying the House of Lords in withholding Municipal Corporations from the people of Ireland. And why? He would shortly explain the why to the House. The corruption of the Corporation of Dublin was abominable, and the hon. and learned Gentleman had no right to stand up as its exculpator. He had, however, a direct interest in standing up for it in that character, for the reformed Corporation of Dublin, were the facts proved which he had just now stated to the House, would have a right to ask it this question—"Shall this man continue to be a judge for another hour?" Longer than he was warranted, he had spoken in that House of the impartiality displayed by the hon. and learned Member for the University of Dublin in his character as a judge. When he returned to Ireland, everybody blamed him for the language which he had used in the House of Commons respecting the judicial conduct of the hon. and learned Member; and decidedly he had been in the wrong: for the hon. and learned Member was become a judicial agitator, and that circumstance had made an impression on the public mind against him which nothing could wash away. They had heard, too, the practice of packing corporation juries defended in that House. Now, he asked whether men who avowed that they had been participators in such practices were authorised to tell that House that the people of Ireland were not entitled to enjoy the same institutions with the people of England, and were unworthy to exercise local self-government? What was the reason? Because they were Roman Catholics. Others said, and among them the Member for Yarmouth, that the reason why municipal institutions were to be refused to the people of Ireland was, that that they would give additional influence to him! Alas, poor Gentleman! The plan by which that learned Gentleman would destroy the influence which his countrymen

allowed him (Mr. O'Connell) to exercise over their minds and feelings would augment it tenfold. Another Gentleman had said that the general unfitness of the people of Ireland for self-government was a sufficient reason for this refusal. The right hon. Baronet, the Member for Tamworth, had talked of the old building having been applied to bad purposes, and had objected to rebuilding it, lest when rebuilt it should be applied to the same bad purposes. Others had said, that the Members of the Irish Corporations ought to be Protestants. In reply to that, he said, that from the existing Corporations of Ireland Protestant intelligence, Protestant respectability, and Protestant wealth, were as effectually excluded as Roman Catholic intelligence, Roman Catholic respectability, and Roman Catholic wealth. The detected speculators of the existing corporations were Protestants only in name. They, had, in point of fact, no country and no religion—they had, in fact, nothing but the hope of future plunder to give up—and yet the right hon. Baronet said, "the Protestant Corporations were willing to give up that, over which the Protestant population of Ireland had, in point of fact, no control at all." He had detained the House longer than he had intended, and than he wished. He stood, however, before the House in firm defiance of the injustice of declaring by legislative enactment the inferiority of Ireland. He cared not what sneers were cast, what sentences were drawled out against him, whilst he was performing that duty to his country. He cared not what lawyer was pitted against him, for he would oppose to the utmost every attempt to special-plead away the liberties of Ireland. He stood on the firm and immutable principles of justice. We either have an union with you or we have not. If we have not an union, give us back our national Parliament—if we have an union give us the benefit of it. He thanked the House of Lords for choosing this Bill as the ground of collision with that House. He thanked them for branding the people of Ireland as aliens to it—he thanked them for thus barbing with insult their dart of death. The Lords might have made the collision on a matter of religion, and thus have made another ineffectual attempt to get up a "No Popery" cry; but they had not even had the talent to choose a good ground on which to fight their own battle. They had put their quarrel on the ground of liberty, a ground which was clear and in-

telligible to all. The people of England must, therefore, either proclaim the people of Ireland to be unfit for corporate institutions, or they must join us in the collision, and in that collision the people of the three kingdoms could not be unsuccessful. They might fancy, that though he knew the mind and temper of the people of Ireland, he knew nothing of the mind and temper of the people of England. They were mistaken, for day after day he saw in the calm and deliberate judgment of that people the progress of the question of justice to Ireland, and the necessity of another organic reform. He saw no hope for Ireland without that reform, for the Irish ascendancy party had got the ears of a majority in the House of Lords. When defeated in that House, they talked of another place, in which they were certain of succeeding. They were true prophets. The House of Lords had taken its part; the House of Commons were now doing the same; the people of England would determine between them, and might God defend the right.

Lord Stanley thanked the hon. and learned Member for Kilkenny, in the name of the House, and also in his own name, for having, by the speech which he had just delivered, rendered it unnecessary for him to detain the House longer than a single minute. For the hon. and learned Member—he who for the twentieth time this evening had commented on an expression which he was not prepared to vindicate or concur in—the hon. Member who had commented on what he had been pleased to call the intemperate language of that side of the House—he from whom language had issued respecting that House, which he would not insult it by repeating—the hon. Member from whom he had heard that language come the other day respecting that noble and learned Lord on whose expressions the hon. and learned Member had been that night commenting; the hon. Member whom he had heard, used language which had been reported, but which he would not pollute an assembly of gentlemen by repeating, because he knew that no gentleman could have used it. The hon. Member thus commenting upon an expression, of which he (Lord Stanley) would not be the apologist, used throughout his speech on this question no one argument, no one reason, no one plausibility of argument; for the whole of his speech from first to last had been a tissue of personal attack on one gentleman after another, on

matters wholly unconnected with this Bill, and had been delivered in a tone, and temper, and manner, which he would only say that he should be degrading himself and disgracing the House were he to waste its time in commenting upon. With these observations he should leave the speech of the hon. and learned Member for Kilkenny, and should address himself to a speech delivered in a far different tone by his hon. Friend opposite [*cheers, particularly from Mr. O'Connell*]. He understood the nature of that cheer, and he knew well that the hon. and learned Member for Kilkenny could not believe that private friendship could exist where there was political animosity. Was not that the meaning, he would ask, of the hon. and learned Gentleman's sneer? [*Mr. O'Connell:—I will give no answer.*] He would only say, that his hon. Friends opposite knew him better than the hon. and learned Member did. His hon. Friend opposite, when pressed by the argument, which came forcibly upon him, and forcibly upon the House, with respect to the total alteration made in the Bill then before the House—how it could be called a compromise, he for one could not conceive—his hon. Friend, he said, when pressed by the argument relative to the introduction of that provision into the Bill, which compels a number of towns to take upon themselves the provisions of the Act of the 9th of George 4th, had, undesignedly no doubt, misrepresented it entirely. The argument of his right hon. Friend was this—that it was not like local self-government to impose on those towns Corporations, whether they liked them or not. That was not the argument of the right hon. Baronet. The argument of the right hon. Baronet was this—that of the two principles, that was the least objectionable which left to the people of any particular town to say whether they would or not take on themselves the provisions of a particular Act of Parliament. For in what manner did they who were said to do away with all local and municipal government interfere with the provisions of the 9th of George 4th? What were the provisions of that Act? The most liberal principles and the most extended constituency. It gave the power of levying rates—it made provision for lighting, cleansing, paving, and watching the different towns which thought fit to adopt it. He was not going into the details, but what practically was the difference between the Government and the opposite side of the House? The Government proposed

to compel a certain number of towns to adopt the provisions of that Act, while on the other hand, the Opposition left the Act to be adopted by them at their own discretion. They did not quarrel with it—they did not canvass its provisions, they took it as they found it, and so far from doing away with it, they left every town in Ireland full and unconstrained liberty to avail themselves if they pleased of its various provisions. But his noble Friend said, some provision must be made on the abolition of the Corporations. No doubt, upon that point they too were agreed, but, at the same time, they presumed to think that there might be provisions which would be more acceptable to towns than those pointed out by the Ministerial plan. All parties agreed that the Corporations should be extinguished, and that some body should intervene for the purpose of making those temporary arrangements which might thereby become necessary. They proposed Commissioners to be appointed by the Lord-Lieutenant; but, said his noble Friend, that was an arbitrary principle, which he could not undertake to force upon those towns. Why, they did not propose to force it upon towns. They might perhaps prefer the 9th of George 4th; but if they wished the introduction of Commissioners to enable them to wind up the affairs of their Corporations, they might, under the Lords' amendments, avail themselves of that advantage; that on the one side was the arbitrary, despotic, tyrannical plan, which left towns to their own discretion, and the liberal, comprehensive, and not at all despotic principle of His Majesty's Ministers, which saddled them with all the provisions of a particular Act of Parliament whether they would or not. That was the difference. But his noble Friend said they talked of the Commissioners as being of a temporary character only. Now he had examined the Bill, and he found no provision that, at the end of three, four, or five years, the power of the Commissioners should cease and determine. It was absolutely impossible to fix any such period; but he found throughout the whole frame and machinery of the Bill, provision made that within a short time they should report; that, in fact, they were only *locum tenens* until some further provision were made; they were to report on the state of the funds—the condition of the boroughs—the amount of the property, &c., to the Lord-Lieutenant, to be by him submitted to Parliament for further regulation and control. But his noble Friend asked what had been

done in the case of Liverpool? You continue, said his noble Friend, all the worst parts of the system, because you continue Corporations in office up to a certain time. How long? Permanently? By no means; only until Parliament shall otherwise provide, was the affirmation and provision in each particular case. But if you continued the Corporations, said his noble Friend, the trustees of the docks of Liverpool, what a clamour would have been raised? Why, in point of fact, they did so, until Parliament made provision for a new body. Yet they did not find Liverpool grievously complaining of it; on the contrary, he believed it was on the motion of his noble Friend, the Member for Liverpool (Lord Sandon) that the very provision in question had been adopted. [*Mr. Enart dissented.*] The hon. Gentleman surely did not mean to deny that the object of the Liverpool Docks' Committee was to provide only a temporary body for the management of the docks' estate—that the provisional arrangement last year would terminate at a definite period this year, and that it would be necessary to come to Parliament for its future regulation? The only difference with respect to the charitable trusts under this Bill and the English was, that in the one case, provision was made until a definite day, the first of January, or until Parliament should otherwise provide; and if before a certain period Parliament should not decide, then their management was to rest in the Lord Chancellor; whereas in the other case, the present trustees were continued until Parliament should otherwise provide, and if any vacancy arose, the Chancellor should fill it up, without, however, fixing a particular day for taking the whole management. But he would not weary the House by entering into details; he admitted to his noble Friend opposite, that there was a broad distinction in point of principle between them. He admitted that the House of Lords had adopted the opinion as to principle of the minority, a large, a considerable, and as he believed, no one would venture to dispute, a respectable minority, in point of station and character in that House. The Lords had taken that view of the case. The Commons had taken a different view, and as they were told the collision had already come. But he would not be tempted to revert to the hon. and learned Member's speech, who talked of collision and the dreadful effects which must follow. Nobody could estimate more highly than he did the importance of uni-

formity in principle and practice between the two branches of the Legislature ; but at the same time nobody more highly valued the checks which the Constitution provided in their separate, co-ordinate, and independent existence and privileges for the prevention of crude, rash, and hasty legislation. Fortunately for England, there was in the country, there was in that House, there was in the other House of Parliament, too much good feeling, too much temper, too much sound judgment, too much of a due estimation of the evil consequences that would arise from a collision, which some hon. Gentlemen talked so lightly of, for him to entertain the slightest apprehension upon the subject. The Houses of Parliament had differed before, and might differ still, and the result had been, that each had taken time to consider the resolutions to which it had come, and if one party found they had gone further than the feeling of the country would support, as the other party might yield without going counter to the feeling of the country in the long run—for he did not speak of popular clamour excited in a day—he doubted not on the present, as on every other occasion, the good sense and temper of both Houses would find the means of reconciling their differences. He could not take on himself to say how those differences might be reconciled in the present instance, but certainly it became them to look to that in which they were all agreed. They were all agreed in this—that the present system of Irish Corporations should not continue. They were all sincerely desirous of getting rid of that system of religious and political exclusion which had characterised the Corporations hitherto existing in Ireland. All parties agreed—for there should be no quibbling about who were Destructives and who were Conservatives in this respect,—all parties agreed, and agreed equally, in abolishing altogether the existing Corporations in Ireland. The question was, what were they to substitute in their room for all the different purposes of local government? Of this he was quite sure, if the majority of that House should think fit to reject the amendments made by the Lords in this Bill,—if they should think fit to adhere by their present determination to their former vote upon this subject,—the question, the argument, and the truth, would not suffer even if the delay of another year should interpose between its final consideration and settle-

ment. Was it absolutely necessary that municipal government should be established in all the towns of Ireland? It was, no doubt, difficult to argue this question at all without being subject to the charge of wishing to impose degradation and insult upon Ireland. First of all, it was an insult not to give to every town in Ireland the full extent of franchise enjoyed in England. What, then, had his noble Friend agreed to do already? Of the sixty Corporations which it was proposed to establish under the Bill as first introduced by the right hon. the Attorney-General for Ireland, but eleven or twelve remained, so that practically on fifty of them his noble Friend at once cast the insult without the least compunction. He, however, saw in it no insult at all. [*Loud cheers.*] He contended, that in the present state of affairs in Ireland it would be best for the interests of towns to have no municipal government; not that municipal functions should thereby be abolished, for there was not one of those towns in which it was proposed to confer the corporate franchise to the fullest extent, with the exception of Kilkenny, in which provision had not already been made by law for every kind of essential municipal management. His firm belief was, that the amendments proposed by the House of Lords would in the first place, mark the determination of Parliament to get rid of a great evil; and if the House of Commons would not agree to them, they must lose that advantage. The Lords had gone further, placing the whole property of the Corporations in Commissioners, and for a temporary purpose he would not hesitate to repose the trusts in the hands of his noble Friend opposite, those Commissioners to conduct their functions under checks which rendered particular abuses of corporate property absolutely impossible. There might be objections to Commissioners, but in the mean time they would furnish the best means for collecting information from the most authentic sources, and ascertaining what was the state of the different Corporations throughout Ireland, what the amount of their property, what the feeling of the inhabitants, and enabling them to judge whether at any future period they might with safety, justice, and wisdom, give them any larger measure of corporate privileges. They did not affirm that at no time, and under no circumstances, should Corporations be allowed to exist in Ireland; but merely that under present circumstances and the state of political and religious parties,

in that country, the introduction of those means of good government, which had produced peace and harmony elsewhere, would be there the introduction of the means of discord and turbulence. Thinking thus, they felt themselves bound to adhere to their own opinions, however unpopular they might be in that House or in Ireland. Those on the other side declared they could not be called on to recede from the determination they had already come to in order to agree with the House of Lords; with what face, then, could they call on the minority—the large minority who had adopted his noble Friend's instruction to the Committee, to recede from their determination, not for the purpose of coming to a settlement of the question, but for the purpose of differing from the other House of Parliament? If there were any mode by which this question could be settled by mutual compromise, he for one should gladly avail himself of it. But the principle involved in it was too much to compromise; and therefore if called on to decide, regretting the decision to which the majority of that House had come—regretting still more if that majority felt themselves bound in honour to adhere to it—he must support what in his conscience he believed the peace and welfare of Ireland demanded, and adopt the amendments made by the Lords, which, while doing away with all real grievances and grounds of complaint, secured all corporate property from confiscation or mismanagement, and presented the means of good government to the people, and great practical control over their own interests in every town, under the 9th George 4th, or particular local Acts, which were to be continued in preference to the plan proposed by his Noble Friend.

The House divided on the question that it do disagree with the Lords' Amendments, when the numbers appeared:—
Ayes 384; Noes 232—Majority 86.

List of the AYES.

Acheson, Viscount	Bainbridge, E. T.
Adam, Sir Charles	Baines, Edward
Aglionby, H. A.	Baldwin, Dr.
Ainsworth, P.	Ball, N.
Alston, Rowland	Bannerman, Alex.
Andover, Lord	Barclay, David
Angerstein, John	Baring, F. T.
Anson, G.	Baring, Thomas
Anson, Sir George	Barnard, E. G.
Astley, Sir J.	Barron, H. W.
Attwood, Thomas	Barry, G. S.
Bagshaw, John	Beaulekerk, Major

Bellew, Rich., M.	D'Eyncourt, C. T.
Bellew, Sir P.	Dillwyn, L. W.
Bennett, J.	Divett, E.
Bentinck, Lord W.	Donkin, Sir R.
Berkeley, hon. F.	Duncombe, T. S.
Berkeley, hon. G. C.	Dundas, hon. J. C.
Berkeley, hon. C. G.	Dundas, hon. T.
Bernal, Ralph	Dundas, J. O.
Bewes, T.	Dunlop, J.
Biddulph, Robert	Ebrington, Lord
Bish, Thomas	Elphinstone, H.
Blackburne, John	Etwall, R.
Blake, Martin Jos.	Euston, Lord
Blamire, W.	Evans, George
Blunt, Sir Charles R.	Ewart, W.
Bodkin, J.	Fazakerley, N.
Bowes, John	Fellowes, N.
Bowring, Dr.	Fergus, John
Brady, D. C.	Ferguson, Sir R.
Bridgeman, Hewitt	Ferguson, Sir R. A.
Brocklehurst, J.	Ferguson, Robert
Brodie, Wm. B.	Fergusson, rt. hn. C.
Brotherton, J.	Fielden, J.
Browne, R. D.	Fitzgibbon, hon. B.
Buckingham, J. S.	Fitzroy, Lord C.
Buller, Charles	Fitzsimon, Chris.
Buller, E.	Fitzsimon, N.
Bulwer, H. L.	Fleetwood, Peter H.
Bulwer, Edw. G. E. L.	Folkes, Sir W.
Burton, Henry P.	Forster, Charles S.
Butler, hon. P.	Fort, John
Buxton, T. F.	French, F.
Byng, George	Gaskell, Daniel
Byng, G. S.	Gillon, W. D.
Callaghan, D.	Gisborne, T.
Campbell, Sir J.	Gordon, Robert
Campbell, W. F.	Goring, H. D.
Cave, R. O.	Grattan, J.
Cavendish, hon. C. C.	Grattan, Henry
Cavendish, hon. G. H.	Grey, Sir Geo., bart.
Cayley, Edward S.	Grey, hon. Charles
Chalmers, P.	Grosvenor, Lord R.
Chapman, M. L.	Grote, G.
Chetwynd, W. F.	Hall, B.
Chichester, J. P. B.	Handley, H.
Childers, J. W.	Harcourt, G.
Clay, William	Harland, W. Charles
Clayton, Sir W.	Harvey, D. W.
Clements, Viscount	Hastie, A.
Clive, Edward Bolton	Hawes, Benjamin
Cockerell, Sir C., bart.	Hawkins, J. H.
Codrington, Sir E.	Hay, Sir A. L.
Colborne, N. W. R.	Heathcote, John
Collier, John	Heathcote, O. J.
Conyngham, Lord A.	Hector, C. J.
Cookes, T. H.	Heneage, Edward
Copeland, W. T.	Heron, Sir R. bart.
Cowper, hon. W. F.	Hindley, C.
Crawford, W. S.	Hobhouse, Sir J. C.
Crawford, W.	Hodges, T. L.
Crawley, Samuel	Hodges, T.
Crompton, Samuel	Holland, Edward
Curteis, Herbert B.	Horsman, E.
Curteis, Edward B.	Howard, R.
Dalmeny, Lord	Howard, hon. E.
Denison, W. J.	Howard, P. H.
Denison John E.	Howick, Lord

Humphery, John	Pelham, hon. A.	Tynte, J. K.	Wilde, Sergeant
Hurst, R. H.	Pendarves, E. W.	Verney, Sir H., bart.	Wilkins, W.
Hutt, W.	Philips, Mark	Villiers, Charles P.	Williams, W.
Jephson, C. D. O.	Philips, G. R.	Vivian, Major	Williams, W. A.
Jervis, John	Phillipps, Charles M.	Vivian, J. H.	Williams, Sir J.
Ingham, R.	Ponsonby, W.	Wakley, T.	Wilmot, Sir J. E., bt.
Johnston, Andrew	Ponsonby, hon. J.	Walker, C. A.	Wilson, H.
Johnstone, Sir J.	Potter, R.	Walker, Richard	Winnington, Sir T.
Kemp, T. R.	Poulter, John Sayer	Wallace, R.	Winnington, Capt. H.
King, Edward B.	Power, J.	Warburton, H.	Woulfe, Sergeant
Labouchere, Henry	Poyntz, W. Stephen	Ward, Henry George	Wrightson, W.
Lambton, Hedworth	Price, Sir R.	Wemyss, Captain	Wrottesley, Sir J.
Langton, Wm. Gore	Pryme, George	Westenra, H. R.	Wyse, Thomas
Leader, J. T.	Pusey, Philip	Westenra, hon. J. C.	Young, G. F.
Lee, John Lee	Ramsbottom, John	Whalley, Sir S.	
Lefevre, C. S.	Rice, rt. hon. T. S.	White, S.	TELLERS.
Lemon, Sir C.	Rippon, Cuthbert	Wigney, Isaac N.	Wood, C.
Lennard, Thomas B.	Robarts, A. W.	Wilbraham, G	Stanley, E. J.
Lennox, Lord G.	Robinson, G.		
Lister, E. C.	Roche, W.		
Loch, James	Roche, D.		
Long, Walter	Rolfe, Sir R. M.		
Lushington, Dr. S.	Rooper, J. Bonfoy		
Lushington, Charles	Rundle, J.		
Lynch, A. H. S.	Russell, Lord John		
Mackenzie, S.	Russell, Lord		
Macleod, R.	Russell, Lord Charles		
Macnamara, Major	Ruthven, E.		
M'Taggart, J.	Sanford, E. A.		
Maher, J.	Scott, Sir E. D.		
Marjoribanks, S.	Scott, J. W.		
Marshall, William	Scourfield, W. H.		
Marshall, Henry	Scrope, G. P.		
Maule, hon. Fox	Seale, Colonel		
Methuen, Paul	Seymour, Lord		
Molesworth, Sir W.	Sharpe, General		
Moreton, hon. A. H.	Sheil, Richard L.		
Morpeth, Lord	Simeon, Sir R.		
Morison, J.	Smith, J. A.		
Mosley, Sir O. bart.	Smith, hon. R.		
Mostyn, hon. E. L.	Smith, Robert V.		
Mullins, F. W.	Smith, Benjamin		
Murray, rt. hon. J.	Stanley, hon. H. T.		
Musgrave, Sir R. bt.	Steuart, R.		
Nagle, Sir R.	Stewart, Sir M. S. bt.		
North, Frederick	Stewart, P. M.		
O'Brien, Cornelius	Strickland, Sir G.		
O'Brien, W. S.	Strutt, Edward		
O'Connell, D.	Stuart, Lord D.		
O'Connell, J.	Stuart, Lord James		
O'Connell, M. J.	Stuart, V.		
O'Connell, Morgan	Surrey, Earl of		
O'Connor Don	Talbot, C. R. M.		
O'Ferrall, R. M.	Talbot, J. Hyacinth		
Oliphant, Lawrence	Talford, Sergeant		
O'Loghlen, M.	Tancred, H. W.		
Ord, Newcastle	Thompson, Paul B.		
Oswald, James	Thompson, Colonel		
Paget, Frederick	Thomson, C. P.		
Palmer, General	Thornley, T.		
Palmerston, Lord	Tooke, W.		
Parker, John	Townley R. G.		
Parnell, Sir H.	Tracey, Charles H.		
Parrott, Jasper	Trelawney, Sir W.		
Pattison, J.	Troubridge, Sir E. T.		
Pease, J.	Talk, C. A.		
Pechell, Capt. R.	Turner, William		
		Agnew, Sir A.	Cole, Viscount
		Alford, Lord	Compton, H. C.
		Alsager, Captain	Conolly, E. M.
		Arbuthnot, hon. H.	Cooper, E. J.
		Archdall, M.	Coote, Sir C. C., bart.
		Ashley, Lord	Corbett, T.
		Ashley, hon. H.	Corry, hon. H. T. L.
		Attwood, M.	Crewe, Sir G.
		Bagot, hon. W.	Dalbiac, Sir C.
		Bailey, J.	Damer, D.
		Baillie, H. D.	Darlington, Earl of
		Baring, F.	Dick, Q.
		Baring, H. Bingham	Dottin, Abel Rous
		Baring, W.	Dowdeswell, W.
		Barnby, John	Duffield, Thomas
		Bateson, Sir R.	Dugdale, W. S.
		Beckett, Sir J.	Dunbar, George
		Bell, Matthew	Duncombe, hon. A.
		Bentinck, Lord G.	East, James Buller
		Beresford, Sir J. P.	Eastnor, Viscount
		Bethell, Richard	Eaton, Richard J.
		Blackburne, I.	Egerton, Wm. Tatton
		Boldero, Henry G.	Egerton, Sir P.
		Bolling, Wm.	Egerton, Lord Fran.
		Bonham, R. Francis	Elley, Sir J.
		Borthwick, Peter	Elwes, J.
		Bradshaw, J.	Entwisle, John
		Bramston, T. W.	Estcourt, Thos. G. B.
		Brownrigg, J. S.	Estcourt, Thos. S. B.
		Bruce, Lord E.	Fancourt, Major
		Brudenell, Lord	Fector, John Minet
		Bruen, F.	Feilden, W.
		Buller, Sir J.	Ferguson, G.
		Campbell, Sir H.	Finch, George
		Canning, Sir S.	Fleming, John
		Cartwright, W. R.	Forbes, William
		Castlereagh, Viscount	Forester, hon. G.C.W.
		Chandos, Marquess of	Freshfield, J.
		Chaplin, Col.	Gaskell, J. M.
		Chapman, Aaron	Geary, Sir W. R. P.
		Chichester, A.	Gladstone, Wm. E.
		Chisholm, A.	Gladstone, Thomas
		Clive, Viscount	Glynne, Sir S. R.
		Clive, hon. R. H.	Goodricke, Sir F.
		Codrington, C. W.	Gore, O.
		Cole, hon. A. H.	Goulburn, hon. H.

List of the NOES.

Goulburn, Sergeant
 Graham, Sir J.
 Grant, hon. Colonel
 Greene, Thomas
 Greisley, Sir R.
 Grimston, Viscount
 Grimston, hon. E. H.
 Hale, Robert B.
 Halford, H.
 Halse, James
 Hamilton, G. A.
 Hamilton, Lord C.
 Hanmer, Sir J. bart.
 Hardinge, Sir. H.
 Hardy, J.
 Hawkes, Thomas
 Hay, Sir J., bart.
 Hayes, Sir E. S., bt.
 Henniker, Lord
 Herries, rt. hn. J. C.
 Hill, Lord Arthur
 Hill, Sir R. bart.
 Hogg, James Weir
 Hope, Henry T.
 Hotham, Lord
 Houldsworth, T.
 Hoy, J. B.
 Hughes, Hughes
 Irtou, Samuel
 Jackson, Sergeant
 Jermyn, Earl of
 Inglis, Sir R. H., bt.
 Johnstone, J. J. H.
 Jones, W.
 Jones, Theobald
 Kearsley, J. H.
 Kerrison, Sir Edward
 Ker, David
 Knight, H. G.
 Knightley, Sir C.
 Law, hon. C. E.
 Lawson, Andrew
 Lees, J. F.
 Lefroy, Anthony
 Lefroy, Sergeant
 Lewis, Wyndham
 Lincoln, Earl of
 Longfield, R.
 Lowther, Col. H. C.
 Lowther, Lord
 Lowther, J.
 Lucas, Edward
 Lushington, S. R.
 Lygon, hon. Col. H. B.
 Mackinnon, W. A.
 Maclean, D.
 Mahon, Lord
 Manners, Lord C.
 Mathew, Captain
 Maunsell, T. P.
 Maxwell, H.
 Meynell, Captain
 Miles, Wm.
 Miles, Philip J.
 Miller, Wm. Henry
 Mordaunt, Sir J., bt.
 Neeld, J.

Neeld, Joseph
 Nicholl, Dr.
 Norreys, Lord
 Owen, Sir J., bart.
 Owen, Hugh
 Packe, C. W.
 Palmer, Robert
 Palmer, George
 Parker, M.
 Patten, John Wilson
 Peel, Sir R. bart.
 Peel, Colonel J.
 Peel, rt. hon. W. Y.
 Pemberton, Thomas
 Penruddock, J. H.
 Perceval, Colonel
 Pigot, Robert
 Plumptre, J. P.
 Plunkett, R.
 Polhill, Frederick
 Pollen, Sir J., bart.
 Pollington, Viscount
 Pollock, Sir Fredk.
 Powell, Colonel
 Praed, James B.
 Praed, W. M.
 Price, S. G.
 Price, Richard
 Rae, Sir Wm., bart.
 Reid, Sir J. Rae
 Richards, J.
 Ross, Charles
 Rushbrook, Colonel
 Russell, C.
 Ryle, John
 Sanderson, R.
 Sandon, Lord
 Scarlett, hon. R.
 Scott, Lord J.
 Shaw, F.
 Sheppard, T.
 Sibthorp, Colonel
 Smith, A.
 Somerset, Lord E.
 Somerset, Lord G.
 Stanley, Edward
 Stanley, Lord
 Stormont, Lord
 Stuart, Henry Chas.
 Tennent, J. E.
 Thomas, Colonel
 Thomson, Ald.
 Trench, Sir Frederick
 Trevor, hon. Arthur
 Trevor, hon. G. R.
 Twiss, H.
 Tyrrell, Sir J.
 Vere, Sir C. B., bart.
 Vernon, Granville H.
 Vesey, hon. Thomas
 Vivian, John Ennis
 Wall, Charles Baring
 Walpole, Lord
 Walter, John
 Welby, G. E.
 West, J. B.
 Weyland, Major

Whitmore, Thos. C.
 Wilbraham, hon. B.
 Williams, Robert
 Williams, T. P.
 Wodehouse, E.
 Wood, Colonel
 Wortley, hon. J. S.
 Wyndham, Wadham

Wynn, rt. hon. C. W.
 Yorke, E. T.
 Young, J.
 Young, Sir W.

TELLERS.

Clerk, Sir G. bart.
 Fremantle, Sir T. W.

Paired off.

FOR.

Hallyburton
 O'Connell, M.
 Tynte, Colonel
 Speirs
 Finn
 Wilkes
 Wood, M.
 Dobbin, L.
 Ponsonby, J.
 Edwards, Colonel
 Williamson, Sir W.
 Gully
 Hume, J.
 Buckingham
 Roebuck, J.
 Guest, J.
 Scholefield

AGAINST.

Mandeville, Viscount
 Sinclair, Sir G.
 Peel, Colonel
 Bruce, Cumming
 Bruen, Colonel
 Hanmer, Colonel
 Noel, Sir G.
 O'Neil, General
 Ossulston, Lord
 Marsland, J.
 Smith, J. A.
 Smythe, Sir H.
 Follett, Sir W.
 Davenport
 Rickford
 Wynn, Sir W. W.
 Duncombe, W.

SIR FREDERICK TRENCH AND MR. WASON.] *The Speaker*: In consequence of the Report which was read at an early period of the evening by the hon. Member, the Chairman of the South Durham Railway Committee, of a circumstance of a personal nature which had taken place in the morning, whilst he was attending on that Committee, between the hon. and gallant Member for Scarborough and the hon. Member for Ipswich, I deemed it my imperative duty to call on the hon. and gallant Member shortly after he had taken his place, to give his assurance that, as far as he was concerned, no further steps in the matter should be taken until both hon. Members were before the House. The hon. and gallant Member stated, that he had put himself in a position which did not require, he apprehended, any further step on his part relative to the dispute which had occurred between himself and the hon. Member for Ipswich. Anticipating the arrival in his place of the hon. Member for Ipswich at some subsequent period of the evening, I thought proper, until then, to let the affair rest, with the view of requiring from both the hon. Members the full assurance which the House had a right to expect, and which, for the sake of its honour and integrity, and the perfect freedom of its discussions, it has ever been its custom to demand on such occasions. As, however, the hon. Member

for Ipswich has not since made his appearance, and as the hon. and gallant Member for Scarborough, in obedience to the order of the House, is in attendance in his place, I must, in expression of the feeling of the House, now call upon that hon. and gallant Member to give it the most unqualified assurance that he shall not, with reference to the dispute which occurred between himself and the hon. Member for Ipswich, deem himself at liberty to entertain or enter upon anything of a hostile nature, whether emanating from himself or from the other hon. Member. I trust that the hon. and gallant Member will at once see the propriety and the necessity of giving the required assurance.

Sir Frederick Trench said, that he felt himself placed in a most painful situation. In obedience to the Speaker's order he now attended in his place, and he had already stated that he would take no further notice of the matter. He had manifested no hesitation in giving that assurance, because he believed that he had already stated, that he stood in that position which did not render it necessary for him to take any further steps. Having done thus much, he appealed to the Chair, and to every hon. Member present, whether he ought to be called upon to give any further assurance. What the intentions of the hon. Member for Ipswich (who was not in his place) were, he knew not, but he hoped to be allowed to state shortly to the House the circumstances out of which the matter had arisen. [No, no.] He should yield to the opinion expressed by the House, and not enter into any detail. He, however, thought it extremely hard upon him to be placed, in the absence of the hon. Member for Ipswich, in the situation which the right hon. Gentleman in the Chair required.

Lord John Russell said, that the House could not, according to previous practice, rest satisfied with less than the assurance now required from the hon. and gallant Member. The absence from his place of the hon. Member for Ipswich could not alter the case, and unless the hon. and gallant Member opposite (Sir F. Trench) gave the assurance required of him by the Speaker, the only course left was to move the committal of the hon. and gallant Member into the custody of the Sergeant-at-Arms. He trusted, however, that the hon. and gallant Member would obey the instructions so properly given him from the Chair.

Mr. Williams Wynn said, there could

be no doubt that the House had a right to expect from the hon. and gallant Member for Scarborough an entirely unlimited, unrestricted, and unconditional assurance that all proceedings in the matter were at an end and that nothing further should take place.

The Speaker: I must once again call on the hon. and gallant Member for Scarborough to give the assurance which the House expects from him.

Sir Frederick Trench expressed his regret that he could not do so. He was surrounded by many Members of the Committee, who concurred with him in thinking that he was right in the position he had taken with respect to the question which had been submitted to their consideration. He knew not, he repeated, what the intentions of the hon. Member for Ipswich were, but he could state, that the hon. Member for Northallerton had told him that he had reasoned with the hon. Member for Ipswich upon the matter, and that the hon. Member for Ipswich had said he would take no steps until to-morrow morning, when an explanation might take place. In this the hon. Member for Northallerton could, if he were present, corroborate him. He (Sir F. Trench) was ready to pay on this, as on all occasions, every respect to the Chair, but he would rather incur the displeasure of the House than risk his own self-condemnation.

Lord John Russell observed, that after what had fallen from the hon. and gallant Member, there remained no other step than to place the hon. and gallant Member under restraint. He should therefore move that Sir F. Trench be now taken into the custody of the Sergeant-at-Arms.

The Speaker put the question.

Mr. Ingham said, that it had been understood by him and other Members of the Committee, that the misunderstanding which had taken place between the hon. and gallant Member for Scarborough and the hon. Member for Ipswich had originated in error, and he therefore thought that the matter ought now to be terminated, especially as the hon. and gallant Member for Scarborough had since heard nothing further from the hon. Member for Ipswich. He thought the affair might be terminated with honour to both parties, by the hon. and gallant Member conceding, and in expressing that opinion, he believed he was only giving utterance to the sentiments of the whole of the Committee.

The question was agreed to, and Sir F. Trench was taken into custody.

Lord Starmont moved that the hon. Member for Ipswich (Mr. Rigby Wason) should be taken into the custody of the Sergeant-at-Arms.

Motion agreed to.

HOUSE OF LORDS,

Monday, June 13, 1836.

Minutes.] Petitions presented. By Viscount MELBOURNE, from Cambridge, against the introduction of a Clause in the Municipal Corporations' Act appointing the Vice-Chancellor for the time being a Magistrate of the Borough.

THE APPELLATE JURISDICTION.] On the motion of the Lord Chancellor, the Order of the Day for the second reading of the Court of Chancery Bill was read.

The Lord Chancellor then said, that although in point of form he was under the necessity of moving the Order of the Day for the second reading of the first of the two Bills which he had lately introduced, yet their Lordships would probably think it convenient that the two Bills—the one for the better administration of justice in the Court of Chancery, and the other respecting the appellate jurisdiction of their Lordships' House, and of the Privy Council, should be discussed as one measure. In point of fact, they depended one upon the other, and the arguments which applied to the one would apply of necessity very much when discussing the other. Before he said anything upon the merits of these two measures, he had to state to their Lordships, that on going into committee he intended to propose an alteration in the structure of the first of these two Bills. As it was printed, it correctly represented what it was his object to attain; but it fell short in regard to the machinery for carrying that object into effect. The Bill declared that their Lordships' House should, notwithstanding any prorogation or dissolution of Parliament, be at liberty to attend to the judicial business of the House. As far as the point of dissolution was concerned, although upon principle it rested upon the same ground which justified the measure with regard to a prorogation of Parliament, yet, as the time it would save would be so short, and at such distant periods, it did not appear worth while to leave the measure open to an objection on that score. In order, therefore, to reconcile their Lordships to the measure, he intended to leave out that clause of the Bill relating to a dissolution, and to confine it to the case of a prorogation of Parliament. So confined, the Bill would require some ma-

chinery to carry it into operation: What he should propose in Committee was, that after a prorogation, it should be lawful for his Majesty, by royal proclamation, to summon their Lordships to meet for the purpose of hearing appeals and writs of error only; and that it should be lawful for his Majesty to discontinue that sitting whenever he pleased, and again to summon the House during the prorogation for the like purpose. He would now state upon what grounds he called upon their Lordships to assent to the second reading of the Bill. Before he did so, however, he must express his regret at finding that the returns which had been made to assist their Lordships in the consideration of this subject had been in many respects erroneous. He believed those errors had arisen from the fact of several officers having been employed to make out the returns, and that they had not all followed the same principle in the investigations which had been intrusted to them. He had, however, the satisfaction of saying that, so far as they related to the deductions which he had made on a former occasion, from the returns laid before their Lordships, the returns themselves were correct, and that, therefore, no error in the returns would affect the conclusions he had then drawn from them. There was, however, one error which he much regretted, inasmuch as it would appear from the returns, that there was an arrear of appeal cases in 1834, whereas, in point of fact, there was little or no arrear at that time. The return, if not corrected, would show that the result of the unparalleled exertions of his noble and learned Friend, whose absence he had still to lament, was not to reduce the arrears, whereas, in point of fact, he had reduced them to nothing or nearly so. Their Lordships would recollect that, on a former occasion, he drew their attention to the business of the Court of Chancery at several different and distant periods. He called their attention to the state of Chancery business, as it existed immediately after Lord Hardwicke ceased to be Chancellor; also as it existed in the year 1813, being the period when the Vice-Chancellor's Court was established; also as it existed in 1823, because in that year their Lordships inquired into the whole matter of the arrears of business, both in this House and in the Court of Chancery, and on which occasion a Select Committee made a report containing very material and important evidence upon the

subject he was now discussing; and lastly he called their attention to the state of business terminating with the year 1835. He took an early period, by going back seventy years, in order that their Lordships might form some estimate of the manner in which the business of the Court of Chancery had increased. The average of causes from 1661 to 1665 was only 441, whereas from 1831 to 1835 they amounted to 1,283. From 1661 to 1665 the average number of petitions was 379, whereas from 1831 to 1835 they amounted to 2,813. The appeals from the then only Court—the Court of the Master of the Rolls—from 1661 to 1665 averaged only twelve, whereas from 1831 to 1835, they amounted to fifty-five. He did not state that as a necessary argument in support of the proposition he had to submit to their Lordships; but in order to correct a misconception which had gone abroad upon the subject—a misconception difficult to explain—but which, upon reference to figures, was shown to be without any foundation whatever. However, the important periods to which he was anxious to call their Lordships' attention, were the periods of 1813, 1823, and 1835, because from these it was that their Lordships must form an opinion as to whether the present powers of the Court of Chancery, and the appellate business of their Lordships' House, and of the Privy Council, were to continue as they were, or whether it was not the bounden duty of the Legislature to apply such remedy as was necessary, in order to dispose of the arrears of business that at present existed, and which must continue to exist, unless some remedy were applied. In 1813 Parliament decided, by passing the Bill for the appointment of a Vice-Chancellor, that the strength of the Court at that time was not adequate to perform the duties required. He would next compare what was the state of business at that time with the state of business at present, and he thought that their Lordships could not but come to the conclusion, that if the business, as it existed in 1813, called for the appointment of an additional judge, the enormous increase of business since that period was such as made it absolutely impossible for the machinery, as fixed by the Vice-Chancellor's Bill, to carry on the business of the Court of Chancery in a manner to do justice to

the numerous suitors in that Court. He would not refer their Lordships to the debates of that period, for it was enough to know that Parliament had decided that the measure was necessary; but he would refer their Lordships to a statement of the business before the Courts at different periods. In 1810, 1811, and 1812, the average number of causes set down for hearing was 540; 1820, 1821, and 1822 ditto, 945; 1832, 1833, and 1834 ditto, 1,301. Those causes formed an important part of the business of the Court, but by no means constituted the whole. The next subject was petitions—1810, 1811, and 1812, the average number of petitions was 970; 1820, 1821, and 1822, ditto, 1,487; 1832, 1833, and 1834, ditto, 2,817. A similar increase had taken place in appeals from the other branches of the Court of Chancery to the Lord Chancellor. In 1810, 1811, and 1812, the average number of appeals was 16; 1820, 1821, and 1822, ditto, 42; 1832, 1833, and 1834, ditto, 55. That there should be an increase of appeals after the creation of the Vice-Chancellor's Court was an inevitable consequence. It was prophesied by Sir Samuel Romilly, that the effect of passing that measure would be to make the Lord Chancellor a Judge of Appeal only; and he would cease to be a judge in original causes. With some trifling exceptions, that prophecy had been fulfilled; and from that time it might be truly said, that the business of the Lord Chancellor in the Court of Chancery had been to review the judgments pronounced in the two other branches of the Court. It was not upon appeals and petitions only that the Chancellor was engaged, and which constituted a large proportion of the business of the Court of Chancery; but another important part of his duty was the hearing of motions. It was well known that some of the most important questions which arose between suitors in the Court of Chancery, were discussed and decided upon motions. It was made a matter of complaint in Lord Eldon's time, that the parties arranged among themselves, or so managed their pleadings, as to bring the real merits of the question before the Court upon motion. It was an extremely inconvenient mode of proceeding, and one not calculated to promote the interest of the suitor; but parties who had great and important interests at stake, if they could not have

the doors of the Court open to them upon the hearing of the cause, would naturally adopt any course to obtain a judicial opinion, by which their rights were to be regulated. On a former occasion, he also called their Lordships' attention to a most striking result of an inquiry as to the state of the funds in the hands of the Accountant-General of the Court of Chancery. In the year 1812 it appeared that the money standing in the name of the Accountant-General was 28,137,000*l.*; and that that money stood to the account of 6,266 causes. It appeared that the sum in the hands of the Accountant-General, up to the present period, was 39,780,000*l.*, and that that money stood to the account of 10,227 causes. But was all this money locked up awaiting the decision of the Court? Not so. The money so locked up, constituted but a very small part of this enormous sum. By far the greater part of it was money from which the suitors derived great and unmixed benefit. Sometimes from necessity, sometimes from choice, parties had resorted to the Court of Chancery for a security of their money, and for a due administration of the funds. This was done in cases of infancy, in cases of persons labouring under disabilities, and in those various and complicated cases affecting individuals or families, in which those acting for them thought it expedient to put the administration of affairs under the direction of the Court of Chancery. The machinery of the Bill which constituted the Accountant General's office was so perfect, the system of the office was so secure, that persons so situated could not possibly possess a place of deposit more perfectly free from danger. Although a small portion of this money was matter of contest, still the increase of this fund showed to what extent that particular branch of the business which gave rise to this fund had increased—great as had been the increase of business in the Court of Chancery, he believed that if the Court were put upon a footing which would insure to the suitors a speedy determination of their suits, there would be a much greater resort to it. Parties who had rights to establish and objections to enforce, were deterred from coming to the Court, and either compromised their suits or abandoned their rights altogether; not because they thought the ultimate result would be against them, but because the vexation

they would have to experience before the question was brought to a judicial decision induced them to compromise or abandon their rights rather than encounter such evils. When the Vice-Chancellor's Bill passed, it was supposed that great facilities would be given to the administration of justice in Chancery, and their Lordships would find, on a reference to figures, that the hope of such a result brought a great number of new suitors into the Court. He had already stated, that the average number of causes in the Court of Chancery for the three years previous to the passing of the Vice-Chancellor's Bill was 540, and that the average for the three succeeding years was 717. But the increase of the number of Bills filed in Chancery was still more striking. On referring to the returns, he found that the average number of Bills filed in the Court of Chancery in the five years preceding the Establishment of the Vice-Chancellor's Court was 1,830; in the five succeeding years 2,236, and in the last year 2,563. This great increase in the business of the Court was mainly to be attributed to the removal of that dread of delay which had existed previous to the passing of the Vice-Chancellor's Bill. So much then for the period of 1813. In 1823, notwithstanding that the Vice-Chancellor's Bill had then been in operation for ten years, it was found that there was such an accumulation in the judicial business of that House, that their Lordships appointed a Select Committee to inquire into the cause of it, and, if possible, to devise a remedy. It appeared from the Report of the Committee so appointed, that there was at that time an arrear of five years of appeals. That was to say, that an appellant or a respondent who had been under the necessity of resorting to their Lordships for the redress of a supposed erroneous decision in one of the branches of the Court of Chancery, had, after presenting the appeal, to wait five years before his case could possibly be heard. It was no wonder that such a state of things should induce their Lordships to institute an investigation, with the view of discovering the cause of this arrear, and, if possible, of devising a remedy for it. What was the result of the inquiry? The Select Committee stated in their Report, "There is now a manifest impossibility that any person holding the Great Seal can find the time

required for the business of the Court of Chancery and of the House of Lords, and for all the other great and arduous duties which are attached to his high office." The fact was, that since the passing of the Vice-Chancellor's Bill these duties of the Lord Chancellor had not only been not diminished, but had greatly increased, in consequence of the vast influx of additional suitors, which the hope of a speedier administration of justice had brought into the Court of Chancery. What was the remedy suggested by their Lordships' Committee in 1823, and subsequently adopted by the House? It was in a great measure a temporary expedient, and one which although justified by the great pressure of the arrears then before the House, was one which he thought they would be slow to adopt as a permanent plan. The plan recommended and adopted was, that in the highest Appellate Court in the Kingdom, namely, in that House, the highest officer of the law should not preside, but that others should be selected for the purpose of performing those duties which undoubtedly ought only to be discharged by the highest legal officer appointed under the Crown. He did not mean to say, that the individuals selected on that occasion, and who afterwards devoted so much of their time to the administration of justice in that House, were not as well qualified to perform the new duties imposed upon them as any men could possibly be. But it was not, in his opinion, becoming or fit, that in the highest Court of Appellate Jurisdiction, the individual presiding should be any other than the highest judicial officer under the Crown. Great assistance was undoubtedly derived from the exertions of the individuals who were selected in 1823. Their Lordships would all remember how Lord Gifford had applied himself to the task, and the great labour he underwent, presiding in that House from ten till four in the morning, and in the Rolls Court from six to ten in the evening—this was a degree of exertion greatly more than any human being ought to be called upon to perform—greatly more than any human mind could bear or any human strength sustain. Because their Lordships must remember, that severe as a Judge's labour might be whilst he sat in open Court, his duties by no means ceased when he left the Bench. A great and important part of the duties of a Judge was to deliberate on the argu-

ments he had heard advanced by counsel in Court, to investigate the authorities quoted, and as far as possible to make himself master of all the facts of the case brought forward for his decision. If a Judge were called upon to sit from ten in the morning till ten at night, it was perfectly impossible that he could have any time left for the discharge of these important duties. Such, however, was the expedient to which the House resorted in 1823. It in a great degree answered the purpose for which it was intended, because the House was then enabled to sit every day in its judicial capacity, or at least to sit five days a-week, the Lord Chancellor presiding on three days, and the Lord Speaker (as he was called) on two. The result was, that after the lapse of a certain length of time the assistance of the additional Judges was not so largely called for, and not so freely used; and although from the year 1823 down to 1835, there had been no one case in which some assistance had not been afforded to the officer holding the Great Seal, in the administration of the appellate jurisdiction of that House, of late years that assistance had become comparatively small, and at no period had it been so great as in the time of Lord Gifford. Of arrears in that House there were now comparatively none, and their reduction might, in a great degree, be attributed to the assistance which their Lordships had derived from two noble and learned Lords who had no other judicial functions to perform—who were therefore enabled to devote the whole or a great part of their time to the judicial business of the House, and who, by devoting so much of their time to that business, had conferred a great benefit upon the public. It was owing to the exertions of those noble and learned Lords (one of whom he saw present) that the arrears were at that moment so much reduced. Could any fact more strongly prove the propriety of the suggestion he took the liberty of making to their Lordships? How was it that the arrears had been so much subdued? Was it not because there happened to be in the House noble and learned Lords not attached to any other Court, and who consequently had it in their power to devote the whole of their time to the judicial business of that House? As far, then, as that House was concerned, he considered that the experiment embodied in the present Bill had

been fairly tried. Having, by a statement of figures, shown the state of business in that House at the two periods to which he had directed their Lordships' attention, he would now shortly state what was the arrear of business in the Court of Chancery. Here, again, he had the satisfaction of stating, that the exertions of those who had preceded him had been such as completely to subdue the arrear which, during the previous thirty years of his experience, he had known to exist in the Court of Chancery. Of appeals from the other branches of the Court of Chancery, pending before the Lord Chancellor, there were now none; because, from the Return made up to the last day of last Michaelmas Term, there then appeared to be only nine cases in arrear; and he had the satisfaction to state, that the case which he heard on Saturday last was within three of the end of the list brought forward at the commencement of the last Term. Of the business, therefore, at present pending before the Lord Chancellor, it might be said that there was no arrear. He stated this fact, to enable their Lordships to come to this conclusion—that if there were a Judge whose sole duty should be to attend to the Court of Chancery, that Judge would not only be able to dispose of all the appellate cases that could be brought before him, but would also have it in his power to devote a large portion of his time to the hearing of original business, which now, and ever since the year 1813, had been exclusively heard by the other branches of the Court. Of original causes in Chancery, now in arrear, ready for hearing, and waiting to be heard, there were between 700 and 800; and looking at the average number of causes determined, and the average number of causes set down for hearing, it was obvious that this arrear must go on increasing, unless some steps were taken to prevent it. During the last three years, the average number of original causes heard and determined was 1,158; the average number of causes set down for hearing within the same period was 1,340. So that, with an existing arrear of 700 causes, their Lordships had this additional fact before them, that the average number of causes heard for the last three years had fallen very considerably short of the number set down for hearing. Did not this state of things in the Court of Chancery require some remedy? Why should they deny to the suitors in that Court the

right of having their causes heard without delay? If the arrear had arisen from the temporary illness of the Judge, or from any other accidental cause, the case would be different; but when it was found, from the general business of the Court, that there was no probability of subduing the arrear, he was sure their Lordships would agree with him in thinking, that this was a state of things which ought not to be allowed to continue. But the Bill which he had the honour to introduce to their Lordships' notice was not limited to the business of that House, or of the Court of Chancery. It related to another and a most important branch of the judicial business of the country, which was transacted before the Privy Council. Their Lordships were aware that the Privy Council was the Court of *dernier resort* for all the British colonies. In that Court only could the appeals from the judgments of the courts of justice in the colonies be heard and adjudicated, and their Lordships were aware also that some very important alterations had of late years been made in the law, by which the Privy Council had many other very important duties to perform in addition to hearing colonial appeals. The Court of Delegates was, as their Lordships perhaps recollected, altogether abolished; so also was the Vice-Admiralty Court; and the duties which had formerly been performed by those Courts were now transferred to the Privy Council; so that at present that Court exercised one of the most important jurisdictions in the kingdom. Now, when this was taken into consideration, it would not, perhaps, be too much to say, that there was a great want of professional aid in the Court of Privy Council, and this want was felt when the Houses of Legislature passed the Bill establishing the Judicial Committee of the Privy Council. This Judicial Committee was composed of the Judges of the law courts and other functionaries, highly qualified for their duties; but when their Lordships looked at the individuals who constituted the Committee, they would find that most of them had so much business to attend to in their own Courts, that it was scarcely possible for them to find time to attend to the new duties imposed upon them. He might, as one instance of this evil, quote the case of the Vice-Chancellor, whose Court was full of business, and who was under the necessity of abandoning his own

Court in order to attend the Judicial Committee of the Privy Council. Now this was not a fair administration of justice. It was, perhaps, in favour of the suits in the Privy Council, but it was unfair to the Chancery suitors, because the Vice-Chancellor was under the necessity of neglecting his Court. The Bill, however, which he had the honour to propose, provided for all these evils. It was in the highest degree important that some one person, whose habits and knowledge of the law fitted him for such an office, should be appointed to take the lead in the Privy Council. The present Chief of that Court was not a lawyer, and it was necessary, not only that its chief should be a lawyer, but also that he should be the most eminent lawyer that could be procured; for, considering that that Court was the highest Court of Appeal for all colonial business, nothing, in his opinion, ought to be spared which could add weight and authority to its decisions. How was that object to be accomplished? In that House their Lordships were determined to have the highest law-officer to preside; so also was it requisite, nay, essential, that an equally high authority should preside in the Privy Council, for where else ought the highest law authority to sit, but in those Courts from whose decisions there was no appeal? If their Lordships adopted that view of the case, he was convinced that thenceforward no arrears of business could ever occur, either in that House or in the Privy Council. It was therefore obvious, under this manner of looking at the question, that the only course left for their Lordships to adopt was, to make the Lord Chancellor for the time being the President of the Court of Appeal, both in that House and in the Judicial Committee of the Privy Council. The only difficulty was, whether the same man who presided over these two Courts would be able to find time to attend to any other duties. It was impossible to look at the Reports upon the state of the Courts, and not at once see that the President of Appeals could not, by possibility, find time for other duties; indeed, the great apprehension he entertained was, that he would not be able to find time to attend to both his appellate jurisdictions—namely, his duties in that House and in the Privy Council. In the Court of Chancery, as at present constituted, the great difficulty was to find time to hear original causes;

the appellate jurisdiction of the Court was most amply provided for. He had stated in the outset of his speech, that from the year 1813 the Lord Chancellor had not heard any original matter in his Court, except by accident. The cause of this was partly owing to his having other duties to perform in his Court, and also partly to his duties in that House. During the course of last year, whilst the Great Seal was in Commission, two days a-week only were devoted to the hearing of appeals from the Court of Chancery, and those two days proved sufficient not only to keep down arrears, but also to reduce the arrears which had accumulated, so that at present there were no real arrears. If, therefore, the time which had been devoted to the hearing of appeals had proved sufficient for that purpose, it followed, as a matter of course, that the chief Judge of the Court of Chancery would have time to bestow upon the hearing of original causes. His reason for saying this was, that though the chief Judge in Equity might hear a great number of causes, yet if the doors of justice were opened wider there would be a great increase of business. At present, a great number of causes were kept out of Court by the impossibility of hearing them, and of doing justice in them. For the present, he was disposed to try how far the three Judges in Equity would be able to keep down the business in their respective Courts; and it was a part of the Bill which he now presented to the House, that it should be tried, whether one Judge was sufficient for the Court of Chancery, and three Judges in the other branches of Equity. That brought him to the consideration of an important subject. The appeals from the Roll's Court, as their Lordships were aware, and from the Vice-Chancellor's Court, came to the Lord Chancellor, and it had been suggested, that the way to relieve the Chancellor was to take away all intermediate appeals from the Court of Chancery, and send them up directly to their Lordships' House; so that, in whatever branch of the Courts of Equity the causes were decided, the appeals should lie to their Lordships' House alone. Now, if that House possessed the essential requisites of a court of justice, and was open all the year, and at the same periods that the other Courts were open, he, for one, should not have objected to such a proposition. But in its present condition

such a measure would literally choke their Lordships' House with the influx of business. He might select one case in illustration of this fact. Their Lordships would, by this arrangement, have to perform not only their own judicial business, but also all that portion of the Lord Chancellor's business which he had been in the habit of transacting from the year 1813. The average number of appeals which came every year from the Court of Chancery to the House of Lords was seven. The average number of appeals which went from the lower Courts to the Court of Chancery was fifty-five. Of the seven appeals from the Court of Chancery to the House of Lords, there were two only amongst them of the fifty-five appeals from the minor Courts, so that fifty-three of them were disposed of finally by the Lord Chancellor, whose judgments were consequently not found fault with by the suitors. Now, supposing the appellate jurisdiction of the Lord Chancellor was abolished, those fifty-three cases would come to their Lordships at once, and in addition to the other business before them. The expense also of hearing appeals in that House was double what it was in the Court of Chancery, which circumstance, in the majority of cases, would be decidedly adverse to the removal of those appeals to the upper Court. Another objection to the transference of the appeals from the Court of Chancery to the House of Lords was, that the interlocutory pleadings and matter must of necessity follow along with them; and he would leave it for their Lordships to decide how far it would be possible for them to deal with such a subject. In cases, too, where a motion might be improperly granted or refused, parties could not wait until the ensuing Session to have such matters reheard and decided. The rights of parties and the value of their property required that they should have the means of correcting orders, which could not be carried into effect without doing them very great injustice. If the House were constituted as a regular court of justice, it would be impossible for it to take upon itself half of the appellate jurisdiction of the Court of Chancery, not only as it now existed, but even in the case of there being a third Chancery Court hearing original business; for then there would be not only fifty-five appeals coming before their Lordships, but one-third of that number in addition, from the quantity of business done in the

third Court. It was, then, utterly impossible that the appeal business could be accomplished in that House, unless the parties were to go through the intermediate appeal in the Lord Chancellor's Court. These objections he was sure, had never been contemplated by the persons who had proposed such an alteration. There now only remained one more point upon which he felt it necessary to address their Lordships, and that was respecting the proposed alterations in the periods during which their Lordships sat in their appellate capacity. It was his intention to propose that the judicial functions of that House should be extended throughout what was termed the judicial year. This proposal might appear to be an innovation upon the constitutional form of that House, and as such, open to objection; but he had already, in his former observations upon this subject, pointed out the means of preventing an improper use from being made of this change in the periods of their Lordships' Session. He should moreover propose that the House be summoned to their duties by Royal Proclamation immediately upon the prorogation of Parliament, which of course would continue to be made in the form in which it now was. What possible danger or constitutional evils could result from this proposal being adopted he was not able to conceive. There could be no ground for jealousy on the part of the House of Commons, for the House of Lords would be prohibited by statute from entertaining other than matters relating to appeal. If their Lordships should be of opinion that they might continue to sit upon appeals during the recess, it might perhaps afford them some satisfaction to learn that it would not now be done for the first time. Their Lordships might, perchance, like to see what had been the practice of the House in times of antiquity. It might be proper to observe in this place that in proposing these changes, he had gone contrary to the opinions of many of his own friends, and also to those of many of the profession, not because he proposed too much, but because he proposed too little; because, in short, he did not propose to convert that House into a Court of Justice altogether. He had said, that the alterations suggested by him were not altogether new, and he would refer their Lordships back to the time of Edward 3rd in the 14th year of whose reign an Act of Parliament was passed, by which it was

enacted, that in order to enable them to hear petitions from Chancery suitors, (for be it observed, that the Court of Chancery was as much complained of then, as it ever had been since,) during those times that the Houses of Legislature were not sitting, and for this purpose one Prelate, two Earls, and two Barons, were appointed to hear petitions, and to have power to judge and to decide upon the matters therein contained; but that if such matters should prove too difficult for them to exercise their judgment upon, they were at liberty to leave them for the general decision of the House, but at the same time the power given to them of judging and deciding was absolute. If, therefore, he should be asked how and in what manner the judicial powers of that House originated, he should reply, in the Crown; and he hoped that there would be no objection to subject the House to that summons of the Crown for the purpose of judicating and also of suffering the House to discontinue and dissolve their sittings by proclamation. His main object throughout the whole course of his deliberations upon the subject of this Bill had been to adapt the changes which he had to propose to the institutions which he found in existence, and the very last thing that ever entered his mind was to introduce any innovations whereby those institutions would in any way be endangered. He had religiously abstained from proposing to do more than he felt necessary, but what was contained in his Bill, was, in his opinion, absolutely essential to the due administration of justice, and to the satisfaction of the suitors of the empire. He should trouble their Lordships no further, but should submit the Bill for a second reading, in the hopes that they would consent to its being read, in which case, he would then enter at large upon the details in the Committee. The noble and learned Lord concluded by moving the second reading of the Bill.

Lord Lyndhurst said, it was a duty which he owed to the House, to the country, and, in some sort, to himself, that he should state fully and completely the opinions which he entertained with reference to the measure, the second reading of which had just been moved by his noble and learned Friend on the woolsack. He should state his opinions and views shortly and simply, entreating the House to bear in mind that the measure now under consideration had reference to the

prompt and effectual administration of justice, and that it was a question upon which all party considerations ought to be set aside; it was a question in which all had a common interest. He was happy to state, that in approaching the consideration of this measure, it would not be necessary for him to urge anything of a political character; on the contrary, what he had to state were circumstances which presented themselves clearly to the mind of every well-informed and sensible man. He was, however, compelled to state (and he did so with extreme regret,) notwithstanding the unfeigned respect which he entertained for the abilities, the talents, and the learning, of his noble and learned Friend on the Woolsack, he was compelled to differ from him as to the conclusions to which his noble and learned Friend had arrived on this particular measure. He (Lord Lyndhurst) objected to it in point of principle. A considerable time had elapsed since the Bill had been laid on the table by his noble and learned Friend; and since it had been printed, he (Lord Lyndhurst) had had an opportunity not only of considering it himself, but of conferring upon the subject with different Members of the profession of all political parties, and he had not found a single individual who had approved of the measure of his noble and learned Friend. His noble and learned Friend had said, that although there were two Bills on the table, yet they ought to be considered as one measure, and that measure was one of a simple description—it was to divide the office of Lord Chancellor into two parts—not separating the political from the judicial functions; but to divide the judicial functions into two parts, and to attach to one of those parts the political duties which now attached to that high and important office. The judicial duties of the Lord Chancellor, according to his noble and learned Friend's plan, was to preside at the hearing of appeals in the House, and to preside whenever the Lord President of the Council could not dispense with his services at the hearing of appeals before the Judicial Committee of the Privy Council. Now, if all the difficult, perplexing, and laborious duties in the Court of Chancery were to be detached from the office of Lord Chancellor, he should much wish to know what provision the other House of Parliament would be likely to make for the person who was to perform the duties which would remain. Was it likely, be

must inquire, that the other House of Parliament would assent to such a provision as would insure the services of an individual possessing those high talents and legal qualifications as were essential to the due and efficient performance of those duties? If the office were stripped of the laborious part of those duties, it would doubtless be less endowed; and could it be supposed that a person like his noble and learned Friend opposite (Lord Langdale) would abandon his certain tenure of the office of Master of the Rolls, or that the Vice-Chancellor would surrender his office, for one so shorn and out down, and of the precarious character which that of Chancellor would be? It might be said, that an example to the contrary had recently occurred—he alluded to the case of the late Lord Chancellor of Ireland, who had abandoned, from a sense of public duty, the possession of the highest rank in the profession, to hold a situation of precarious character. But the circumstances which followed had not been such as to be likely to lead others to follow a similar course. He repeated, that it would be impossible to get a person holding the office of Master of the Rolls to take the precarious situation proposed to be created by this Bill. And what, he would here inquire, were to be the judicial duties the new functionary would have to perform? Now he (Lord Lyndhurst) had looked into papers now upon the table, had made inquiries, and had ascertained the fact that fourteen or fifteen appeals in equity cases were all the appeals that for an average of some years had been decided by their Lordships' House. Now in the courts of the Master of the Rolls and the Vice Chancellor men presided selected from the highest ranks in the profession, and who, since their elevation to the Bench, had their minds constantly engaged in discussing the great principles of equity,—daily and hourly dealing with those principles,—conversant with details,—their minds by practice invigorated,—their faculties sharpened, and their powers thus every hour improved. Such was and would be the character of the inferior judges in equity; and what would be the character of the Judge of Appeal? He also would be selected from the highest ranks of the legal profession; he doubtless would be a man of the same capacity—the same powers of mind; but every member of the profession must know that the intricacies, the subtleties of equity, were difficulties not depending on statutes;

and was it to be supposed that even such a man could have his intellects kept alive, his faculties sharpened, his mind invigorated by having to decide fourteen or fifteen appeals in this House, and one or two appeals before the Judicial Committee of the Privy Council? And what would be the result of such an arrangement? Why, that the appellate judge would become inferior to those whose judgments he was called upon to overturn. Could anything be more dangerous in practice, would suitors be satisfied, would the profession have confidence? No, the evils would be as great in truth as in reality. Look to this House; it was to the discharge of its judicial functions that it owed the character which it had long, and he trusted would ever maintain. It was of the utmost importance that it should maintain that high station in the confidence of suitors, the profession, and the country, in which it had so long stood. That character must depend on the confidence which the country placed in the noble and learned Lord who sat at the Table to hear and dispose of appeals, and if he fell in public estimation and in public opinion, their Lordships would fall with him. Let, then, the House take care not to put in hazard, still less to sacrifice the confidence so long enjoyed. The inevitable tendency of this ill-foreseen measure would put that character in jeopardy. The Bill provided, that the new functionary was occasionally to have the assistance of the Master of the Rolls, the Vice-Chancellor, or the new Chief Judge in Chancery. He doubtless commenced with occasionally calling for that assistance, but, eventually, feeling his own inferiority, the practice would become habitual, and the high and important office he held, which had stood so high in the confidence of the people, would soon sink in public estimation. Would this measure be effectual even for the objects to which it was directed? His noble and learned Friend on the Woolsack had told their Lordships, that the Court of Chancery was not overwhelmed with business. He admitted the fact, and all his noble and learned Friend's conclusions in that respect. But what was the number of days which on an average was sufficient to transact the judicial business of that House? He should not go into details, but he would state that seventy days was the average number for the last fourteen years on which the House had sat judicially. His noble

and learned Friend had provided in one part of his Bill, that the House should be enabled to sit judicially even after a prorogation, under a proclamation, and the authority of the Crown. This consequence would, in his judgment, follow; the Chancellor during the Session would be deeply engaged in legislative business, more deeply as a politician, would take a more active part in debate, and thus his legislative and political functions would be brought into great activity, while his judicial functions would lie dormant until the end of the Session. Where could be the necessity of the House sitting judicially notwithstanding its prorogation? Into this he had taken some pains to inquire; and also to ascertain the quantity of the judicial business transacted in that House. It was part of his noble and learned Friend's plan, that the Lord Chancellor being liberated from the duties of the Court of Chancery should sit six days in the week. Now, he found from the Returns on their Lordships' Table, that in fourteen years the number of appeals entered were 1,078, being an average of about seventy-seven in each year; and he knew from experience that one-fifth of those ought to be deducted as going off on points of form, or in consequence of private arrangement, and therefore deducting one-fifth, sixty-two appeals would be the average actually entered for each year. The next question came—what was the average time of the sittings necessary to dispose of those cases? It was true they had heard of a case in which his noble and learned Friend was now engaged, being likely to occupy thirty days, but that was not a case which ought to govern general legislation. He found from the Returns, that, during the period of fourteen years, 745 cases had been decided in 836 days, being an average of one case a-day, or something less. And therefore, according to that, the sixty-two cases which he had shown to be the average number might well be expected to be disposed of in as many days, or at least that seventy days in each Session would be sufficient to discharge the judicial business of that House. His noble and learned Friend had adverted to the assistance given by Lord Gifford to Lord Eldon in that House. With reference to that assistance he had looked to the Returns, and he found that in 1824 they sat eighty-four days, and disposed of ninety-one cases; in 1825 they sat ninety-two days, and disposed of ninety cases. They sat

only five days in the week, and got through an arrear of business which in 1824 amounted to upwards of 212 cases. This showed how unnecessary it was to provide for the judicial sittings of the House after a prorogation. The plan of his noble and learned Friend was not new; it had been before the country more than half a century ago, and had been considered by the ablest statesmen, by the leading members of the profession, and all concurred in pronouncing an opinion condemnatory of it. The plan had been suggested in the time of Mr. Pitt, of whose views with reference to it he had the best possible authority, that of Lord Redesdale himself, not in a speech that might have been misreported, but in a book he held in his hand from the pen of an eminent and learned lawyer, and which showed that the subject had received their consideration, and had been rejected by them on the very grounds he would now state to the House:—

“And the remedy proposed was one which had been under the consideration of the late Mr. Pitt, when the business of the House of Lords appeared likely to increase to such a degree as to require some additional means to enable the House to discharge its various functions. He wished to provide against the evils which this increase might produce, and which it now has produced. The first suggestion made to him was, to separate the office of Speaker of the House of Lords from the office of Chancellor, and thus to enable the House to sit at all times on judicial or other business, without interfering with the business of the Court of Chancery, or with the other duties of the Chancellor. But to this there three palpable objections occurred:—1st: That the person who should preside in the House of Lords, and especially as the Court of ultimate appeal, ought to be a person whose education and habits, and continued practice in legal decision, might enable him to give assistance to the House, in the discharge of its judicial functions, and occasionally in its legislative functions; that a man so qualified would not readily give up the office either of Chancellor or Chief Justice, or his pretensions to either of those offices, for such new office; and that if such a man could be found, yet exercising no judicial function except in the House of Lords, he would (whatever might have been his knowledge and experience before his appointment) gradually lose that familiarity with business, which, as the author of the pamphlet justly observes, is essential to its prompt and steady despatch, as well as to its weight and authority in public opinion. 2nd. That if the Speaker of the House of Lords should have been educated, and should have even distinguished himself, in the profession of the law, he could not, in that office, be considered as the head of the law; that the person bearing that character no

longer presiding in the Court of ultimate appeal, that Court would therefore sink in authority, if not in dignity; and the uniformity of decision, which has resulted from the presidency of the head of the law in that Court would soon be lost. 3rd. That the office of Chancellor would suffer in point of dignity and authority in its judicial character, at the same time, that without taking from it other important duties, it would remain the first Law Officer of the Crown and the responsible adviser of the Crown, though not of the Lords, in matters of law—a circumstance which might produce the most distressing confusions of legal opinions, and probably introduce party contests into judicial decisions.”

Allusion had been made to the name of another distinguished individual—hemeant Sir Samuel Romilly. It did so happen that men of all parties concurred in opinion upon this subject, and upon the same grounds. He found the opinion of that distinguished lawyer upon this subject expressed, not in the report of a speech, but in a pamphlet published by that celebrated man at a time when the office of Vice-Chancellor was about to be created. He might be allowed, he hoped, to direct the attention of the House to this opinion:—

“If, of the three Judges, said Sir Samuel Romilly, who are to preside in equity, two are to have the law of the Court in all its various branches familiar to them, and kept constantly in their view, by a regular uninterrupted attendance in Court, and the third is only to refresh his memory by looking back into records and precedents upon particular heads, just so as to enable him to decide in the course of a year nine or ten causes, or twice that number, which may happen to be brought before him for decision, upon appeals, it is very obvious that this effect must, in process of time be produced—the appeal will lie from a Judge, a perfect master of the law he is to administer, to one who has but an imperfect recollection of it. Or if that effect shall not really have been produced, there will always be a notion prevailing that it has. The suitor who has had a decree in his favour, and who sees it reversed, will be disposed to observe, that the Judge of the most experience is most likely to have well understood, and to have properly decided his cause; and the appellant whose appeal had been unavailing will observe, that it is not surprising that the appellate Judge should have had so much deference for his superior in experience and ability, though his inferior in rank, as to have submitted to him his own opinion, and to have affirmed the decree, from deference not to the reasons of the judgment, but to the character and authority of the Judge. When it has been proposed to separate the offices of Lord Chancellor and Speaker of the House of Lords, it has been always objected to such an expedient,

that as the House of Lords is a Court of Appeal, it is highly necessary that the person who presides in it should have his knowledge of the law kept constantly refreshed, and the habit of applying its rules unrelaxed, and that this can be secured only by his being in the daily habit of administering justice in a subordinate Court.”

And thus we had Mr. Pitt, Lord Hardwicke, Sir Samuel Romilly, Lord Redesdale, than whom no better equity lawyer ever existed, all concurring in the impropriety of separating the important functions exercised by the Lord High Chancellor of this realm. He had other authorities of more modern date in support of the same position. In the debate which took place in the House of Commons on the question of the creation of a Vice-Chancellor, the late Master of the Rolls expressed his entire concurrence in the views taken by Sir Samuel Romilly, and he would here add that the noble and learned Earl not now in his place, but who had so long graced the Woolsack, had in the strongest terms possible expressed to him (Lord Lyndhurst) his entire concurrence in the view of this subject taken by the distinguished authorities to whom he had referred. He had the authority of another individual for whom he entertained the highest possible respect—he alluded to the noble and learned Lord not now in his place, the unfortunate cause of whose absence, he in common with their Lordships deplored. When this subject was brought before the House of Commons in 1830, that noble and learned Lord expressed himself in terms so pointed, that he should not properly discharge his duty if he did not bring them under the consideration of their Lordships:—“He said, that the jurisdiction of the Lord Chancellor is superior to all ordinary jurisdictions. If the Lord Chancellor's duties were confined to sitting in the House of Lords, he would soon become a mere Judge of Appeal; he would soon cease to be what the Constitution prescribed he ought to be—the first lawyer in the country. Even as a Judge of Appeal we might set him up, and plant him on the Woolsack; we might give him power; but would he have any authority? would he satisfy the Courts below? would he satisfy the suitor?—would he satisfy the profession? See the course which would then be taken in the appointment of a Lord Chancellor. He would then be chosen because he was a con-

ing intriguer behind the curtain—because he was a skilful debater in the House of Lords. Would such a man be qualified to decide appeals from the Vice-Chancellor, from the Master of the Rolls? He would hear, and he would listen—he would discover a hole to pick here, a word to carp at there—now a commentary to hazard—then a remark to risk—but would he be competent to grapple with the difficulties of a complicated case? Would he have any confidence in himself? Certainly not, because he would well know that the profession had no confidence in him. Such a Lord Chancellor, he engaged to say, would confirm at least nineteen out of twenty appeals. That which ought to be the last resort of suitors, the controller of judges, and the security of right, the power of the appellate jurisdiction, would exist only in name." These were authorities down to the present time; and he invited his noble and learned Friend on the Woolsack to cite any authority to the contrary that was entitled to or deserved any, the least consideration. He was not disposed to leave the subject here. He did not mean for a moment to say that nothing was necessary to be done; he did not mean to say, that improvement was not required. When noble Lords came into office so far back as 1830, much was expected on this head from them. They had previously indulged in attacks upon their predecessors for not amending the Court of Chancery—for not devising some means of getting rid of the arrear of appeals; and they came into office, if not under an express pledge, certainly under the strongest implied pledge, that they would do that which they had condemned their predecessors for having omitted. How had that pledge been fulfilled? Of his noble and learned Friend now absent (Lord Brougham) he wished to speak with the highest respect. He had disposed of more appeals at a given period than any Judge who had preceded him, or any who could succeed him, and he was now suffering, unfortunately, the consequences of that labour. He begged he might be understood as speaking of the noble and learned Lord's legislative measures only. It was true that a Bill had been brought in by him to amend the ministerial offices of the Court of Chancery, a subject which had nothing to do with the present question. In 1833, however, the first measure referring to this subject was proposed and laid upon the table. Though that measure was printed,

yet by some means or other it had never got into circulation. He had procured a copy of it by pure accident. The object of that Bill was to establish a new appellate tribunal, but its provisions were of such a character as to induce an opinion that no person who was not a fit subject for the administration of one of the powers of the Court of Chancery would ever have resorted to it. He, therefore, was not surprised that nothing more had been heard of that Bill. In 1834 noble Lords opposite presented a second Bill, which was read a first time, printed, and laid upon the table. That Bill was one of the most ingenious contrivances that ever entered into the mind of man. Its object was to transfer the appellate jurisdiction of this House to another tribunal, and what was that? Why, forsooth, the judicial Committee of the Privy Council, a tribunal consisting of two or three common law Judges, of the Chief Justice in Bankruptcy, of two civilians; and who did the House think was to be the president? Why, one of those sort of Chelsea pensioners, some ex-Chancellor, or another. Though that second Bill was printed, it, like its predecessor, was abandoned; and now there was a third measure, which was neither more nor less than the old measure which had been under the consideration of the profession sixty years ago, and which during that period never was mentioned without being scouted. This was the manner in which noble Lords opposite justified the attacks in which they had so long indulged against their predecessors. He had already stated, that a great additional judicial power was required to make the Court of Chancery efficient, and he thought it was a monstrous thing that in a great nation like this there should not be a judicial establishment so strong as to enable it to hear and dispose of a cause in equity the moment it was ripe for hearing. Viewing the question in that light, he (Lord Lyndhurst), with the permission of that House, in 1830, carried through a Bill which had for its object the making an additional Judge in the Court of Chancery. That Bill was passed with the entire approbation of this House, and of the noble and learned Lord to whom he had already alluded. That Bill went to the House of Commons, where it was, indeed, most roughly handled, and its author treated with anything but the courtesy which he justly expected from an unreformed House of Commons. It was said to be unnecessary, it was so stated by the then Master of

the Rolls, and by the Vice-Chancellor, that very Vice-Chancellor who, when examined before the Chancery Commission, being asked if three Judges were not sufficient to transact the business of that Court, exclaimed in a manner peculiar to himself, "Oh, no, nor three angels." He knew not whether the florid appearance of the countenance of the learned Vice-Chancellor had made it evident to the House that he at least was not overworked, but at all events, the Commons rejected the Bill. He must now call the attention of the House to a few data as to the number of causes disposed of by the two branches of the Court of Chancery. He found that in 1830 the number of causes entered for hearing was 898, and in 1835, 882. In 1830 it was said that the object of his Bill was to enable the Chancellor to lead a life of indolence and pleasure, though the number of causes was greater in that year than now; and though at that time there were ninety appeals in arrear, while at present there were none. Again, at that time all the bankruptcy business was done by the Chancellor and the Vice-Chancellor, and that had now been transferred. The rejection of that Bill, in 1830, experience told him was founded, not on principle, but upon feelings of party and of faction. He had said that additional assistance was necessary; in that he agreed with his noble and learned Friend on the Woolsack. He also agreed with his noble and learned Friend that there had been a great increase of business, although, in some respects, he must admit the returns were incomplete and imperfect. They presented the difficulty which he knew not how to reconcile—namely, that the number of Bills filed did not bear any proportion to each other, or showed that increase. In the year 1752, 2,169 Bills were filed, and in 1830 only 1,960, being a diminution of 209. That being so, he was ready to admit the return of the causes set down for hearing was the best test. He found that for the five years ending 1770, the average number of causes set down for hearing was 2,023; that for the five years commencing 1820, the average was 3,852, being an increase of one third; and for the five years commencing 1830 and ending 1834, the average was 4,752; so that, taking that return, the business had nearly doubled within sixty years. The increase of business arising from the hearing of motions and petitions had been still greater, but when his noble and learned Friend stated this increase, he ought at the

same time to have called the attention of their Lordships to the fact that the judicial strength during that period of time had also been doubled. When he held the office of Master of the Rolls he had sat only twelve hours in the week. He had afterwards suggested to the late Master of the Rolls, that he ought to sit like the other Judges, during the day, and the suggestion was adopted, and now the Master of the Rolls, instead of twelve hours, sat thirty hours in each week, thus more than doubling the time formerly devoted to that Court. It appeared on reference to history, that from the very earliest time the Court of Chancery had been a subject matter of complaint—it had been so in the time of Sir Thomas More, and of Lord Bacon, and though the complaints were loud, no remedy had been provided. Cromwell, when Lord Protector, had issued an ordinance commanding that causes should be heard and determined in the same day that they were set down for hearing; that ordinance, however, he need scarcely say, was never carried into effect. Lord Coke made similar complaints, and in his time a Bill was passed, making an addition of two Judges. Even when that alteration the same complaints prevailed in the time of Lord Nottingham, Lord Chancellor Somers, and down to Lord Eldon's time, and yet there had never been sufficient judicial strength to hear causes after they were ripe for hearing. These delays of justice produced further delays, and he had no hesitation in now saying, that there ought to be one Judge more appointed, but he must deny that their Lordships could, with benefit to the administration of justice, or with the semblance even of propriety, take the Lord Chancellor from the duties of his office in the Court of Chancery. One-third of his time was quite sufficient for his attention to the business of this House, and the remaining two-thirds might well be devoted by him to the Court of Chancery. In a word he wished for the appointment of another Judge, but he never could consent to a division in the character and duties of the office of the Lord Chancellor. He protested, however, against the principle of separating the office of Lord Chancellor, or taking him from his proper jurisdiction. But his noble and learned Friend on the Woolsack said, that to create an additional Judge would increase the number of appeals. He could by no means concur in this opinion. The increase of the business was to be attributed to the delays in hear-

ing causes when ripe, requiring motions to be made in aid of the cause,—motions frequently involving the whole question at issue between the parties. Those motions not unfrequently became the subject matter of appeal, and thus it was, that the business was increased. Provide for hearing causes without delay when ripe, and the number of motions would be diminished by one half. Again, there was another reason to show why a new Judge in Equity was necessary. The House was well aware that a Commission to inquire into the practice of the Court of Chancery was appointed, and the Commissioners reported upon the necessity of accelerating the hearing of causes when once set down. What was the use of accelerating a cause to one point, and then to stop? Such, however, was the case; no remedy was suggested by the Commissioners, though they stated that greater judicial strength was essential. Was it necessary for him to read any further authorities? He could not refrain from alluding to the evidence of his noble and learned Friend opposite (Lord Langdale), given by him before the Commissioners. His noble and learned Friend had said that “in many instances the delay between setting down a cause for hearing, and the hearing itself, exceeds all the other unnecessary delays put to together;” and his noble and learned Friend went on to say, that “the present number of judges in equity were not sufficient to get through the business.” In that opinion his noble and learned Friend was corroborated by the evidence of Mr. Bell, Mr. Heald, Mr. Shadwell, and by Mr. Roupell. His noble and learned Friend had on the same occasion said, “that any accumulation of causes set down for hearing was a disgrace to the country, and that the objection to the appointment of new Judges on the ground of patronage and expense ought not to weigh against pressing necessity.” It seemed agreed, then, that further judicial strength was necessary, but no remedy was suggested in the Report. The Court of Exchequer was a Court of Common Law, and also a Court of Equity, for it had an equitable jurisdiction ingrafted upon it. It was, however, without any Judges in Equity. It was true that his noble and learned Friend, the Chief Baron sat as an equity Judge whenever he could afford time, and Mr. Baron Alderson assisted; when they could not sit, the business was suspended. Here there was a Court in which they had suitors, but no Judges. What he would

recommend was, that a permanent Judge should be added to the Court of Equity. As to the expense, that was not to be regarded when the importance of the measure was considered. His noble and learned Friend on the Woolsack looked upon the Judges of the Court of Review as unnecessary, and said, that the Commissioners did the business so well as to leave nothing for the Judges to do. He had long since predicted that such would be the case. In the course of four years the Judges had made 2,443 orders, and, in the four preceding, 2,476 orders were made by the Chancellor and the Vice-Chancellor. He would suggest that the business of the Court ought to merge in another tribunal. What he proposed was, that instead of the Lord Chancellor, an additional Equity Judge should preside over the Privy Council. The jurisdiction of the Privy Council took cognizance of the administration of the laws of Spain, France, Holland, and other countries. The new Judge should be conversant with the principles of law in reference to all those countries. He should at the same time hold the sittings of the Court at certain stated periods. The Judges attending the Judicial Committee of the Privy Council should be relieved from giving their attendance at the Old Bailey. An efficient tribunal might thus be constituted for every necessary purpose. This was the outline of what he had to propose. The principle of the present Bill was to separate the office of the Lord Chancellor, and to that he could never agree. If his noble and learned Friend would frame any measure upon the suggestions which he had thrown out, he would be ready to give it his cordial support. He knew that his noble and learned Friend opposite (Lord Langdale) had a measure to propose, and everything which came from him on the subject was entitled to the highest consideration. He had stated now his opinions of this measure; to its second reading he could not consent. His noble and learned Friend opposite (Lord Langdale) would state his views, and it would be for the House to say what course it would pursue. In the mean time, he felt it to be his duty to move as an amendment upon the motion of his noble and learned Friend on the woolsack, that this Bill be read a second time that day six months.

Lord Langdale spoke as follows*: My

* From a corrected Report published by T. and W. Boone.

Lords, I rise to address your Lordships under feelings of considerable embarrassment, not only from the pointed manner in which I have just been alluded to by my noble and learned Friend opposite, but also from a consciousness of the great difficulties which surround the subject under consideration. That subject seems to have been treated by the noble and learned Lords who have preceded me, as if it related only to the administration of justice in the Court of Chancery and in this House. To me, however, it seems to relate to the general administration of justice in all the courts of the kingdom, and also to be necessarily connected with the exercise of the legislative power of the High Court of Parliament. In my view, therefore, the importance of the subject cannot be too highly estimated; and it seems to me to be of a nature so exalted as to remove it far beyond the reach of party or political feeling. My noble and learned Friend, indeed (Lord Lyndhurst), set out with stating that it was his intention not to consider the question as a party question; and if in the course of his address he somewhat swerved from his resolution, his doing so is scarcely to be wondered at, when it is recollected that his own propositions on former occasions were, by his opponents, treated only with a view to party purposes. My Lords, the returns on the table are extremely important, as affording proofs of various facts necessary to be considered, and which I have considered with the best attention in my power. It is not my intention, however, to state the results in detail, but rather to suggest to your Lordships a more general view than has hitherto been presented of the consequences which flow from the many duties imposed upon the Chancellor. The extent of those duties is, in my opinion, a principal source of the evils complained of; and so clear does this appear to me, that I can hardly imagine my noble and learned Friend does not equally perceive it. When, indeed, he states that you may debate respecting the King's Bench, or other courts, and no political feeling will be thereby excited, but that once approach the Court of Chancery and the hostility of party is aroused, does he not inadvertently admit the fact? Does he not perceive that the reason simply is, because the Chancellor who is the highest judicial officer, is also one of the highest political officers of

the Crown? After long consideration I have come to the conclusion, that to the union of those judicial and political functions in the Chancellor is mainly to be attributed the growth of many of the evils which we are all so anxious to remedy; and though I admit that many eminent authorities are favourable to the opinion of my noble and learned Friend, that the office of Chancellor cannot be divided with advantage to the country, yet I have to submit to your Lordships that my noble and learned Friend has not come to a just conclusion on this subject; and no small part of my embarrassment arises from this, that while he considers the partial division of the office to be objectionable, I, on the other hand, consider that the office ought to be divided to an extent much more considerable than has been hitherto proposed.

My Lords, in the consideration of this subject, it appears to me necessary that the attention of your Lordships should be called to the many great and important duties which the constitution of this country imposes on the person holding the great office of Lord High Chancellor; to the utter impossibility of those great and important duties being satisfactorily performed by one man, however great his abilities; to the inconveniences which necessarily arise from that impossibility; and to the measures which appear most proper to supply the defects and remedy the evils which I shall point out.

With respect to the duties of the Chancellor, your Lordships have been informed that they are partly judicial and partly political; and that his judicial duties are partly of original and partly of appellate jurisdiction; but in order that the subject may be understood with distinctness, it is necessary to be a little more particular.

As a Judge in matters of original jurisdiction, he has not only to hear and determine all the various matters which properly belong to the jurisdiction of the Court of Chancery, and various matters attributed to him by Acts of Parliament, but other matters which come before him as Visitor of Charities on behalf of his Majesty, and as Guardian and Superintendent of Idiots and Lunatics and their estates, by special commission from his Majesty.

As a Judge in matters of appellate jurisdiction, he is Speaker or Prolocutor of this House, in its judicial capacity, the

supreme court of appeal for the United Kingdom; and he is Chief Judge in the Court of Chancery, rehearing and affirming, reversing or varying, the decrees and orders of the Master of the Rolls and Vice-Chancellor.

In both these respects he is in a situation somewhat anomalous. Strictly speaking, he is not a Judge of Appeal from the decisions of the Master of the Rolls, or the Vice-Chancellor; but the decrees and orders of the Master of the Rolls and the Vice-Chancellor, according to the practice of the Court, are not complete till they have been enrolled; before enrolment they must be signed by the Chancellor; when they are so signed they become his decrees and orders; till that is done, the suitors have, under certain sanctions, a right to have the causes reheard by him; and, under the circumstances which happen, such rehearings in most cases are substantially appeals. Strictly speaking, again, the Chancellor, though a Peer, is, no more than any other Peer, a Judge of Appeals in this House. The appellate jurisdiction (under circumstances to which I shall hereafter have to request your Lordships' attention) is vested in the House, and every Peer has his voice and vote. But, generally speaking, other Peers, even if attending the House, do not attend to the subject: and, notwithstanding some exceptions which have lately been more frequent than they formerly were, the appellate jurisdiction of the House is in practice exercised by, and substantially vested in, the Chancellor alone.

As a politician, the Chancellor is the King's principal adviser in matters of law—a Privy Councillor—a Cabinet Minister—and a Great Officer of State, responsible in all matters ministerial and political which are connected with the custody and use of the Great Seal. He is the head of the law; he is or ought to be superintendant of the Courts of Law—the minister whose duty it is to attend to the due administration of justice there. He ought to attend to the Bills from time to time brought into Parliament, for making new or altering old laws. To him in particular the King, and the two Houses of Parliament, are entitled to look for advice and information in all matters which regard the administration of justice and the state of the law. He is the Speaker of this House in its political and legislative capacity; and, among his many other political

duties, he is charged with the appointment and removal of Magistrates, and the patronage of the King's livings, under the value of 20*l.* a year, in the King's books.

I have given no more than an outline of the duties attached to the office; but it is evident that no man can perform them with satisfaction to himself and the public. The extent, variety, and importance of the business to be transacted, is more than sufficient to distract and overpower the most vigorous attention, if attempted to be conscientiously applied. In this state of things, what has been found most pressing has been attended to, the rest has been neglected; and the consequences have been—delay of justice in the Court of Chancery—delay of justice in this House—the neglect of many of those great political duties which consist in the superintendence of the law, and the administration of justice,—and the transfer of others of those duties to the office of the Secretary of State for the Home Department.

Again and again have the delays in the Court of Chancery and the House of Lords, and the inattention of the Chancellor to Bills passing through Parliament, been ignorantly or from party motives attributed to a want of due exertion on the part of the Chancellor. Rarely indeed has the imputation been true,—the fault has been in the accumulation upon the Chancellor, of more and a greater variety of business than it was possible for any one man to dispose of. He cannot constantly and regularly attend to his judicial business in the Court of Chancery, because he is a Cabinet Minister and the Speaker of this House:—he cannot constantly and regularly attend the service of this House, because he is a Cabinet Minister, and a Judge in the Court of Chancery:—and he cannot constantly and regularly devote his attention to the great and important functions, political and legal, which belong to the holder of the great seal, because he is a Judge in this House and in his own Court.

Owing therefore to the multiplicity and magnitude of the duties imposed upon the Chancellor, there is in judicature a want of judicial power in the Court of Chancery, and a want of adequate judicial assistance to this House; and there is in legislation a want of power to attend in a proper manner to the various matters connected with the law, which come under the consideration of Parliament.

The want of judicial power in the Court of

Chancery is so frankly admitted by my noble and learned Friend opposite, that I shall take the liberty of assuming it, without troubling your lordships with the proofs in detail.

The consequence is delay in the administration of justice there,—a delay productive of the most serious inconvenience to the suitors and the public. The largest part of the whole property of the country which is litigated, is, in one way or other, subject to adjudication in the Court of Chancery. Those who consider how much the security of property, and the happiness of all ranks of people depend on the due execution of trusts,—the specific performance of agreements,—the settlement of accounts,—the administration of the estates of deceased persons,—the guardianship of infants,—the protection of the separate property of married women,—and the many other important subjects which fall within the jurisdiction of the Court of Equity, may form some notion of the importance of the Court of Chancery, and of the extent of suffering which must arise from undue or improper delays in the administration of justice there.

It is true that in the Court of Chancery there are many causes of delay besides the want of judicial power; and those causes of delay ought to be most carefully examined, with a view to remove them if possible, or to diminish their effect in cases where they cannot be removed: but of all the causes of unnecessary delay, the defect of judicial power is the most prominent; and until it is remedied, it is not only useless but a species of mockery to adopt other means to accelerate the decision of causes. Several years ago, it was well asked by my noble and learned Friend opposite, who has again asked to-night, why should you accelerate the process by which causes are made ready for hearing, if, when you have reached that stage, their further progress is stopped by the want of judges to hear them? The question was met by a suggestion now known to be without foundation, that there was no want of judges.

I shall not detain your lordships by detailing the particular inconveniences which arise from delay of the judicial business of this House. My noble and learned Friend seems to think, that all the judicial business may easily be disposed of. The arrears of Appeals and Writs of Error at the end of successive sessions, seem scarcely consistent with his view. Certainly

the delays which happen do not all of them arise from want of the judicial assistance of the Chancellor owing to his other employments; but that many of them do arise from that source your lordships will be assured of, if you do me the honour to attend to the statement which I have to make of the attempts heretofore made to remedy them. The other great cause of delay arises from the suspension of all proceedings during the prorogation or dissolution of Parliament.

Your lordships are aware, that the appellate jurisdiction extends over the whole of the United kingdom, and comprises matters of law as well as of Equity; and that there ought to be no delay at least no unnecessary delay, in appeals, will I hope appear from this consideration alone, that every appeal involves an assertion that the judge has committed an error. If the assertion be true, injustice has been done to the appellant, and is in course of execution against him; if the assertion be not true, there is an imputation upon the judge which ought to be removed. In either case the matter ought to be inquired into and determined without any unnecessary delay.

It ought further to be observed, that the evils of delay are greatly increased by the collateral effects which result from it.

Delay begets delay. In the course of time supplemental facts arise—parties die or change their relative situation—new parties interested in the property come into existence—interests devolve or are transmitted, and various dealings with the property take place. Every event may and often does become a source of fresh litigation and fresh delay. Bills of Revivor and Supplement, and repeated interlocutory applications are the consequences, and in their turn become the causes of additional delay and increased expense.

The delay united with its attendant expense attends to shut the door of justice. The man whose violated rights require the aid of the law, and who ought to find redress in the courts, is deterred by the delay and the expense. The wrong-doer sits in tranquillity and triumphs; nay more, the same state of things which discourages *bona fide* litigation encourages *mala fide* litigation, and invites the wrong-doer himself into court; he comes with a fictitious complaint, not to establish a right but to extort submission to a wrong, and to secure to himself the fruit of his own iniquity. There are cases in which the

injured party will rather submit to oppression or a compromise of his right, than expose himself to litigation, which he knows will be attended with great delay, and consequent anxiety and expense.

But delay, however, grievous in its consequences, cannot always be avoided, and is not always to be imputed to the court in which it occurs. There are cases in which unnecessary delay, to a great extent, may be justly imputed to the neglect or misconduct of the parties or their agents; there are also cases in which the truth cannot be investigated and ascertained without the consumption of a great deal of time, *i. e.* without much delay. Cases of long pending accounts, of intricate transactions—cases of complicated and artfully concealed fraud—cases of trust, the execution or breach of which may extend over a long series of years, are cases of that kind: and these are the cases, above all others, which I have generally found made the subject of declamatory attacks on the Court of Chancery, and cited as proofs of unnecessary delay there; and there are persons who in ignorance, or in the eagerness of their party zeal, have denounced delay in terms which would seem to indicate an opinion that to be “swift of despatch” is the only or principal requisite of a good judge. There cannot be a greater or a more dangerous mistake. There certainly may be cases in which a rash, hurried, and wrong decision against the miserable suitor would to him be preferable to a prolongation of his suspense and anxiety. But haste or undue celerity generally produces injustice in the particular case, and it always tends to produce the appearance of injustice, and an universal distrust in the minds of all suitors and of the public; and in that way is more pernicious to the general interests of the public, than the undue delay of which I have endeavoured to describe the effects.

The office of Chancellor is, however, political as well as judicial, and I have next to beg the attention of your Lordships to the inconveniences which arise from the want of the due performance of those political duties which the Constitution attributes to that high office. It will be admitted, that it is the first duty of Government to provide for the due administration of justice, which is in fact the life-blood of a civilised community. But justice, though in its popular sense of wider import, in its practical application depends on the law—and it becomes necessary for the Government to take care, that the law, on which

justice in its practical application depends, is in as good a state as the advancement of knowledge, the state of society, and other circumstances will permit. The constant fluctuation of all human affairs—the new sort of transactions in which men from time to time engage—the new relations in which they stand to one another, make it absolutely necessary for their welfare, and even for the peace of society, that such corresponding changes, as wisdom and experience may sanction, should from time to time be made in the law.

A constant and vigilant superintendence over the state of the law should therefore be diligently exercised. The mode of its working—the defects which may be observed—the inconveniences which arise—should be duly and regularly noted. The learned judges whose duty it is to administer, but who have no authority to make the law, when they meet with cases to which the existing law is not applicable, should give information to the Government, and the changes which may from time to time become necessary should be carefully considered upon a general system. In the absence of any efficient assistance in this respect from the Chancellor, the Government, in both its executive and legislative parts, is in want of a constant and safe guide to useful improvement when there is need of it, and of a constant and prudent check to inconsiderate innovation when ignorantly proposed.

It is impossible that the laws should be absolutely fixed, but custom will always give a preference to that which has been long used; and by adopting a proper plan of care and superintendence, you may acquire a fixedness of method and system which, admitting of such variations as the fluctuating state of affairs may and must from time to time require, will nevertheless establish and confirm those settled notions of right and duty on which the welfare of society depends. The law cannot be looked up to with the same blind veneration that it used to be when involved in mystery and obscurity; but it will receive a different and more valuable sort of veneration, when all rash changes are checked, and all useful suggestions are adopted, as they ought to be, upon a general plan, for the purpose of making the whole system conform to the habits and manners of the people at large.

Most justly has it been said, “*Morosa morum retentio res turbulenta est, acque ac novitas* ;” and truly have we experienced it in this country. There was a time,

which all who have attended to the subject may remember, when no change that could be resisted was allowed; when men of great power and influence really believed that our system of law was not only better than that which was enjoyed by any other country, but was as a whole, and in every part, better than any thing else which the wit of man could suggest; when Government, or the law authorities, instead of watching the system with a view to improvement when safe and proper, watched the system only for the purpose of protecting it in the state it then was. That plan of resistance was for a time eminently successful; but the necessity and the desire of change went on increasing, and at length prevailed. Proposals to change then came on with a rapidity which scarcely admitted of control. The Government has from time to time found itself embarrassed by the proposals to change which have been made, and by its own incapacity to afford them due consideration. The Chancellor was the person upon whom the duty devolved, but it was utterly impossible for him to perform it, and the expedient has been, to appoint commissions to inquire into the state of the law in its different branches, and to suggest remedies for ascertained grievances.

We have, accordingly, within a few years past, had, in England alone, Commissions to inquire into the state of the Court of Chancery, the Courts of Common Law, the Law of Real Property, the Ecclesiastical Courts, and the Statute and Criminal Law. The expedient was in perfect conformity with the established practice of the Constitution, but was never before so extensively resorted to. The Commissioners, generally speaking, have applied great knowledge and industry in investigating the subjects submitted to their consideration. They have collected a great mass of very valuable information, and made many useful suggestions. But they worked separately, collected their information and made their suggestions separately, with special regard to their own peculiar objects and circumstances; and their recommendations have not always been perfectly consistent with one another. If there had been a central power to compare their different reports with each other and with the whole system of the law; if there had been a minister able to bestow his own time on the subject, to consult the judges and officers engaged in the administration of the law, and, after receiving their advice, to procure the proper Bills to be prepared, and to explain to Parliament the found-

dation and reasons of the proposed changes, i. e. if the time of the holder of the Great Seal had not been otherwise occupied, the country might, before this time, have derived infinite benefit from the Reports of the Commissioners. Under the circumstances which have existed, some fruits, nay, considerable fruits, have been derived from their valuable labours; but I would venture to ask the members of the successive Governments which have existed during the last ten years, if the difficulty of determining whether the recommendations of the Commissioners should or should not be adopted, or, that difficulty being overcome, whether the difficulty of preparing, bringing forward, and explaining the necessary Bills, have not been in many instances insuperable? and whether this has not arisen solely from the want of sufficient knowledge and power in the Government to attend to the subject?—a want of sufficient knowledge and power, which would not have been experienced if the holder of the Great Seal had not been so unavoidably occupied with other matters as to prevent his giving due attention to the subject. And I confidently ask every man who has witnessed with any attention the manner in which Acts of Parliament for alterations in the law are prepared and brought forward, whether he is not satisfied that very great public inconvenience constantly arises from the want of some constituted and responsible Minister capable of attending to the subject, and of giving the requisite information and proper assistance in laying the proposal before the legislature for its consideration, and in framing, and finally settling the details of the law, when the general principle is approved of?

It is in vain to disguise the fact—every Government has struggled with the difficulty, and at times even attempted to dissemble it; but the present arrangement of the offices does not afford the country the benefit of a constant and vigilant superintendence over the administration of justice, and does not afford to the executive Government and to the legislature such regular and constant information respecting the state of the law, the proceedings and situation of the courts, and all other matters relating to the administration of civil and criminal justice, nor such assistance in the preparation of new laws, as may afford the best guide to safe and useful improvement, and the most secure check to rash and ignorant proposals to change. Without a proper guide, the Parliament proceeds from

year to year blundering in legislation, accumulating one statute upon another, without system and without order; and the statutes themselves are often framed in such a manner as almost to defy interpretation; daily provoking observations in the courts of justice upon the carelessness and want of skill in the legislature.

But besides the inconveniences arising from the impossibility of performing the whole duties thrown upon the Chancellor, there are others which arise from some of the duties which he is obliged to perform being incompatible with one another, and unfit to be performed by the same man.

Being a Judge of rehearing in the Court of Chancery and, in effect, the Judge of appeal in the House of Lords, there have been in practice two successive appeals—one from the Master of the Rolls or Vice-Chancellor to the Lord Chancellor in the Court of Chancery, and a second from the Lord Chancellor in the Court of Chancery to the Lord Chancellor in the House of Lords.

The due administration of justice makes it absolutely necessary, that the decisions of every judge of original jurisdiction should be subject to reconsideration; not only upon a rehearing before the same judge, but upon an appeal to another judge or court; but a double appeal (being more than is necessary to secure the due administration of justice) produces unnecessary litigation, expense, and delay. We do not want an appeal in the shape of a rehearing and then a real appeal.

Lord *Lyndhurst*: That is what this Bill does in effect provide.

Lord *Langdale*: Yes: and my noble and learned Friend may recollect that that is one of the provisions of which I have disapproved. In order to the due administration of justice, two things are wanted—first, a rehearing, which enables the parties to offer new arguments, or present the case in a new light to the same judge, and affords to him an opportunity of correcting any errors into which he may have accidentally fallen; and secondly, an appeal to another judge or court, whenever there is reason to think that the judge has committed an error after the case has been duly presented to him, and he has had an opportunity of duly considering it. It is a great mistake to suppose that a cause cannot be candidly and fairly reheard by the same judge. I have been witness to many instances of that kind; and no doubt there are cases in which the Chancellor, in the name of the House of Lords, reverses his

own decrees in the Court of Chancery. But this he might do in his own name, upon a rehearing in his own court, without the forms, or the delays and expenses of a pretended appeal to another court.

Moreover, the mind of a judge ought to be in a state of the greatest possible calm and tranquillity. His cool and undisturbed attention should always be given to the case before him, and he should be, if possible, protected from the agitation of political storms. Yet the Chancellor is left peculiarly exposed to them, and what is it that we may not see? The man is subject to human frailty; he is called from the judgment-seat to mix in party politics, and when his power is tottering to its foundation, or great political excitement exists, his feelings will show signs of their existence. One man may be almost dissolved in tears—another may collect himself into rigidity, by an effort too manifest not to betray his inward emotion;—another may scarcely seek to conceal the wild excitement which tosses his mind:—but all such scenes are unseemly on the judgment-seat, and all such feelings unfit the judge to do his duty there. It is clear that such things ought to be avoided; clear also, that a judge ought not to be liable to be assailed by the importunities and solicitations which inevitably crowd on the possessor of great patronage: clear also, that the suitors ought not to be subject to the great expense and inconvenience which is often produced by the change of their judge with the change of administration. Let the case of Lady *Hewley's* charity be taken as an example of this sort of inconvenience. The case was heard before a noble and learned Lord now absent (Lord *Brougham*), with the assistance of two judges. Before the decision was given, that noble and learned Lord ceased to be Chancellor, and the hearing went for nothing. The case was again heard by my noble and learned Friend opposite (Lord *Lyndhurst*), with the assistance of two judges; and before the decision was given, my noble and learned Friend in his turn ceased to be Chancellor: and this second hearing would also have gone for nothing if the parties had not consented to be bound by the decision of my noble and learned Friend, notwithstanding his loss of office. Experience has indeed sufficiently proved the great inconvenience resulting from the union of the political and judicial functions of the Chancellor.

In stating the inconveniences which appear to have arisen in the different ways I have mentioned, I should be sorry to have

it supposed, that I impute them to the personal conduct of the eminent men who have successively held the high office of Chancellor. No man is bound to perform impossibilities; and certain I am, that no man in modern times has been, or is able to perform, in a satisfactory manner, the numerous important, complicated, and incompatible duties, which are attributed to the office of Chancellor. And if it should be said that the Chancellor, finding himself embarrassed by the multiplicity of his business, ought to have investigated the cause and provided a remedy; I shall answer, that it would have been better if he had done so, but that every lawyer has been brought up to contemplate the office of Chancellor as the great object of professional ambition, the great prize, the remote prospect of which allured the student to devote his early days to painful and laborious industry; and the possession of which rewarded a life of toil. To dim the splendour of the office by abstracting any of its attributes, has been thought a species of profanation; every legal mind has recoiled from the consideration of expedients likely to end in that result; and I cannot take upon myself to impute blame to those who, in such circumstances, have shrunk from the task. But, turn the matter in every way, the question forces itself upon us—What ought to be done with the office of Chancellor? From the numerous, complicated, and incompatible duties thrown upon him, the work of the country is not done; and I hope that I am not assuming too much when I venture to say, that it cannot be done without a division of his labour; and that to make the division effectual and beneficial, it should be made into three distinct parts, according to the three distinct classes of duty which the Chancellor has to perform: the judicial original—the judicial appellate—and the political. If the necessity, and also the principle of division be ascertained, we ought (I presume) to go the whole length to which the principle leads, provided we do so with the necessary prudence and caution.

There are three things to be provided for:—1st, sufficient original judicial power in the Court of Chancery; 2nd, sufficient legal and political power to enable the Government to give adequate attention to the state of the law and the administration of justice; 3rd, sufficient legal assistance for the exercise of the appellate judicial power of the House of Lords. And, to provide

for these objects, I submit to your Lordships,—

That the Lord Chancellor should no longer hold the Great Seal, but be created by letters patent, and confined to his judicial functions of original jurisdiction in the Court of Chancery:

That the Great Seal should be delivered to a Lord Keeper, who should perform all the political functions which have heretofore belonged to, or ought to have been exercised by, the Lord Chancellor holding the Great Seal, but should have no judicial power whatever:

That this House should be made a satisfactory Court of Appeal, by the appointment of judges competent to do the work imposed on them, and responsible for the due performance of their duties.

My Lords, I consider that this may be done with due regard to the prerogative of the Crown, and to the dignity and privileges of this House. But I feel that I have now touched upon the most difficult part of my subject, and I can scarcely venture to proceed further without entering into some historical detail respecting the appellate jurisdiction of this House, and the attempts which have from time to time been made to reform the Court of Chancery.

It is not easy to trace accurately the origin of the legal authority of the House of Lords, in matters of judicature. The King was at all times considered as the fountain of justice,—as the authority to be resorted to in any case of grievance by error, delay, or obstruction in the ordinary Courts: and it was upon the King, or the King and his Council, especially his Council in Parliament, that the country mainly relied for redress. In the time of Edward 3rd, [14 Edw. 3, stat. 1, cap. 5,] it was enacted—

“That at every Parliament should be chosen a prelate, two earls, and two barons, who should have commission and power of the King, to hear by petition delivered to them, the complaints of grievances and delays done in judicature: and by good advice of themselves, the Chancellor, and others, should proceed to take a good accord, and make a good judgment. And that in case the difficulty seemed so great that it might not be determined without assent of Parliament, the records were to be brought into the next Parliament, and there a final accord should be taken, what judgment should be given in such case.”

The Parliament which originally possessed judicature was the High Court of Parliament, of which the King was the

head, and the House of Commons a constituent part; but the House of Lords containing the only persons who in early times were competent to attend to matters of law, it is no wonder that the main jurisdiction centered there; and it was once conceived that any cause, and in any stage of it, might be heard and determined in this House:—that this House might receive the first plaint, or order the proceedings in an inferior court to be removed hither at any period, and assume the task of determining them. With these matters involved in the obscurity of what, for this purpose, may be considered remote antiquity, it is unnecessary to occupy time.

The appellate jurisdiction from the Courts of Common Law, was that which was first reduced to regular form. It rests upon the King's writ, which, after some variation of form, ultimately became a writ whereby the judge in the court below, upon alleged error, was commanded to bring the record to his Majesty in his Parliament, that he, with the assent of the Lords spiritual and temporal, in the same Parliament, might cause to be done what was right for correcting the alleged error.

Upon the consideration of the errors, it would appear that the learned persons who are now summoned to attend this House as the King's council here, had not only voice of advice, as they now have, but also voice of suffrage which they now have not; and that afterwards the King, either of his own authority or with the advice of the House, assigned a select number of Lords and Judges to hear and determine the alleged errors: but it has long been entirely settled, that when in pursuance of the King's writ the record is brought into Parliament, and the alleged errors are to be considered, it is the House of Lords who are to decide the question, though the Lords for their own assistance or satisfaction, may ask the advice of the Judges and others who attend the House, as the King's council here.

This was a settled course of proceeding before it became necessary to consider of appeals from the Courts of Equity. When the business of these Courts increased and their decrees became numerous, the necessity of providing some means of revising their judgments must have become obvious. But the great Courts of Equity—the Court of Chancery, the Court of Exchequer, and the Court of Requests, as well as the Equity Court of the Duchy of Lancaster, were

presided over by the Lord Chancellor, the Lord Treasurer, and the Lord Privy Seal, and the Chancellor of the Duchy,—all great officers of state; and it was not easy to provide a remedy. The first expedient resorted to was, to apply to the King for Commissions to examine the decrees; and instances of such Commissions to examine the decrees made in the Court of Chancery, are found in the times of Elizabeth, and of James 1st and Charles 1st; but it was not unfrequent to attempt to vacate decrees, by Bill in Parliament in a legislative way.

It is probable that the House of Lords was first applied to by way of petition to itself, in the time of James 1st; and it is very singular, as showing the state of the jurisdiction at that time, that in a case in which the House had, upon petition, made an order that was complained of, they did not persevere in maintaining the order, but directed that the cause should be reviewed in Chancery, by the Lord Keeper, assisted by such Lords of Parliament as should be named by the House, and the Lord Keeper was to be a suitor to his Majesty for a Commission. The jurisdiction of the House was not freely exercised till after the Restoration; and after some disputes which had their origin in questions of privilege, the House of Commons, on the 19th of November, 1675, passed this resolution:—

“Whereas the House has been informed of several appeals depending in the House of Lords, from Courts of Equity, to the great violation of the rights and liberties of the Commons of England; it is this day resolved and declared, that whosoever shall solicit, plead, or prosecute any appeal against any Commoner of England, from any Court of Equity, before the House of Lords, shall be deemed and taken a betrayer of the rights and liberties of the people of England, and shall be proceeded against accordingly.”

The Commons soon after voted two appellants into custody. The Lords voted protection to the same persons, and declared the resolution of the Commons to be “illegal, unparliamentary, and tending to a dissolution of the government.” Upon this the King prorogued the Parliament for fifteen months, and the dispute was afterwards settled under circumstances not well known. The Lords, however, succeeded in establishing their right. After the union with Scotland, (though the Act took no notice of the appellate jurisdiction,) appeals were brought to the House of Lords from Scotland, by petition to the

Lords without any application to the King; and by the Act of Union with Ireland, the appellate jurisdiction was expressly reserved to the House of Lords of the United Kingdom.

The jurisdiction which in process of time was thus firmly established, was at an early period disapproved of by Sir Matthew Hale, who pointed out the inconveniences arising from such a Court of Appeal from the judgments of learned Judges given with deliberation, and yet subject to be overthrown by one single content or not content; and it does seem a singular constitution, that a House composed as this is, should have power to decide in matters of law by a majority of votes against the opinion of all the Judges. This power, however, has been but rarely exercised. Very few instances of the interference of the House of Lords against the opinion of the Chancellor have occurred. The reason undoubtedly is, that whatever may have been done soon after the jurisdiction was first exercised, the Members of the House have generally thought it unbecoming to interfere in matters which they did not understand, or in which they might have a personal interest; and, in the result, it has generally been found difficult to induce the Lords to attend at all. The inconveniences indicated by Sir Matthew Hale, and which were experienced in his time, can be hardly said to exist in modern times. The whole business has been usually left to the Lord Chancellor or Lord Keeper alone; he has decided appeals and writs of error according to his own judgment and discretion, assisted when he pleased by other Judges; but his decisions have been made in the name of the House; and from the circumstance of his judgments being nominally those of the House, they have had, in the opinion of the public and of the profession, a much more imposing dignity and authority than they would have had if pronounced by him as a single Judge in a distinct Court. In this view, the public were, for a considerable time, rather benefited than injured by an arrangement which at first seemed very objectionable. There were persons who smiled at the contrivances and ceremonies resorted to for the purpose of giving to the proceedings of one man the appearance of being the proceedings of the House of Lords; but, in substance, the public looked to the Chancellor alone; the Chancellor well knew that the only responsibility, which the nature of the case admitted of, vested in him; he took pains accordingly, and the public had the benefit.

But an inconvenience, not contemplated at an early period, arose. The Chancellor having, in substance, become the sole Judge of Appeals in the House of Lords, the business of Appeals could not ordinarily proceed in his absence; and, at the same time the business of the Court of Chancery was continually increasing. The business of Appeals was increased by the union with Scotland, and long afterwards by the union with Ireland. It would be tedious to trace the history with minuteness. The Chancellor had, as I have said, three sorts of business. He was a politician; a Judge of Appeal in the House of Lords; and a Judge in his own Court. His increasing occupations deprived the country, in a great measure, of the benefit of his general superintendence of the law; but there were parts of his political business of such urgent and pressing necessity that they could not be neglected, and they were not. The rest of his time was divided between the House of Lords and the Court of Chancery; and in neither place could satisfaction be given. I pass over the complaints which were from time to time made during the whole course of the eighteenth century, and come to a period of ten years after the union with Ireland. In the spring of 1811, there were depending in the House 296 appeals and forty-two writs of error; a Committee was appointed to inquire what measures it might be expedient to adopt, for the more expeditious hearing of causes brought into the House by appeals and writs of error. On the 20th May, the Committee reported that it would be expedient for the House to sit for hearing appeals, at least three days in every week during the Session; meeting at ten o'clock at the latest on each day, till the arrear should be considerably reduced, and subsequently two days in the week; that, as such a regulation would take up a large portion of the Chancellor's time, it was absolutely necessary that some relief should be afforded him in the discharge of his other judicial duties; and that it was expedient (in order to secure at the same time a sufficient attendance upon the House of Lords by the Lord Chancellor, and sufficient means for carrying on the business in the Court of Chancery) that an additional Judge in the Court of Chancery should be appointed. On the 30th May, the resolutions of the Committee were adopted by the House; and they were the germ of the Bill for the appointment of the Vice-Chancellor, which passed into a law about two years afterwards,

About the time when the Committee reported, the House of Commons instituted proceedings of their own on the same subject. The question was taken up as a party question. A desire to throw blame on Lord Eldon appears to have been at least as powerful as the love of justice in the minds of some of those who opposed the measure; and the debates of the period, though affording some useful suggestions, contain but little valuable instruction. There were those who thought, or said they thought, that the Chancellor, by his personal dilatoriness, was the sole cause of the obstruction to justice, both in the House of Lords and in the Court of Chancery. Others considered that the arrears might be effectually disposed of, and the growing business kept down, by inducing the Master of the Rolls to take upon himself a greater proportion of duty than he then performed; by taking from the Lord Chancellor the business in bankruptcy; by separating the office of Speaker of the House of Lords from that of Chancellor; or by making the office of Chancellor of the Duchy of Lancaster efficient.

The Bill at length passed without any material alteration. In the course of its progress through the House of Lords, Lord Eldon had said, "that according to the mode of proceeding theretofore acted upon, the arrears then on the table could not be disposed of for eleven years from that time;" and Lord Redesdale had said, "Either that measure must pass, or the House must abandon its appellate jurisdiction. Which was the most constitutional course," he said, "it needed no argument to point out." The preamble stated, that

"The number of appeals and writs of error in Parliament had of late years greatly increased, and it had become necessary that a larger proportion of time should be allotted for hearing and determining such appeals and writs of error, than had usually been employed for that purpose, and therefore, as well as for the better administration of justice in the several judicial functions belonging to the offices of the Lord High Chancellor, Lord Keeper, or Lords Commissioners for the custody of the Great Seal of the United Kingdom, it is expedient that another Judge should be appointed to assist in the discharge of such judicial functions, Be it therefore enacted, &c."

Throughout the proceeding, it was assumed, that delays in the Court of Chancery arose from the absence of the Chancellor to attend to the business of the House of Lords; and that the judicial business of the House of Lords could not be transacted

without withdrawing the Chancellor from his own Court, to an extent which would be injurious to the suitors there, if other assistance were not provided.

The Bill having become a law, the Vice-Chancellor took his seat in the Court of Chancery, and the House passed the order which in the book is numbered 182, for hearing causes three days a week. The predictions of the opponents of the measure were fulfilled in this, that the Lord Chancellor became almost entirely a judge for rehearing the orders and decrees of the Master of the Rolls or Vice-Chancellor; but in other respects the result did not answer the expectations of either supporters or opponents. A great deal more business was done, both in the House and in the Court of Chancery, but the business was by no means cleared off; and ten years afterwards the House was told by Lord Liverpool that "when the measure was proposed in 1813, for hearing appeals during the whole morning, three days in the week, in that House (and which had been rigidly adhered to), it was expected that when the then existing arrear of appeals was got rid of, the number would be so kept down, that one day in the week would suffice for hearing them, and that the Lord Chancellor might then be enabled to devote the other two days to the business of the Court of Chancery. So far, however, from this being the case, the number of appeals had actually increased since that period, the number lodged being 570, considerably more than the number heard and decided." A Select Committee was consequently appointed, to consider of the best means of facilitating the administration of justice as connected with the hearing of appeals, writs of error, and other judicial business. In June 1823, the Committee made their Report, and after adverting to the establishment of the Vice-Chancellor's Court, and the 182nd order of the House, they stated that all the exertions which were used had at length been found ineffectual; and then they expressed themselves in the remarkable words already quoted by my noble and learned Friend on the Woolsack,—“There is now a manifest impossibility, that any person holding the Great Seal can find the time which is requisite for the business of the Court of Chancery and the House of Lords, and for all the other great and arduous duties of his high office.” Nobody can read the report without acknowledging that the

Committee took a great deal of pains, and investigated not only the immediate objects of their inquiry, but some other important subjects connected with them. The Committee, however, came to singularly weak conclusions. They recommended the appointment of Speakers by Royal Commission for the hearing of appeals, and a compulsory proceeding to enforce the attendance of Peers.

It was not difficult to procure the appointment of Speakers, and, perhaps, not very difficult to induce the House to make orders to compel the attendance of Peers, but some discussions took place. In proposing the orders, which bear date the 7th of July, 1823, and are numbered from 200 to 209, Lord Liverpool felt the difficulty of his subject; he intimated his opinion, that there were strong reasons for removing the Scotch appeals to some other jurisdiction, and stated "that he objected to the separation of the office of Chancellor from that of Speaker of the House of Lords, and was unwilling to see that high and ancient office frittered away by regulations for reducing or dividing its duties." Lord Eldon took occasion to say, "that he had never known any man in the profession who had not deprecated the separation of the two offices of Lord Chancellor and Speaker of the House of Lords. Against that project, therefore, he opposed not merely his own individual opinion, but the collective opinion of an acute and intelligent profession." Your Lordships will perceive that I make no attempt to conceal or disguise the weight of authority which there is against my argument.

It is to be remarked, that in the course of the debate, Lord Colchester stated, that "prospective measures were in contemplation to prevent the future growth of appeals, and, amongst them, he mentioned his understanding that a revision of the practice of the Court of Chancery had already reached the first stage of its progress, and that a complete report had been made to the Chancellor of all the regulations established, from time to time, by those who had held the Great Seal; and that upon the foundation of that Report the Chancellor, in conjunction with the other two judges of his court, might proceed to make great improvements in the administration of justice in that court." Whether any material progress was made in that very important work does not appear, but Lord Speakers were appointed,

and the orders (200 to 209) providing for the compulsory attendance of Peers were made. They continued in operation till the 1st of February, 1828, when one of them was vacated, and the rest of them were suspended; it being, I believe, found more troublesome to enforce the process for compulsory attendance, than to induce particular lords to attend by solicitation.

Whilst the House proceeded to hear appeals under the presidency of Lord Gifford as Lord Speaker, the attention of the House of Commons was strongly directed to the delays of the Court of Chancery; and the task of revising its practice being probably found more difficult than was expected, in the year 1824 a Commission issued, to inquire whether any and what alterations could be made in the practice of the Court, or in the offices of the Court, by which expense and delay might be diminished, and also whether any business could be usefully withdrawn from the Court and committed to any other Court. The Commission diligently and fairly pursued the objects of their inquiry—they examined many witnesses, and made a report, which, though in my opinion it fell short of the exigency of the case, did nevertheless recommend many useful regulations, and in useful efficiency exceeded the then expectations of the public. There seems no reason to doubt, that the Government of that day was desirous to act *bona fide* upon the recommendation of the Commissioners. My noble and learned Friend opposite, who then held the office of Attorney-General, brought a Bill for that purpose into the House of Commons; he resumed it in the following year, when he was Master of the Rolls, and would probably have persevered, if he had continued a member of that House; but being elevated to the office of Chancellor, he had occasion to consider the subject in a new point of view. I can bear witness to the anxious attention which he paid to the propositions which had been recommended by the Commissioners; but no new orders were published till April, 1828; and at last it became, I believe, perfectly manifest to his mind, that an increase of judicial power in the Court of Chancery was absolutely necessary to give the suitors the full benefit of any other regulations which might be adopted; and accordingly in May, 1829, and afterwards in May, 1830, he brought Bills (for there were two, and not one Bill

only, as might be collected from his statement to-night) into this House "for facilitating the administration of justice in suits and other proceedings in equity." Both of these Bills authorised the appointment of an additional judge in the Court of Chancery, subordinate to the Lord Chancellor. The first contained a proviso, enabling the Master of the Rolls to dispose of business not usually transacted in his Court. This proviso was omitted in the second Bill, which contained a clause enabling his Majesty to discontinue the new judge, if he should think fit, in case of vacancy.

Nothing can be more clear than that my noble and learned Friend opposite, was well founded in his opinion, that there was a want of judicial power in the Court of Chancery. When he brought in his first Bill, he proposed that the master of the Rolls should sit in the morning like other judges, and that the equity jurisdiction of the Court of Exchequer should be transferred to his proposed new judge. I believe that I am right in supposing, that if an increase of judicial power had been obtained, the noble Lord meditated other changes to a considerable extent: amongst them, some changes carried into effect by his successor, such as diminishing the number of the London Commissioners of Bankrupt, and taking from the masters and other officers of the Court, all interest in copy-money; and a most important change, which I hope will become the subject of more consideration hereafter, viz., the establishment of local ministerial authorities, to perform, at less expense, many important functions now exercised by the Masters in London, and by special Commissioners in almost every suit: I say, that I have reasons to believe that such objects as these were meditated by the noble Lord; but undoubtedly he did not develop the whole of his plans, and they were not well or clearly understood by the public, or by the House of Commons; they were most vehemently opposed, and most languidly supported by everybody but himself. To-night, if he will excuse me for saying so, he has shown some irritation in noticing the manner in which his proposal was treated by his opponents; to me it seems, that he has at least as strong ground of complaint against many of those who were ranked among his friends. Both his Bills passed this House, but the Bill of 1829, after one reading in the House of Com-

mons, was postponed till the next session: and the Bill of 1830 was not resumed in the House of Commons after the death of the late King, (Geo. 4th.) which happened during its progress. Before the end of the Session, the important statutes generally known in the profession by the name of "Sugden's Acts" were passed under the auspices of Government, and effected important improvement in the process, and in the administrative power of the Court of Chancery.

In November, 1830, there was a change of Administration, and, before the attention of the new Government could well be directed to the subject, Sir Edward Sugden took occasion to state his view of the question of Chancery reform. His speech on the subject was delivered on the 16th December, 1830. He made a great variety of useful practical suggestions, which it would be well for every judge, and for every practitioner in the Court to give serious attention to. He did not propose the appointment of a new judge, but to make the Vice-Chancellor independent of the Lord Chancellor, to make the Lord Chief Baron exclusively an equity judge, and assimilate the practice of the equity side of the Court of Exchequer, to that of the Court of Chancery, and to create an intermediate Court of Appeal, consisting of three out of the four equity judges intended to remain: and he declared, that the intention to remove the equity jurisdiction of the Court of Exchequer, had never for an instant been entertained by him.

The idea of such a court of intermediate appeal was taken from the Court of Exchequer chamber. Every thing which proceeds from the very learned and eminent person by whom this scheme was recommended, is entitled to attention and respect; but on the best consideration which I have been able to give to the subject, it does not appear to me that his plan could have succeeded. Whilst three judges were occupied in hearing appeals, one only could have been left to hear original causes, and such an impediment would have greatly increased the obstruction.

When the noble and learned Lord now absent (Lord Brougham) became possessed of the Great Seal, he contemplated, and soon afterwards effected many important changes. At first he was so far from supposing that the appointment of a new

judge was necessary, that he seems to have thought the Court stronger than enough, and he actually expressed his opinion, that by the changes he was to bring about, he should be able to dispense with the office of Vice-Chancellor. This was in February, 1831. In July, 1833, further experience had so far altered his Lordship's views, that he laid on the table of the House a Bill, entitled, "An Act for appointing a Chief Judge in Chancery, and for establishing a Court of Appeal in Chancery." The proposed new judge was, with certain exceptions, to have in the Court of Chancery all the powers and jurisdiction of the Lord Chancellor; and the new Court of Appeal was to be constituted by letters patent, and to consist of the Lord Chancellor, the new Judge, the Master of the Rolls, the Vice-Chancellor, and the Chief Baron of the Exchequer, any three of whom were to form a Court: and there was to be a right of appealing from this Court of Appeal to the House of Lords, if the three judges did not concur, or if they did not confirm the judgment appealed from. The proposed intermediate Court of Appeal was evidently framed on the model of Sir Edward Sugden's plan, and was liable to the like objections. By the appointment of the new judge, it was intended to reserve to the Lord Chancellor his political functions, his ministerial functions, and his functions as a Judge of Appeals in the House of Lords, in the Privy Council, and in the Court of Chancery, and his jurisdiction in matters of lunacy.

In the course of the next year, another plan was proposed by the noble and learned Lord, and in August, 1834, he laid upon the table of the House a Bill, entitled "An Act to alter and amend the appellate jurisdiction of the House of Lords, and for certain other purposes." The principal object of the Bill was, to enable the House of Lords to refer matters of appeal to the Judicial Committee of the Privy Council. The Bill was printed, but the subject of it was never discussed in the House.

It is right to observe, that during the Chancellorship of the noble and learned author of the two Bills I have last mentioned, Acts of Parliament were passed, which took from the Chancellor all interest in fees, and took from the Masters in Chancery and Registrars all interest in fees and copy money, and thus effected

an object previously contemplated by my noble and learned Friend opposite, and which more than any thing which I am aware of, has cleared away obstructions to future improvement. Some inconveniences may for a time arise from them. The gain on each particular step in a proceeding is taken away; with the gain are lost, at the same time, the stimulus to advance, and the temptation to multiply steps. The temptation to multiply steps and increase the number of fees to be received, seems to me more likely to produce bad consequences than the loss of the stimulus is likely to do; and I think that regulations may be adopted to secure due exertion without resorting to the interest of the purse.

My Lords, after the detail, which I am afraid may have been thought tedious, it seems scarcely necessary to say, that it would ill become me to dogmatise on a subject of so much importance and difficulty. I shall not err by over confidence; and having used my sincere endeavours to find an adequate remedy for grievances admitted to exist, I may, perhaps, be excused for hoping that blame will not be imputed to me if I should, after all, be unable to produce a plan which meets the views of many of your Lordships. I ask of your Lordships to give me credit for having examined the subject, and for stating frankly to your Lordships what has occurred to me after careful consideration.

Consider, then, how the case stands. You are possessed of and now legally exercise the functions of the highest and last Court of Appeal. Your decision is absolutely conclusive. It not only finally binds the right of the parties immediately interested in the case before you, but it fixes the rule which is to guide the decision of inferior Judges in all cases of the like kind. In the anxiety which often presses on the mind of an inferior Judge, knowing that in some cases, after he has done every thing in his power to decide justly, he may nevertheless commit an error, he has at least this consolation, that his error will probably be detected by an acute, intelligent, and enlightened bar; and that when detected it is open to correction, on rehearing or appeal. But your Lordships, when you decide in judicature, have no such refuge; if, in the frailty of human judgment, injustice should be done by your decision, it is

fatal; there is no redress; the brand for ever remains: for why should I speak of the power, (though theoretically power there be) in the High Court of Parliament. By so much the more, then, is it incumbent on your Lordships to take all possible care to avoid any error or mistake; to see that those things which (I hope I may say without offence) most of us do not know and cannot understand, be committed to the agency of persons who do know and understand, and have the means of satisfactorily performing those most important duties, for which we are all responsible.

It may be said, and truly, that little of public and general complaint is heard. It is so. Of all the grievances which afflict a country, none are so pernicious, none tend so certainly to unfasten all the bands which hold society in peace and harmony together, as those which are found to prevail in Courts of Justice; but there are none which excite so little clamour or alarm; none, perhaps, which attract so little of public attention. Whilst the suit is in progress, both parties are afraid to excite an unpleasant feeling in the mind of the judge. When the suit is decided, the successful party if he thinks his cause right, boasts of the triumph of justice; if he is conscious of wrong, and thinks that he has prevailed by the error of the Judge, he will at least enjoy his unjust success in silence: whilst the unsuccessful party, whether he suffers justly or unjustly, is overpowered by the authority which decides against him. If he complains at all, it will be in vain. A disappointed suitor meets with even less attention and regard than a discarded servant; and thus it happens, that in cases of even serious grievance the truth may never be known. In matters of judicature, therefore, you often want the index which is afforded you in other cases of grievance, and on that account again it is the more incumbent on you to take care that all just ground of complaint is removed.

In order that this House, as the highest and last Court of Appeal, may be able adequately and satisfactorily to perform the great and important functions with which it is invested, I submit to your Lordships, that the most eminent lawyer who can be found, eminent for learning, for integrity, and for judicial character, should permanently preside over it in all business of appeals or writs of error. That he should hold his office during his good

behaviour, and be thereby wholly exempt from political excitement, or the effect of political changes.

And recollecting that the cases which come here are cases of equity, cases of common law, and cases of Scotch law, and that in these days you scarcely find any lawyer who is particularly conversant with more than one of these different systems of law, I submit to your Lordships that the learned Judge, whom, for the sake of discussion, I propose to call "Lord President of this House in matter of Appeal and Writs of Error," should have Assistants, to be selected from amongst the persons most eminent in the different branches of the law administered here. What I submit is, that the assistance should be regular and constant; that the learned persons who afford it should not necessarily be Peers, but should be called "Lords Assistant of the House of Lords, in the matter of Appeals and Writs of Error," and should be seen and known by the public to be steadily engaged in that important service; and for that purpose should hold their offices during their good behaviour; that they should always be found here, and always be called upon openly to give their advice to the House, before the judgment is pronounced.

My Lords, I do not propose to deprive the House of the valuable assistance of the learned Judges of the Courts below, or of the other persons who are summoned here as of the King's Council in the House of Lords. It may often be most important to ask their opinion as is now done, but their employment elsewhere is too important and pressing for them to attend here with the frequency that is requisite for the daily administration of justice.

Having submitted to your Lordships, that it is necessary to provide a Chief Judge and proper Assistants in this House, I have next to submit to your Lordships, that provision should be made against any unnecessary delay.

It is too obvious for argument, that the course of justice ought not to be checked or in any way impeded by the political reasons which determine the prorogation or dissolution of Parliament. Why are appeals to be delayed or suspended from the end of one Session of Parliament to the commencement of another, sometimes interrupted and cut off in the middle, to the enormous expense and injury of the

parties? Suppose the course of justice in full flow, the parties, for instance, come from Scotland or Ireland with their agents, counsel, and documents, and the cause in the paper for hearing. Whilst they are waiting in suspense and anxiety for the hearing and the judgment, some party or political reason occurs to occasion the dissolution or prorogation of Parliament, and they are sent home disappointed, and for the time denied that justice to which they are clearly entitled. My Lords, it is impossible to justify such a state of things.

From the statute of Edward 3rd, which has been before referred to, it appears, that the tribunal thereby constituted was intended to sit and decide in the interval between the sitting of Parliaments, though the tribunal itself had power to refer difficult matters to the next Parliament.

The Court of Exchequer Chamber, which was established in the time of Elizabeth, to correct errors of the Court of King's Bench, was created because the High Court of Parliament was not so often holden as in former times it had been, and because, in respect of greater affairs of the realm, the erroneous judgments complained of could not be well considered and determined during the time of Parliament. Your Lordships will, therefore, see, that it has been an object of the Legislature to prevent delays of justice by the intermission of the sitting of Parliament. These statutes, providing what may be called intermediate Courts of Appeal, carefully preserve the ultimate authority of Parliament.

What I submit to your Lordships, however, is not to create an intermediate Court of Appeal, consisting of Judges who have other sufficient employment, but to add strength and vigour to the machinery of this House, and, when the occasion shall require, to extend the time of sitting for judicial purposes beyond the ordinary Sessions of Parliament; and this extension of time, I submit, should be allowed by authority of the King on the address of the House.

My Lords, I do not concur with my noble and learned Friend on the Wool-sack upon the propriety of striking out the word dissolution from his proposed Bill. Justice is not to be stopped by political causes, whether they occasion dissolution or prorogation; and what I should propose would be, that if on, the

occasion of any prorogation or dissolution, there should be any appeals or writs of error depending in the House and undisposed of; it should be lawful for His Majesty, by proclamation to be issued with the advice of the Privy Council, to summon the Lords, for the purpose only of hearing and adjudicating on such appeals and writs of error: that the Lords might then meet for that purpose, and act in their judicial capacity only; and that it should be lawful for the King to discontinue and put an end to their sittings whenever he should think fit.

My Lords, in considering this subject, I have given myself no trouble about questions of politics or party. I have thought of the patronage which may be created and of the expense which may be incurred, but I do not trouble your Lordships with that subject on the present occasion. I say that the course of justice ought not to be impeded by any party considerations; nor by any considerations of patronage or expense. I shall willingly abandon my own suggestions if better can be proposed; and if it be made out that any proposed plan is required for the due administration of justice, I say without hesitation, you must lay aside your party and your politics, regulate the patronage as you best can for the public service, and provide for the expense: because, above all things, you must not deny justice, which, if obtained, is above all price, and which it is the first duty of Government to secure to the public.

It has given me great satisfaction to hear my noble and learned Friend opposite, declare his willingness to support a proposition for the appointment, not only of an additional Judge in Chancery, but also of an Equity Judge in the Court of Exchequer. I entirely concur with him in thinking that an increase of judicial power to that extent is required. When the arrears are cleared off, you will have a great increase of causes; a resort to the Court by many persons who require its sanction and indemnity for their own safety, and yet are deterred from asking for indemnity, by the long and expensive process, without which it cannot be obtained. There are, for instance, trustees who have to act under complicated or ill-expressed instruments, and under circumstances so little foreseen or provided for by the authors of the trust, that the most experienced lawyers cannot confidently ad-

wise what conduct ought to be or can with safety be pursued. Cases of this nature very often occur. The interests of the persons who claim to be, and perhaps are, beneficially entitled require an immediate or very speedy determination. The delay of two or three years may bring ruin on them all, yet it may be, that the decision of a Court of Equity cannot be had sooner. The feelings of the trustees are acted upon; they take the risk on themselves, and many years afterwards, they, or their representatives, have (perhaps, to their own ruin) to pay for the error, which may have been unconsciously committed.

The propriety, nay, the necessity of having Courts strong enough to give speedy attention to cases of this sort, and many others of a like nature, is apparent, and I am fully persuaded, that the increase of judicial power of original jurisdiction, which is recommended by my noble and learned Friend, will not be too much. I cannot, however, agree with him in thinking, that the judicial business of the House of Lords would not be sufficient to occupy the full attention of a competent Court of Judicature, or that it is necessary to have a Judge of Appeal employed also as a Judge of Original Jurisdiction. As matters stand now, if you take an equity lawyer for your Chancellor, he has no experience in the common law of England or in the Scotch law, which is at all to be compared with the experience of the Judges of the Courts of Common Law, or of the Scotch Judges: if he be a common lawyer, what is or can be his experience in equity as compared with the experience of the fixed Equity Judges? If the argument of my noble and learned Friend in this respect were valid, the Chancellors would always be objects of contempt to the Judges and Counsel of the Courts at the bars of which they had not practised, or on the benches on which they did not sit. As to the sharpening of the intellect, keeping up knowledge, and the habit of applying it, I confess, my Lords, that if the quantity be sufficient, I see no reason to think, that Appeal business may not have effects at least as salutary and as likely to invigorate and improve the judicial character as any original business can be. And as to the quantity, look at past experience, without being influenced by the small amount of arrears now existing, and which may be, though hitherto it has not been, fully explained; consider also the additional busi-

ness which might and, as I conceive, ought to be brought here, and it seems, to me at least, that there will be plenty to do. My noble and learned Friend on the Woolsack thinks, that the quantity may be so great as to choke up the House. I am not deterred by that remark, because if the event should turn out to be so, adequate provision may hereafter be made for it; but in the mean time, I cannot assume that the business will be so small as not to give sufficient employment to the House. The idea of the whole appellate business of the United Kingdom, to which the appellate business of the Colonies might also be added, not giving such employment to a Court as to afford the Judge fitting exercise for the preservation of his legal faculties, does not seem to rest on a very sure foundation.

To resume shortly, I propose to make the Lord Chancellor a more efficient Judge for hearing original causes in the Court of Chancery, by confining his judicial functions to that Court, and taking from him the custody and use of the Great Seal. I propose to make this House a much more effective Court of Appeal, by securing to it such assistance as the nature of the case requires; and I propose that the Lord Keeper of the Great Seal, being exempt from judicial functions, should be able to devote his whole mind and attention to the superintendence of the law and the administration of justice. I would not have proposed a change so extensive if it had appeared to me that any thing less would have answered the exigency of the case. To propose less than the case requires would be a mockery.

The Lord Chancellor, as newly constituted in the Court of Chancery, would, with the other Judges, be able to dispose of the existing arrears of original causes, and if the Court of Exchequer were made a more effective court of equity, would probably be able to dispose of the accruing business as it comes forward, and also of the business now transacted by the Court of Review in bankruptcy.

The House of Lords, provided with effective assistance and sufficient machinery, might, if you should think fit, have transferred to it the whole, or at least part of the appellate business of the Judicial Committee of the Privy Council. There would, I think, be great convenience in transferring the whole; but with regard to the Colonies which have Legislatures of

their own, it might be better to wait till the approbation of those Legislatures can be obtained; though it would be strange if they should prefer the Judicial Committee of the Privy Council, constituted as it is, to the House of Lords, with such assistance as I submit to your Lordships it ought to have.

The Lord Keeper of the Great Seal, though divested of judicial power, would still be the King's principal adviser in matters of law, a Privy Councillor, a Cabinet Minister, and a Great Officer of State, responsible in all matters, ministerial and political, which are connected with the custody and use of the Great Seal. He would still be the head of the law, the connecting medium between the state and the profession; he, as Lord Keeper, would have the nomination of Magistrates, and, as I submit to your Lordships, should be responsible for the appointment of all Judges and judicial officers.

In order that new laws or alterations of old laws may be made consistent with one another, or with the general plan of the system already existing, it is plain that every proposal to change should undergo most careful consideration. To secure this, I submit to your Lordships that the country ought to have a responsible authority, possessed of appropriate knowledge, and so situated as to have no excuse for neglect of duty. An arrangement for this purpose, important at all times, is most especially so in times when there may be wanted a firm, temperate, and not hostile check to urgent demands for change, well meant, perhaps, but not always founded on sufficient knowledge and experience.

It would, my Lords, be the duty of the Lord Keeper to conduct and direct inquiries into the state of the law, for the purposes on account of which Commissions have lately been appointed. It would be his duty to prepare and bring forward all Bills introduced with the sanction and approbation of Government; and to examine and report upon all Bills brought into Parliament by individual Members of either House. To him might be brought back some of the duties which now properly belong to the office of Lord Chancellor, but which under the circumstances which I need not repeat, have slipped into the office of the Secretary for the Home Department. To him might be committed a superintendence over the general orders from time to time made by Courts of Jus-

tice for the regulation of practice and pleading—for the alteration of fees—and the regulation of salaries and emoluments in Courts of Justice—and it might be made his duty to make annual reports and give information in respect of all such matters to the King's Government and to Parliament.

I conceive it to be clear, that the great and important functions which I have but slightly mentioned, and the various duties annexed to them would, for their adequate and satisfactory performance, require a man of pre-eminent talents and learning, and would occupy his whole time—and to me, at least, it seems that the establishment of such a political and legal authority would be in the highest degree beneficial to the country.

My Lords, in stating what appears to me necessary to be done in relation to the office of Chancellor, I have abstained from saying any thing on many other important subjects connected with the Court of Chancery. They deserve the most careful attention, but are not necessary, or perhaps proper, to be considered now. I feel much indebted to your Lordships for the attention which you have been pleased to afford me, and the rather because I am aware, that the line of argument which I have thought it my duty to adopt cannot be popular here. If I could hope that my proposal would be received with favour, I would willingly bestow the labour necessary to produce it in a form adapted to the consideration of its details. Not being able to flatter myself with any such hope at present, I shall think it my duty to vote for the second reading of the Bills now before your Lordships.

I have no doubt, that they have been brought forward by my noble and learned Friend on the Woolsack as the best which, in his view of the subject, could be carried. They will not effect all which I think ought to be done, and they will for a time maintain some inconveniences which I think ought to be removed at once; but if carried, they will afford some considerable present relief to the suitors of the Court of Chancery, and they will not in any way impede those further changes which I think ought to be adopted. For these reasons I shall vote for the second reading.

Lord Abinger expressed his entire concurrence in the views of his noble and learned Friend (Lord Lyndhurst), and declared his intention to support the amend-

ment. He was somewhat surprised, after the many objections which his noble and learned Friend (Lord Langdale) had made to the Bill, that he should conclude by stating his intention to vote for the second reading. Entertaining, as he did, the highest respect for the opinions of his noble and learned Friend, still, if he were to pronounce a judgment upon the essay which his noble and learned Friend had just delivered, he should say that there was something more of a love of theory in it than of an attention to practice. It appeared that his noble and learned Friend expected more from human institutions than they were capable of affording. When he complained that the progress of justice was interrupted by the prorogations of Parliament, and that great evils arose from it, he might, in the same way, have complained of the interruption of justice arising from the illness of a judge, or even by his death. Some theorists had gone so far as even to provide against these occurrences. One of the most eloquent and most profound of theorists had proposed that a judge should be constantly sitting to administer justice, hot and hot as was required. That ingenious gentleman maintained that speedy justice was so essential, that no system of judicature could be perfect unless there was one judge eternally sitting, so that when one was fatigued another should take his place. That certainly was the very perfection of theory. But human affairs would not admit of its application; he therefore must request his noble and learned Friend to mix up with his theory a little more of his experience in practice. He was not disposed to agree with the opinion of his noble and learned Friend that it would be desirable to separate the judicial from the political functions of the Lord Chancellor. On the contrary, he was rather inclined to concur in the opinions delivered by almost all the gentlemen of the profession, that it would be impossible for a person holding the office of Chancellor apart from the judicial functions, to preserve and give validity to that authority which was so essential to the decisions of their Lordships' House. He thought it would be a most fatal thing not only to the public and to their Lordships' House, but to the Crown itself, if the Lord Chancellor, presiding in the House of Lords, were not to be selected not only from persons of the highest rank and talent in the legal profession, but also if he were not to preside in the highest judicial situation in the country. It was essentially necessary

that this should be the case, in order to preserve respect from the public, and the veneration and dignity of their Lordships' House. It was also necessary, in order to give the Chancellor full opportunity, by daily practice, of keeping alive in his mind all the decisions and principles of law which were essential to the efficient discharge of his functions in their Lordships' House and in his Majesty's Councils. What was the ground of apprehension that the judicial decisions of a Chancellor would be influenced by his having political duties to discharge? No case had ever occurred in which the decision of a Chancellor as judge had been suspected on account of his belonging to a political party in the State. He believed that ever since the institution of the Court of Chancery was known, no such partiality had been suspected. His noble and learned Friend was perhaps aware that even Lord Chancellor Jeffries, in all the decisions that he pronounced, was considered as high authority as a lawyer. No one of his decisions in equity had been questioned since, or suspected to have been at all founded upon his political partisanship. The best mode to guard against any cause of suspicion of that kind, was to select the best and most talented men in the profession. He believed that the most distinguished and the most learned men were those the least inclined to barter their honour for any boon that party might bestow. He was not afraid that any man in Westminster-hall, who was of eminent character in his profession, would be biased in his judicial decisions because he combined with his office certain political duties. What had the judicial functions of the Lord Chancellor in his own Court, or in their Lordships' House, to do, either directly or indirectly, with his political duties? Even his noble and learned Friend had said, that the appointment of justices of the peace was properly a judicial function; if so, why should not the Lord Chancellor be allowed to exercise that function, and all those other functions of purely a judicial nature, notwithstanding his being allied to a political party? Sure he was, that a Chancellor who was a gentleman and a man of honour would disdain to receive any suggestion on political grounds, as to the mode of exercising those parts of his judicial duties. Again; a great many of the deliberations in the Cabinet were not of a political or party nature, but had regard to the public interests in general. He begged to know whether the presence in the Cabinet of the

men exercising the highest judicial functions in the State, did not give to those deliberations a great additional importance and respect? Besides, it was absolutely necessary that his Majesty's Ministers should possess amongst them a man of high rank and character, who was capable of being their legal friend and adviser in the Cabinet. It would not be considered constitutional, perhaps, for a Minister of the Crown to receive advice from those who were not connected with his party. The King had on numerous occasions the need of advice and authority in the law. Now, he must receive that advice from his Chancellor, and not from any body else. Therefore his Majesty's Ministers were bound to provide for the King a person in whom he might have confidence, and by whom he knew that his own safety and honour would be fairly and duly consulted. It appeared to him, therefore, that the moment they adopted a measure which would have a tendency to make the Chancellor a mere political officer, they would not only derogate much from the dignity of their Lordships' House as a tribunal for the administration of justice, but also from the interest and security of the Crown itself. If any inconvenience existed at all in the union of the political and judicial functions (but which he believed was more in imagination than in reality), still he thought that inconvenience was in no degree sufficient to counterbalance the advantage of having the office of Lord Chancellor as it was now constituted. The Chancellor of the Exchequer, the President of the Council, and the Privy Seal, were now merely political offices. And why? Because their judicial functions had been taken from them, and these offices became objects of desire to mere political parties. If the political were separated from the judicial functions of the Lord Chancellor, they would soon find that the Chancellor would be selected, not on account of his legal knowledge, but on account of his success as an eloquent political debater, either in this House or in the other. For these reasons he should give his cordial support to the amendment of his noble and learned Friend.

Viscount Melbourne said, that if the noble and learned Lord who had last addressed their Lordships, and particularly his noble and learned Friend (Lord Langdale), with such mastery of all the details, and of all those general and enlarged principles upon which a question like this should be considered, and who had stated to their Lord-

ships many opinions which, although they were not at present called upon to adopt them, he was sure their Lordships must think they were worthy of deep and serious consideration—if those two noble and learned Lords thought it necessary to apologise for addressing the House, how much more did it become him to do so when speaking of a subject upon which he could have no practical knowledge whatsoever? But having been a party to the bringing forward this Bill, he thought it necessary to state in a few words his reasons for voting for its second reading, and for thinking that their Lordships would do well to send the Bill to a Committee. He had listened with great attention to the speech of the noble and learned Lord (Lyndhurst), in which he stated his objections to the measure proposed. He shared in the satisfaction felt by that noble and learned Lord, that their Lordships were entirely agreed upon the basis and foundation of this measure—that they were entirely agreed that a great evil was to be corrected, and a great grievance remedied. There was a great accumulation of business in the Court of Chancery, and he agreed with the noble and learned Lord when he stated that it was a shame and a disgrace, that in a great country like this, there should not be a court to hear a case when a case was ready for hearing. But the noble and learned Lord objected to the remedy now proposed to correct that evil. In the first place, he said that if they separated the political from the judicial functions of the Chancellor, and took from him the discharge of the duties of the latter, the House of Commons would not endow him with sufficient emolument to induce gentlemen at the bar to give up their profession and accept the office. Now he did not believe there was any authority for such an opinion. On the contrary, he believed that the House of Commons were too anxious for the adoption of some measure of this kind upon enlarged and enlightened principles to hesitate for one moment on making a suitable grant for this purpose. The noble and learned Lord then stated another objection pretty much of the same kind. He said that the situation would be of so precarious a nature, and the remuneration so inadequate, that men of eminence in the profession would not accept the office. Surely the noble and learned Lord remembered the circumstances under which Sir Edward Sugden accepted the Chanceryship of Ireland. If the circumstances under which the late Chan-

cellor of Ireland accepted the Great Seal of Ireland were not sufficient to deter him from that step, he was sure there was no lowering in the political horizon that would deter any future lawyer from doing the same thing on a similar occasion. He would not be responsible to their Lordships for much, but he would be responsible for this, that if it pleased them to constitute this office, there would be no difficulty in finding men of sufficient eminence at the bar perfectly ready to take it. He thought it would not be difficult for any government whom it might suit, to obtain the services of the noble and learned Lord himself, if their Lordships thought proper to constitute the office. The noble and learned Lord then stated that there was not business enough in their Lordships' House to keep a lawyer in wind; that he would entirely lose all practice in his profession, and become inferior to those judges from whom appeals were made to him. That might be so; but the objection was entirely fanciful and supposititious. It was entirely metaphysical, and altogether arguing upon the minds of men. He, for his part, did not believe, a single word of it. He did not believe, if a general lawyer, eminent in his profession, sat to hear appeals, not only in equity, not only from Scotland, but from every part of the empire—he did not believe, if such a man, being a master of the general principles of jurisprudence, and being well grounded in his principles, was placed in that situation that by desuetude he would in any respect be wanting in the authority requisite to the due discharge of the duties of his office. The noble and learned Lord had quoted a great many speeches which were delivered in the debate in 1813, on the establishment of the Vice-Chancellor's Court. But what was the fact? Now he would ask the noble and learned Lord whether all the predictions that had been made to-night with respect to the manner in which the character of the Chancellor would be affected by this measure, were not predicted upon the Vice-Chancellor's Bill?—[Lord Lyndhurst: That is not what I stated] No, it was what he stated.

Lord Lyndhurst: The noble Viscount has asked me a question, and I beg to be allowed to answer it. What I said was, that Lord Redesdale and Sir Samuel Romilly were at issue upon the fact. Sir Samuel Romilly said, if they passed the Bill, they would make the Chancellor merely an appellate judge in the House of Lords. Both agreed that such a result

would be pernicious, but they disputed as to the fact. Now the present Bill actually adopted that which was admitted by Lord Redesdale and Sir Samuel Romilly would be pernicious.

Viscount Melbourne: Did they not state, that that would be the consequence of that Bill? Yes, they did. The only prediction made on that occasion which had since been fulfilled was, that the Chancellor would not hear any more original causes. But then the noble and learned Lord who spoke last had said, that the Chancellor would no longer be chosen on account of his legal eminence, but on account of his being an eloquent and successful debater; as if being successful in debate had never yet been one of the qualifications on account of which a man was selected for that high station. My Lord Eldon was made Solicitor-General because he was successful in debate, and he, of course, rose up and became Lord Chancellor. But he need not mention particular instances; he would only say, that it was the possession of the qualification of being a good debater which placed men upon the Woolsack more than any other circumstance. Instances of the truth of that position were very numerous and very recent. Most undoubtedly, therefore, it would not be a new thing, or a new evil. Then the noble and learned Lord said, that this proposition had been scouted by every body. He said, that it was opposed by Lord Hardwicke, but he produced no authority for that statement. The Court of Chancery in Lord Hardwicke's time, was perfectly competent for the discharge of the business before it. The noble and learned Lord also said, that it was opposed by Mr. Pitt, and he quoted the authority of Lord Redesdale in support of that statement. But Lord Redesdale had no right to quote the authority of Mr. Pitt against this Bill. It was mere conjecture on the part of Lord Redesdale. In conclusion, he would again remind their Lordships that, as they were all agreed that a great practical evil required to be remedied, he conceived that if their Lordships were really disposed to remove that evil, they could not do so more effectually than by the adoption of the present Bill. At all events he hoped that their Lordships would agree to the second reading, and allow it to go into Committee.

The Duke of Wellington said, that certainly from his habits he could have but little knowledge of the business of the Court of Chancery; but he had served his Majesty for a considerable time, particu-

larly in his councils, and he must say, and he defied any noble Lord to say otherwise; that it was most important for his Majesty's service that one of the first—nay, the very first and most eminent lawyer in the kingdom—one the most connected with the proceedings in the courts of law and in the proceedings of their Lordships' House, should be the Lord Chancellor, and should perform the political functions of that office. The noble Viscount had disputed some of the arguments of his noble and learned Friend—that was to say, he had contradicted them; and first of all, whether or not this Chief Justice, as he was called, in the Court of Chancery would be paid by the House of Commons; and next, whether any person would be found to accept the office. Certainly the noble Viscount had discovered that there was one person at least qualified, who would accept the office. But he fancied that the noble Viscount would find himself mistaken upon that subject, as he was upon many others. But there was another position which the noble Viscount thought proper to dispute, and that was, that so many persons after having at different times considered this scheme, had thought proper to object to it, and had laid it aside altogether. His noble and learned Friend never stated, that it was considered in 1813. What he stated was, that the arguments used against the appointment of the Vice-Chancellor, applied to the separation of the office of Lord Chancellor from the Chief Justice in Chancery; that the arguments then used, and those now used, rested upon the same principle, and that Sir Samuel Romilly, Lord Redesdale, and Mr. Pitt had used these arguments all in the same sense. He believed if the office of Lord Chancellor was separated from the office of Chief Justice in the Court of Chancery, it would soon become a mere political office, to the great detriment of the dignity of the first officer in their Lordships' House, and, above all, to the detriment of his Majesty's service. The noble Viscount had dwelt much upon the opinion that prevailed that there was an evil to be remedied, but he had not at all adverted to the remedy proposed by his noble and learned Friend (Lord Lyndhurst)—namely, that an additional judge should be appointed in the Court of Chancery. His noble and learned Friend had also proposed that the equity side of the Court of Exchequer should be made efficient. Were not these two measures as well calculated

to remedy the actual grievance complained of, as the measure proposed by the noble and learned Lord on the Woolsack? He begged to know whether it was not the fact that, at this moment, there were fewer appeals remaining undecided before the Lord Chancellor in the Court of Chancery, and in their Lordships' House, than there had been for years? Besides that it had been proved, that by common attention to the business of their Lordships' House, seventy days in a year were fully sufficient to transact all the judicial business of the House. Let the evils then complained of be remedied by the appointment of another Chancellor but not by degrading an officer whose high dignity was equally necessary to the service of the State, and to their Lordships' honour.

The *Lord Chancellor* replied. The object of the Bill was not, as his noble and learned Friend (Lord Lyndhurst) had contended, to separate the judicial from the political functions of the Lord Chancellor, but merely to take away from that officer those judicial duties which experience proved he had not time to perform. When his noble and learned Friend stated, that the making the Lord Chancellor a Judge only of Appeals would be to degrade the office, and to render it difficult to obtain men of sufficient eminence to fill it, he (the Lord Chancellor) would only remark, in reply, that since the year 1813 the Lord Chancellor, had, in fact, been nothing more nor less than a Judge of Appeals, and a Judge of Appeals only; and yet he thought no man would contend that, within that period, the office of Chancellor had not been filled by men of sufficient eminence. The noble and learned Lord seemed to suppose that the Lord Chancellor would have nothing to do, and would postpone all the judicial business of the House during the Session, that he might amuse himself by hearing appeals in the recess. The conclusion appeared the more extraordinary, because it was well known to him that a Lord Chancellor had sat three days of the week in that House, and three days in the Court of Chancery, without finding any indulgence for that idleness of which the noble Lord spoke; and that the Committee appointed to inquire into the appeal business of the House, believed it necessary to have persons appointed to assist the Lord Chancellor in disposing of it. From that time, indeed, the Lord Chancellor had the assistance of Deputy

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Speakers, by whom much of the business of the House had been done; and had it not been for the exertions of his noble and learned Friend (whose absence he lamented in common with their Lordships), they would not have been told, that there were no arrears of appeal, as at present. But he maintained that the Lord Chancellor should have full time to attend to his duty in this House, without calling in others to his aid; but if their Lordships were to take that assistance from him, they would find, that arrears would accumulate to as great an extent as they had ever done before. But he did not confine the attendance of the Lord Chancellor to that House; he would also preside in the Privy Council, to which appeals of the most important nature were continually brought for decision. The noble and learned Lord (Lord Lyndhurst) ridiculed the idea of the Lord Chancellor taking his seat in the Privy Council, as if the duties of that Court were beneath the dignity of his office; but their Lordships knew that the business of a Court whose proceedings could not be reviewed by any other—which had to determine on matters connected with the colonies, and with the Ecclesiastical Courts—that the business of a Court whose decision was final, and admitted of no further appeal—was not unworthy the attention of the Lord Chancellor? He must say, that he knew of no judicial business, next to that of their Lordships' House, which could be considered of so much importance as the business of the Privy Council? And what substitute did the noble and learned Lord propose? He borrowed a Judge from the Court of Chancery; he did not take the Lord Chancellor: no; that would not suit him—his object being to show that he would have nothing to do; and, therefore, he took the Master of the Rolls. He agreed with the noble and learned Lord, that a Court of justice should not be a fluctuating tribunal; that one Judge should sit at one time, and another at another; the only point in which they differed was that which related to the person to be selected for the Presidency of the Privy Council; and their Lordships could have no hesitation, he thought, in determining that the President should be the highest judicial officer in the kingdom. The question resolved itself into what the Lord Chancellor would have to do in that House? He apprehended the immediate consequence of the measure

would be, that the Court of Chancery would no longer form an intermediate Court of Appeal, and that the Lord Chancellor would have quite enough to do in disposing of the appellate business of this House and of the Privy Council. If their Lordships thought that it was possible for him now to discharge perfectly all the functions which appertained to his office, such an opinion would be contradicted by the experience of all those who had ever filled it. As to the business to be done out of the House, his noble and learned Friend (Lord Lyndhurst) proposed the appointment of another Judge in the Court of Chancery; therefore he admitted that the duty of that Court was not, at present, adequately performed. The noble Lord proposed the appointment of a new Vice-Chancellor. Was not that a little inconsistent with the authorities he quoted against the appointment of a similar officer in 1813? But the fact that the business was inadequately transacted, being admitted—the question came, what was the right course to be pursued. The business transacted in the Court of Chancery was of the most important nature; and with regard to property—of greater importance than that transacted in any other Court in the kingdom. Every man in the kingdom is interested in having a due administration of the Chancery business; and would not their Lordships believe that such a Court was as much entitled to the benefit of a permanent Judge as any other? Every inferior Court in the kingdom had the advantage of a Judge exclusively its own; but in the High Court of Chancery, alone, it was thought expedient that the Judge should constantly have his time occupied in the discharge of other duties, so that he should never have it in his power to set apart one uninterrupted day for those duties which specially belong to that Court! Was that a proper constitution for the Court? The noble and learned Lord (Lord Lyndhurst) admitted the grievance, and how would he remedy it? He would leave the Lord Chancellor to hear the appeals he already had to determine from the Rolls and from the Vice-Chancellor's Courts, and he would add those which would arise out of the decisions of the new Judge the noble Lord proposed to create. That was his proposition to help the Lord Chancellor out of his difficulty, which, if embraced, would considerably aggravate the inconvenience the Lord Chancellor now felt. The noble

and learned Lord might say, he did more—he appointed an additional Judge in the Court of Exchequer; but if that Court were not efficient already, it was not because it had wanted eminent persons to preside in it. The reason it had never risen to any eminence as a Court of Equity, was the difficulty attendant on the manner in which the proceedings were conducted in it, which was so great, that parties would rather wait, however long, to have their causes decided in the Court of Chancery. That was an evil which the appointment of an additional Judge would not remedy. There was no business in the Court which required such an appointment. There was not, at present, business sufficient to occupy the Judges of the Court, and yet the remedy proposed by the noble Lord, was to appoint another. Of the two plans proposed to the House, instead of that contained in this Bill, he preferred the expedient suggested by the noble and learned Lord (Lord Langdale); and ultimately that might turn out to be the best course to pursue. But as the noble and learned Lord was not prepared with his plan, and as this measure, if passed, would not prevent its future adoption, their Lordships had better take this which he proposed, as an intermediate step. Their Lordships had now to decide whether this Bill should be read a second time? He wondered that the noble and learned Lord (Lord Lyndhurst) had made up his mind to vote against it, because the noble and learned Lord admitted the principle of the measure, and if he would not find any difficulty in altering the details of a Bill in Committee, the noble and learned Lord could there introduce such clauses as he thought proper. He saw no reason why the noble and learned Lord should oppose the second reading. It was a question which should be considered apart from politics, and as it was admitted that justice could not be adequately administered in the Court of Chancery, their Lordships would consent to the second reading of the Bill, and endeavour to secure a satisfactory administration of justice, both in that House and in the Privy Council.

Lord Lyndhurst, in explanation, stated, that if he were to adopt the noble and learned Lord's suggestion, and to make such alterations as he thought expedient in Committee, the Bill would then go down to the other House of Parliament, not as the Government Bill, but as a Bill of his

(Lord Lyndhurst's) own construction; and in that case it would be easy to anticipate the result. He preferred, therefore, to give his decided opposition to the measure on the second reading.

On the Question, that the Bill be read a second time, their Lordships divided Contents 29; Not-Contents 94—Majority 65.

Bill postponed for six months

List of the CONTENTS.

MARQUESSSES.	BARONS
Lansdowne	Holland
Northampton	Glengel
Westminster	Dacre
Headfort	King
	Stourton
EARLS.	
Burlington	Foley
Charlemont	Hill
Ilchester	Duncannon
Minto	Segrave
Radnor	Templemore
Thanet	Cottenham
Meath	Langdale
Rosebery	Dunalley
VISCOUNTS.	BISHOPS.
Melbourne	Bishop of Chichester
Godolphin	Bishop of Bristol

HOUSE OF COMMONS,

Monday, June 13, 1836.

[MINUTES.] Bills. Read a second time:—Highway Rates Bill.

Petitions presented. By Mr. THOMAS DUNCOMB, from Patentees, Inventors, and Projectors, in London and Westminster, Complaining of the Operation of the Patents for Inventions' Act.—By Dr. BOWRING, from Renfrew; by Captain WARRISS, from three Places in Fife; and by Mr. WYAN, from a Place in Ireland, against the Lords' Amendments to the Corporation Bill for Ireland.

[The House met this Day at twelve o'clock, and on several succeeding Days it met at the same hour, in order to get through the public business.]

SIR FREDERICK TRENCH AND MR. RIGBY WASON.] The Serjeant at Arms (Colonel Gossett) reported that Sir Frederick Trench and Rigby Wason, Esq. were in custody: on the motion of Lord John Russell, both hon. Members were ordered to attend forthwith in their places. The hon. Members were brought in and took their places. The Report from the Committee on the Durham Railway was read.

Lord John Russell moved, that the Speaker do call on both the hon. Members to rise in their places, and give an assurance to the House that the affair between them should not be carried further.

Motion agreed to.

The Speaker called on the hon. Members to comply with the wishes of the House. [*A pause.*]

The Speaker: If the hon. Gentlemen, R 2

in the present case, persist in refusing the pledge which I, in the name of the House, have required of them, it is clear that the only course left for adoption is, at once, to commit both to the custody of the Sergeant-at Arms.

Sir *Frederick Trench* was desirous of laying before the House a simple statement of the facts; and after some opposition each hon. Member entered into an explanation of the personal difference which had occurred between them in the South Durham Railway Committee. A lengthened discussion ensued, which at length ended by the two hon. Members accommodating their difference by a little mutual retraction, and the matter ended.

MUNICIPAL CORPORATIONS (IRELAND).] The Order of the Day for the further consideration of the Lords' Amendments to the Irish Municipal Corporations' Bill was read.

Sir *Robert Peel* wished to know whether the amendments the hon. and learned Member meant to move, were amendments upon the Lords' amendments, and whether they were printed, because they could do no more than deal with the Lords' amendments.

Mr. *O'Loughlen* was understood to say the amendments were not printed, and that it was intended to move the re-introduction of certain clauses which had been rejected by the Lords. He was ready, however, to afford every explanation.

Several verbal and other amendments were proposed and put from the Chair.

Colonel *Sibthorp* wished to know what was doing, as he really could not understand it. He was bound to suspect every measure or amendment proposed by the other side.

On the next amendment being proposed,

Sir *Robert Peel* said, this was utterly unintelligible. After the debate which had taken place, and the decisive majority that had followed, he did not intend any opposition of a vexatious character. But in a Bill of such importance, they ought to see what they were doing. He hoped the amendments they were making would be printed, so that they might see what they were about.

Lord John Russell said, they were now merely restoring some of the original clauses.

Mr. *Sergeant Jackson*: If they did not see what the alterations were, they might as well leave the House.

Lord John Russell said, the great prin-

ciple was the restoration of the original clauses. With respect to the new clauses, they would be printed in the course of two or three hours.

Sir *Robert Peel* thought, as they were legislating on a matter of such importance, that it would be most desirable that all the alterations should be printed.

Colonel *Sibthorp* objected to the measure being thrust upon the House in what he called so unfair a manner. One single word introduced into a clause might overturn the constitution of the country; therefore he objected to the measure being proceeded with in such a way.

The other clauses up to 85 of the original Bill, with some omissions and amendments, were restored. At three o'clock the House adjourned, and was resumed again at five o'clock.

PAPER DUTIES DRAWBACK.] Lord *Francis Egerton* begged to ask the right hon. Gentleman the Chancellor of the Exchequer at what period it was proposed that the new duties on paper should come into operation, both as regarded the first and second class paper, and the stained paper, and also whether he contemplated allowing a drawback on the stocks in hand?

The *Chancellor of the Exchequer* had to inform his noble Friend, in reply to the question he had put to him, and he hoped it might reach the parties interested, that the proposition he had submitted for the alteration of the duty on the first class paper, would take effect from the October quarter. This was his original intention and statement in submitting the proposition, but, inasmuch as it had been somewhat misconceived, and not, perhaps, as generally known as might have been wished, he was very well pleased to have an opportunity of re-stating it. With respect to the stained paper, he had been very much pressed by a great majority of the parties interested in that branch of the trade to fix an earlier period for the proposition taking effect, by substituting the July for the October quarter. He believed this would be very convenient for the trade itself, as otherwise, stained paper being rather a matter of luxury than of necessity, there might be an interruption to the manufacture. With respect to allowing a drawback on the stock in hand, he thought it was more just and expedient to adhere to the principle on which Parliament had of late years acted in making alterations of duty, and not to allow a

drawback on the stock in hand. All the motives which induced Parliament on other occasions to refuse allowing a drawback existed in the present case, with some additional considerations into which he need not then enter. For the purpose, however, of affording accommodation and facilities to the trade, he had provided not only that the privilege of manufacturing and storing in bond should be continued, but that in case any very great quantity of a particular paper affected by these regulations should remain on hand in the stationer's stocks, on the 10th of October, allowance should be made for it; not an allowance in the shape of drawback generally, but an allowance on the duty on paper permitted into stationers' shops, under particular circumstances. It was impossible wholly to remedy the inconvenience to which his noble Friend had adverted. He had endeavoured to remedy it partially, to the utmost of his power, and he hoped he had succeeded.

Sir George Clerk said, that many paper-makers in Scotland had very large stocks on hand. There was one individual within his own knowledge, who had no less than 15,000 reams; and if this paper which had paid the whole duty, remained on hand until October, and then had to be sold at a reduced price, without any allowance of drawback, he need not say, that the loss would be very great. He hoped his right hon. Friend would allow some drawback on paper that had paid the whole duty.

The *Chancellor of the Exchequer* replied, that this would be in fact allowing a drawback on the stock in hand. This he could not consent to, because it could not be done without exposing the revenue to very considerable loss.

Subject dropped.

THE FACTORY SYSTEM.] Lord Ashley called the attention of his Majesty's Government to a fact which he stated on the authority of a Yorkshire paper. It appeared in that paper according to the confession of the masters themselves, that five boys, of between twelve and fifteen years of age, had been made to work for thirty-four hours successively, in a shocking hole, devoted to the tearing up of woollen goods; the atmosphere of it was so noxious and offensive, that the men who worked in it were obliged to wear handkerchiefs tied over their mouths to prevent their inhaling the foul air. The fact was proved before the magistrates, and the masters, Messrs. Jbbetson, Battley, and Co., were convicted

in the full penalty. They alleged, in extenuation of their conduct, that the steam boiler had burst; but this was, in fact, no excuse at all. What he wished to ask his noble Friend opposite was this—that he would have the goodness to direct the inspector of the district to visit the spot, to make inquiries and report to him, and that he would lay the Report upon the Table.

Lord John Russell would take care that the inspector of the district should make every inquiry, and that his report should be communicated to the House.

Subject dropped.

REGISTRATION OF BIRTHS.] The House, on the Motion of Lord John Russell, resolved itself into a Committee on the Registration of Births Bill.

Clause 42nd was put and agreed to.

Dr. Bowring then proposed the Clause of which he had given notice, for the purpose of allowing the registers of the Dissenters, which were at present kept at considerable expense, to be received by the Registrar-General.

The *Attorney-General* objected to the Clause, on the ground, that the registers of the Dissenters might be in many respects, inaccurate and calculated to mislead.

Lord John Russell said, that he had no objection to appointing a Commission to inquire into the validity and nature of the various registers kept by the Dissenters.

Dr. Bowring observed that, with the understanding that a Commission should be appointed to inquire into the subject, he would withdraw the clause.

The Schedules were agreed to, the Bill to be reported, and the House resumed.

MARRIAGES.] The House afterwards went into Committee on the Marriages Bill.

Upon Clause 15th being proposed,

Dr. Bowring moved an amendment, that instead of twenty householders attending a dissenting chapel being required to sign a certificate, to have it licensed for the purpose of marriages being celebrated in it, the certificate of ten householders should be sufficient.

Dr. Lushington opposed the amendment.

The Committee divided on the Amendment: Ayes 22; Noes 128—Majority 106.

List of the AYZs.

Aglionby, H. A.
Bowes, J.
Grote, G.
Hutt, W.

Harland, W. C.
Howard, P. H.
Hindley, C.
Hector, J. C.

Lynch, A. H.
Moreton, hon. A. H.
O'Connell, M. J.
Pease, J.
Parrott, J.
Potter, R.
Roche, D.
Rundle, J.

Smith, Ben.
Scourfield, W. H.
Thornely, T.
Thompson, Col.
Wakely, T.
Williams, W.
TELLER.
Bowring, Dr.

Clause 18th, enacting that marriages may be celebrated before the Superintendent Registrar, was proposed.

Mr. *Poulter* objected to this Clause. It was a Clause that separated the contract of marriage from what it always had previously in this country, the sanction of a religious ceremony. The members of the Church of England, he was sure, would not accept of such a Clause, and he believed that the Dissenters were not prepared to accept it, as they had last year refused to accept the Bill of the right hon. Baronet, which permitted these marriages to take place as civil contracts. Many of the Dissenters, he knew, were desirous of retaining the religious sanction for their marriages, and their feelings were alone exerted against it by the undue and obnoxious restrictions imposed by the old Marriage Act. In this case, as in others, the extreme restrictions had driven to violent principles and extreme theories, which otherwise they would never entertain. He hoped the noble Lord would permit this Clause to be expunged from the Act.

Mr. *Baines* considered, that there would be great weight in the objection made by the hon. Member, if it were imperative upon the Dissenters that their marriages should take place as a civil contract. Under this Act, it was optional with them to have the marriage celebrated as a civil contract, or under a religious sanction. It being optional, all objection was removed. The Bill of the right hon. Baronet was objected to, because there was too much of the civil contract enforced with respect to the marriages of the Dissenters.

Sir *Robert Inglis* decidedly objected to the Clause. With the single exception of the time of the great Rebellion, there was no one instance in the history of the country, of marriage having been considered otherwise than as a religious ceremony. This was a solitary attempt to give a civil character to a religious contract.

Dr. *Lushington*: The great principle of the Bill, and the principle which he advocated, was this, that marriage was a natural right, to which all the subjects of this land had a full and complete title, and that the

legislature had no pretence, justice, or authority for confining or limiting it, except so far as was essentially necessary to insure that publicity which would prevent furtive connexions and illicit marriages. If this clause were omitted, the whole remedy of the Bill would be left out. Up to the year 1756, marriage was a mere legal contract. Two people declaring themselves man and wife before witnesses were as indubitably married as persons making the same declaration in Scotland, with the exception of not being entitled to claim some obsolete remedies as to real property. Under this law the people of Scotland existed to the present day. Were they regardless of their duty to their Creator? It would be difficult to find on the whole surface of the globe a more religious people than the Scotch. He made his stand upon the great and broad principle which he had ever maintained in that House. He denied the right, though he could not deny the power, of the legislature to infringe upon the conscience of any individual whatever, with respect to those natural rights, of which marriage was of all others the foremost and most necessary.

Mr. *Hardy* conceived that by the Bill marriage was converted into a mere civil contract. All that was required was, that some ceremony of marriage should take place in a registered building, which had been certified by twenty householders to be a place for religious worship.

Lord *John Russell* said, that the great object of the Bill was to allow every person to be married according to whatever form his conscience dictated. Here were first members of the Church of England, next the Dissenters, who considered marriage a religious ceremony, and preferred being married in their own chapels; the first were left in their present situation; the second were permitted to carry their wishes into effect. There were other classes of Dissenters who considered marriage not a religious but a civil ceremony. Taking the broad principle of religious liberty, he felt that they were bound to provide for all these classes; he did not think that the House had a right to tell one class of men that their scruples were just and reasonable, and to refuse to judge of those of others. If the Bill were carried with that clause, he would admit that he entertained no doubt but that ninety-nine marriages out of one hundred would still be considered as religious ceremonies. Although the number of marriages celebrated upon any other principle might

be few, however, still the principle was a great one, and they were bound to maintain it.

Sir *R. Peel* said, it appeared to him that all the Bill did was to enable the marriage ceremony to be performed in a registered building; but that it did not require any religious ceremony. He required a civil contract, as an essential condition of marriage, trusting that there would always be some religious ceremony, being unable to define what it should be; but wishing that it should be in accordance with the conscientious belief of those who engaged in it. He wished to have one point distinctly understood. Supposing both parties were members of the Church of England, was it intended in their case to dispense with the rite of marriage according to the Established Church? He hoped, and fully believed, that it was not intended. He did not consider that he had any right to interfere with the solemnization of marriage by the Dissenters; but he was very anxious that the effect of the Bill, with reference to members of the Church of England, should be fully understood.

Mr. *Law* objected to the Bill as a proposed gratuitous desecration of the marriage rite. He did not think that it would be at all uncharitable to impose the restraint of a religious ceremony upon Dissenters.

Sir *R. Peel* thought he imposed no invidious task upon the Dissenters when he required that such of them as objected to marriage being considered a religious ceremony, should state their objection upon the register. This was really one of the most important parts of the Bill, and he trusted the House would arrive at no hasty decision upon it.

Mr. *Pryme* saw no hardship whatever in requiring some religious ceremony in addition to a mere legal contract, or at most some declaration of a conscientious objection on behalf of the party.

Mr. *Miles* contended, as the clause stood, that it would tend to encourage clandestine marriages.

The *Attorney-General* thought, that it was absolutely necessary that there should be some ceremony which would make it known to the world that a marriage compact had been entered into between parties. He did not think that the adoption of the alterations that had been suggested from the other side of the House would be at all advisable.

Mr. *Arthur Trevor* contended that making marriage a civil contract would be

highly injurious; and passing the clause as it stood would greatly increase the number of clandestine marriages.

Mr. *Cullar Ferguson* hoped that the House would not adopt the suggestion of the hon. Member for Shaftesbury, which, if adopted, would destroy the principle as well as the utility of the Bill.

The Committee divided on the amendment: Ayes 58; Noes 123—Majority 65.

Clauses to the 28th were agreed to. The House resumed.

HOUSE OF LORDS,

Tuesday, June 14, 1836.

MOTION.] Bills. Read a third time:—See of Durham. Petitions presented. By the Earl of BARNBOROUGH, from Sidling, against any further grant to Maynooth College; and from Denham and Gressenhall, for Repeal of Roman Catholic Relief Act.—By the Earl of ROSALYN, from the Eastern Division of Fife, for Protection to the Herring Fisheries.—By the Bishop of GLOUCESTER, from Gloucester, for Revision of the Criminal Code.

POST-OFFICE PACKETS.—HOLYHEAD.]

The Earl of *Lichfield* wished to answer some questions which were put by the noble Marquess (Westmeath) yesterday, respecting the Post-Office packets at Holyhead. The noble Marquess said, that no precautions were taken to prevent danger from fire on board the packets. It was true that, for some time, in consequence of nothing of the kind having happened, the precautions against fire had in some degree been neglected; but no sooner had the subject been brought under his notice, than he gave directions that every necessary means should be provided to guard against any accident of fire happening on board the packets. With regard to the other matter of complaint alluded to by the noble Marquess—namely, that relating to malversation and peculation carried on in the Post-Office establishment at Holyhead, he believed their Lordships would think that this was not the most suitable occasion for going into that question.

The Earl of *Wicklow* wished to inquire of the noble Earl when it was that the Reports of the Commissioners would come under the consideration of their Lordships?

The Duke of *Richmond* wished to give the most complete contradiction to a statement contained in the 6th Report of the Post-Office Commissioners, that the representations of the captains of the vessels on the Holyhead station did not meet with proper attention from the Postmaster-Ge-

neral. During the three years he held that office, he gave every attention to the representations made by those persons; and he had no doubt that his noble Friend up to the present time had done the same.

The Earl of *Wicklow* said, that it was matter of very important consideration to the noble Earl, that although no Post-Office packet had ever been actually destroyed by fire, yet it was reported that every packet on the Holyhead station had been on fire; and one of them no less than three times. This was a state of things which ought not to be tolerated: and he hoped the noble Earl would follow up the recommendation of the Commissioners, by establishing a different packet system altogether.

The Earl of *Lichfield* observed, that it was rather a curious circumstance that the only vessel that ever was burnt to the water's edge was the *Venus*, and she was the only vessel that ever had a fire-engine on board.

Subject dropped.

OATHS TAKEN BY CATHOLIC PEERS.]

Lord *Stourton* then rose, and stated that he had received by post, addressed to him personally, a document purporting to be a copy of a petition to their Lordships from the corporation of tailors in the parish of St. John the Baptist, Dublin, which contained passages reflecting on his honour as a Peer of Parliament; it was set forth in the petition, that, although it was enacted by the Emancipation Bill, that the Roman Catholics, in taking their seats in Parliament, should swear that they would not vote upon any question in which the Protestant Establishment was involved, yet that he, unmindful of his oath, had voted on the Church Temporalities Bill, by giving his proxy to the noble Viscount at the head of his Majesty's Government. He must complain of the great indignity which their Lordships' House itself would sustain, if a charge of this grave and serious nature were suffered to be made against any Member of their Lordships' House—imputing, as it did, nothing less than the crime of perjury—without some notice being taken of it, and some means afforded, by which the noble Lord, whose character was implicated, might vindicate his honour and convict his accuser of a gross and unfounded calumny. He would remind their Lordships of what was said by Sir Robert Peel, when he introduced the Roman Catholic

Emancipation Bill in 1829; and he trusted that their Lordships would agree that he was justified in the course he had pursued, by the very language the right hon. Gentleman who was the author of the measure by which he (Lord *Stourton*) obtained access to their Lordships' House. The right hon. Gentleman said, "I would admit them, therefore, on the same footing, the same principle of equality, on which we now admit the Dissenter from the Church of England. Another proposal has been made by a right hon. Friend of mine (Mr. *Wilmot Horton*)—made from the best motives, and supported with an ingenuity, ability, and research, worthy of the motives and of the character of its author. My right hon. Friend has proposed, with a view to calm the suspicions and fears of those who object to the admission of Roman Catholics to Parliament, that the Roman Catholic Member should be disqualified by law from voting on matters relating, directly or indirectly, to the interests of the Established Church. There appear to me numerous and cogent objections to this proposal. In the first place, it is dangerous to establish the precedent of limiting by law the discretion by which the duties and functions of a Member of Parliament are to be exercised; in the second, it is difficult to define beforehand, what are the questions which affect the interests of the Church. A question which has no immediate apparent connexion with the Church might have a practical bearing upon its welfare ten times more important than another question which might appear directly to concern it; thirdly, by excluding the Roman Catholic from giving his individual vote, you do little to diminish his real influence, if you leave him the power of speaking, of biasing the judgments of others on the question on which he is not himself to vote; and if by a jealous and distrusting, but ineffectual precaution, you tempt him to exercise to your prejudice the remaining power of which you cannot, or do not, propose to deprive him. I believe there is more of real security in confidence than in avowed mistrust and suspicion, unaccompanied by effectual guards. For these reasons I am unwilling to deprive the Roman Catholic Member of either House of Parliament of any privilege of free discussion, and free exercise of judgment, which belongs to other Members of the Legislature."

Subject dropped.

MUNICIPAL CORPORATIONS ACT—
(ENGLAND.)] The Marquess of *Camden* presented a Petition from 300 members of the University of Cambridge, praying that the Vice-Chancellor of the University for the time being may be a magistrate for the town of Cambridge. He would give notice that when the Bill for amending the English Municipal Corporations Act went into Committee he should move to insert a clause with a view to carry into effect the prayer of the petitioners.

The *Lord Chancellor* said, that a question had arisen between the inhabitants of the town of Cambridge and the University of Cambridge as to who should be put into the commission of the peace for that town. It appeared that hitherto the Vice-Chancellor had held a commission of the peace for the borough, and was also a magistrate for the county; and it further appeared, from the representations on the part of the town that the Vice-Chancellor, from some authority which was not very easily traced, but supposed to be by virtue of the authority vested in him by charter with his power of magistrate, was enabled to grant licences to all the public-houses in the town of Cambridge, a power not very agreeable to the inhabitants, and which the town therefore very strenuously resisted. When he came to consider who ought to be put into the commission, the nicety of deciding that question, as between the Vice-Chancellor and the town of Cambridge, was entirely removed by what passed last year on the Municipal Corporations Act, and by the language of that Act itself, which made it the duty of the Government to provide the magistracy. Now if the insertion of the Vice Chancellor into the Commission was to be made on the ground of his being an elective officer, that would in effect be to take away from the Crown the power of nominating the magistrates. He thought that the proper construction of the Act would preclude any individual from being a magistrate by virtue merely of his being elected to office. The present petition assumed that construction of the Act to be correct, and proposed to make an alteration in it as far as respected the Vice Chancellor of the University. If that should be the pleasure of their Lordships it would then become their duty to inquire what arrangement could be made between the University and the town for the purpose of coming to some understanding upon the subject. He begged to state to their Lordships the course he had taken with regard to the

University. Believing that it was right and proper, with a view to the protection of the young men at the University, that some persons connected with it should be in the commission of the peace, he had introduced into the Commission six heads of houses, four professors, and four other persons residing in the town, who were members of the University; therefore a majority of the magistrates were members of the University. He had hoped that the University would have considered that he had given its members as much magisterial power as it was desirable they should possess. By not opposing the introduction of the clause which the noble Marquess had stated it to be his intention to bring forward, he begged to be considered as not pledging himself to any particular course which he might hereafter feel it his duty to follow.

Petition laid on the Table.

RAILWAYS.] The Duke of *Wellington* begged to ask the noble Marquis (*Lansdowne*) opposite whether his Majesty's Ministers were prepared to bring forward any general measure upon the subject of railways?

The Marquess of *Lansdowne* replied that the Government were not at that moment prepared with any plan upon the subject; but, at the same time, he begged to assure the noble Duke that Ministers were exceedingly alive to the great importance of the subject, and that, in the course of a very short time, they should be prepared to come forward with a plan which he hoped and believed would be generally approved of. In the mean time he thought it would be highly desirable to introduce into all the Railway Bills that should come under the consideration of the House, a clause by which they should hereafter become subject to any general plan which the House might deem fit to adopt. He might as well state that a Bill would be brought into the other House of Parliament to carry the proposed object into effect. Their Lordships should recollect, however, that this was a delicate subject to the companies concerned, but he hoped that equal protection might be afforded to them and to the public.

The Duke of *Wellington* thought it highly expedient that the Bills now before the House should be rendered subject to any general regulation which the House might afterwards adopt. Therefore, with

the permission of the House, he would read a clause which he had prepared upon the subject, and which he thought should be introduced into every Railway Bill that came under their consideration prior to the adoption of a general plan. He would read the clause now, and then lay it on the table of the House in order that it might be printed and considered by their Lordships previous to Thursday next, when he should move its insertion in the first Railway Bill that came before them. The noble Duke then read the clause, to this effect: "Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to the exemption of this or any other railroad from the provisions of any general Act or general Acts for the regulation of railroads, which may be passed with a view to the advantage, protection, and security of the public, before the expiration of one year from the passing of this Act, if Parliament shall be sitting at the expiration of such period of one year, or if Parliament should not be then sitting, before the end of the then next session."

Subject dropped.

THE UNIVERSITIES(SCOTLAND)BILL.]

Viscount Melbourne rose to move the Second Reading of the Universities (Scotland) Bill. He said that, notwithstanding the estimation in which the Universities of Scotland were held in that country, notwithstanding the effect they had upon the country, notwithstanding the means they afforded for cheap education, some vices, some errors, had still crept into those establishments, which it was admitted on all hands required certain amendments. He undoubtedly felt that such extensive powers and influence as belonged to the Scotch Universities required periodical revision, and especially to be considered by fresh eyes—to be considered by those who were not previously accustomed to the general routine of the affairs within those spheres; and such a revision would be required even if the institution were well administered in themselves. Upon that view the Commission of Royal Visitation had been appointed. That Commission had entered into a very accurate and complete inquiry upon the subject. They had examined into the Universities of Scotland, into their mode of instruction, into their property, into the appointment of the professors, and in short, into their

general state and management, and they had made a Report, in which they recommended various extensive and important improvements. The present Bill recited the facts which he had stated respecting the Commission, and was founded upon the particular recommendation contained in the 13th page of that Report. The noble Lord then read the passage of the Report which recommended the appointment of Commissioners, in order to discover the best mode of carrying their specific recommendation into effect. Now, this Bill after reciting those facts, provided that it be lawful for his Majesty with the advice of his Privy Council to appoint a Board of Visitors to the Colleges of Glasgow and Edinburgh, and to the King's College at Aberdeen. In addition to the General Board for the whole it had been deemed convenient to appoint also special boards of visitors for each separate College, because whatever might be the case with the General Board, it might fairly be expected that Gentlemen would be found to give a portion of their time gratuitously towards the management of their own College. The next clause contained various regulations respecting the system of management to be pursued. Clauses 8, 9, and 10 referred to the powers to be given to the visitors. The 8th conferred upon them all the powers at present enjoyed by his Majesty in his visitatorial capacity. The 9th provided that the "Senatus Academicus" of each College should state to the Board of Visitors the regulations which they would propose to be adopted in their own particular case. That provision was inserted in order that they might have all the benefit of the local knowledge of the Gentlemen intimately connected with each College; but if those Gentlemen neglected to make such recommendation to the Board within six months' then the Commissioners were empowered to make the regulations themselves. The 10th Clause gave the power of abolishing professorships, saving vested interests. It was further enacted that the measure should continue in force only for five years, unless, it should be at an earlier period confirmed by Act of Parliament. Upon the whole then, this Bill being recommended by the Commissioners, and having been delayed somewhat longer than it ought, he trusted there would be no objection to adopt the measure, with such alterations as might

hereafter seem fit to their Lordships. The measure undoubtedly did vest in the hands of his Majesty's Government a considerable power, by conferring upon them the appointment of the Board of Visitors; but it would be superfluous, he sincerely hoped, in him to profess that it was the intention of Government to advise the selection of those only for members of the Board who from [their knowledge, from their character, from their respectability, and impartiality, were the most fitted to exercise that trust, and to acquire the esteem of their fellow-collegians. In conclusion, he begged to move the Second Reading of this Bill.

The Earl of *Aberdeen* stated, that it was not his intention to offer any opposition to the Second Reading of the Bill, because he understood from the explanation of the noble Lord, and also from the contents of the Bill itself, that its object was to carry into effect the recommendations contained in the Report of the Commission of Royal visitation which was appointed no less than seven years ago, and which had presented its Report to Parliament more than six years. [*"Not quite six years," from Lord Melbourne.*] Having had the honour of being a member of that commission, he of course could have no objection to a measure for carrying into effect the recommendations of their Report in which he had mainly coincided. But he certainly felt, that greater discretion must be given to the Commissioners than was given by this Bill. He had been glad to hear the announcement of the noble Lord as to the intention of the Government with regard to the appointment of the Board, and he would only suggest, if they found any difficulty in carrying those intentions into execution, the propriety of following the course which had been pursued by his right hon. Friend (Sir Robert Peel), when he was Secretary of State, by making those appointments entirely independent of any party character so that the Board should be composed of men of all descriptions and opinions, but all equally able to engage in the consideration of the subject in question. He had no doubt that the Commission would give satisfaction, and he should therefore support the second reading of the Bill; but if it should contain any provision subject to objection, which he did not believe to be the case, he should reserve to himself the right of opposing it in Committee.

The Duke of *Wellington* expressed a hope that amply sufficient time would be given for the consideration of the measure before it went into Committee.

The Earl of *Roseberry* could not avoid stating shortly his opinion on this subject, and in the first instance, having taken some pains to inquire into this question, he begged leave to acquit his Majesty's Government of any neglect or unnecessary delay. He knew that their attention had been continually directed to the subject from the end of the year 1831, when the Commissioners made their Report to his Majesty, down to the time when this measure was digested. They had continually been employed in considering how the recommendation of the Commissioners might be best enforced; but difficulties did present themselves, and questions arose, which prevented the Crown from acting in the matter upon its own responsibility; and the principle of adopting in the Bill the original and fundamental recommendation of the Commissioners was, in his opinion, not only the best method of carrying into effect that primary recommendation, but was the only means of obviating the difficulties that had arisen. Upon that principle he should support the second reading of the Bill.

The Archbishop of *Canterbury* said, that after what had fallen from noble Lords much more capable of judging correctly upon this subject than he was, he of course could not think of offering any objection to the second reading of this Bill; but he confessed he had at first been rather alarmed at the powers which it bestowed upon certain individuals; and also at the extent of the measure which went to alter the whole constitution of the ancient, venerable, and highly-useful Universities of Scotland. He, however, had that evening heard from noble Lords who possessed much better information on the subject than himself, that very great alterations were necessary; notwithstanding which he really was not prepared to give a vote upon a subject so deeply affecting the religious interests and the education of the people of Scotland without further information upon which to proceed. Upon that ground, then, he joined in the request of the noble Duke, that full time should be given for the consideration of the measure previous to its going into Committee.

The Earl of *Haddington* considered, that time ought to be granted. The greatest interest and a considerable sensation prevailed upon the subject in Scotland. Ample time was necessary, in order to have before the House all the suggestions which might be made, and especially from the Universities themselves; because it was admitted that if the Universities were opposed to the measure it would not work well.

Bill read a second time; to be committed that day fortnight.

MUNICIPAL CORPORATIONS ACT—(ENGLAND).] Upon the Motion of the Lord Chancellor, the House resolved itself into a Committee on the Municipal Corporations' Act (England) Amendment Bill.

The several clauses were read and agreed to.

The Marquess of *Camden* proposed the insertion of a clause for the purpose, as was understood, of preserving the power of the Chancellor of the University of Cambridge in regard to the licensing of houses.

The Earl of *Radnor* objected to the clause, as giving to the Chancellor of Cambridge and exclusive power of granting and withdrawing licences, not possessed by other magistrates.

The Duke of *Wellington* supported the clause upon the ground of the privileges of the University, which were respected in the Bill, for he found in the Act of Parliament of last Session, words to this effect—Provided that nothing herein contained shall affect the rights and privileges of the Chancellor or other officers of the Universities of Oxford and Cambridge.

The clause was agreed to.

The Bill reported, with amendments.

The House resumed.

HOUSE OF COMMONS,

Tuesday, June 14, 1836.

MR. VERNER.] Bills. Read a first time:—Christ's Hospital Estate.

Petitions presented. By Sir W. GARRY, from Staplehurst, against the Abolition of Gavelkind.—By Captain AL-SAGAN, from the Retailers of Beer, Salford, for placing all Dealers in Beer on the same Footing.—By several Hon. MEMBERS, from various Places, for Abolition of Church-rates.—By several Hon. MEMBERS, from various Places, for the House to Adhere to the Provisions of the Municipal Corporations' Act (Ireland) as originally passed by them.—By Mr. S. CRAWFORD, from various Places, for Abolition of Tithes (Ireland); and the House to Adhere to the Irish Municipal Reform Bill, as originally passed by them.—By Mr. O'CONNELL and Mr. HENRY GRATTAN, from

various Places, for Abolition of Tithes (Ireland).—By Mr. O'CONNELL, from Kettering and Whitburn, for Reform of the House of Lords.—By several MEMBERS, from various Places, against Turnpike Trusts' Consolidation Bill.—By Captain WEMYSS, from Falkland, for a Law relating to the Construction of Merchant Ships.—By Colonel COWOLLY, from Clogher, against the Church of Ireland Bill.—By Mr. SCHOLEFIELD and Mr. HUME, from Birmingham and Islington, for Repeal of the Duty on Newspaper Stamps.—By Mr. CHALMERS, from Forfar, for Municipal Corporations' (Scotland) Bill; and from Montrose and Brechin, for Relieving Royal Burghs from Maintaining County Prisoners after Conviction.—By Sir S. WHALLEY, from St. Pancras, for Parish Vestries' Bill; and from Great Coggerhall, for Amendment of Poor-Law Act Amendment Bill.—By Mr. CHALMERS, from Forfar, for Irish Church Bill.—By Mr. O'CONNELL, from Kilmalo, for Revaluation of Tithes (Ireland).—By Mr. H. T. HORS, from Gloucester, for Mitigation of Criminal Law.—By Mr. LAW HODGES, from Chatham, in favour of Triennial Parliaments.

CROWN LANDS IN RADNOR.] Mr. *Harvey* said that, seeing the Attorney-General in his place, he would take that opportunity to present a Petition of which he had given that learned Gentleman notice. The petition in question was an appeal to that House—it was an appeal from the poor to the rich against a scourge which the rich alone could inflict on them. The petition was signed by seventy persons, all of them, with five exceptions, of the labouring class in the county of Radnor, in South Wales. The county of Radnor, it was well known, was extremely mountainous, and, until lately, a great portion of it had been the property of the Crown. However, in the year 1826, the Commissioners of Woods and Forests sold a great portion of the Crown manors there, and that, too, he regretted to observe, by private contract. In that year one of these manors had been sold by the Commissioners to Mr. Watt, of Birmingham. It had long been the custom for the poor of the district—a custom which had not been interdicted by the Government—to enclose small portions of waste grounds on the slopes of the hills and valleys there, and to build cottages upon them. Some of these cottages had been occupied upwards of thirty years. It suited the purposes of the purchaser of the manor, on obtaining possession of it, to institute an action at law to recover one of these cottages, and a small portion of ground attached to it, with a view to the assertion of his dominion over the whole of them. The action was tried, and a verdict returned for the plaintiff, subject to a special case, to be argued and determined in the Court of Common Pleas. It was fully argued there, and the unanimous decision of the court was, that the Crown had not the power to sell the waste; that if it had the power which it claimed, that power did

not pass with the deed to the purchaser, and the Chief Justice observed, that not only the law, but the justice of the case was with the defendant. A rule was accordingly entered for the defendant, and so the matter at that time terminated. Since then his Majesty's Attorney-General, at the instance of the Commissioners of Woods and Forests; had instituted proceedings for the purpose of establishing the right of the Crown, and to do so he had recourse to the ancient prerogative writ of intrusion, a writ that had been employed in the very worst periods of English history. It was attempted by this most tyrannical proceeding to deprive those poor people of little properties that they had possessed from a period sufficiently long to consecrate their right to them. Though such a proceeding might be agreeable to law, it was repugnant to the principles of justice; and the very Act of Parliament, passed only a few years since, empowering the Commissioners to sell manors of this description, declared, that encroachments of twenty years' duration and upwards, should be excepted; that where there were such, the Commissioners should give the parties leases for thirty-one years, or come to agreements with them upon equitable terms. The petitioners felt, that if the Government succeeded in this case, their small holdings would be swept away from them, and they would be driven to the workhouse. He trusted that the House would manifest such a feeling as would induce the Government to desist from further proceedings in this matter.

The *Attorney-General* said, that he had attended in consequence of the hon. Gentleman having given him notice of his intention to present the petition. He had made it his duty to inquire into the facts of the case, and having derived his information from a quarter on which he could place implicit confidence, he would lay the real facts before the House. It would then be seen that nothing had been done by the Government which could give just cause for complaint. The Crown possessed extensive manors in the county of Radnor, and large portions of the public property therein had been encroached upon by private individuals. In the year 1826, a number of these manors were sold. Mr. Watt, of Birmingham purchased one of them, and as might be expected from such a man, he had treated the persons who had made encroachments there with the greatest kindness and liberality. He allowed them to remain in possession, on condition of their

paying him a nominal rent of 2d. or 3d., and to those who wished to purchase the fee simple of their encroachments he sold it considerably under its value. All of them acknowledged the title of Mr. Watt, except a Mr. Parsons, an attorney at Presteign, who had taken advantage of the matter to stir up dissension in the county; an action was brought against him, and a verdict was had for the plaintiff, subject to a special case to be argued in the Court of Common Pleas. The title of the Crown was clearly proved, and if the action had been brought in the name of the Crown, no defence could have been set up by the defendant. The Court of Common Pleas, however, ruled for the defendant upon a technical point of law—namely, that the Crown being out of possession, it could not transfer the legal estate in those wastes by the deed. Mr. Parsons having thus succeeded upon a technical point, he not only refused to acknowledge the title of Mr. Watt, but he stirred up these poor persons, who had already acknowledged it, to resist it. Mr. Watt, under these circumstances, called on the Woods and Forests to complete his title. It was for that purpose that the present proceeding had been instituted against Mr. Parsons. The hon. Member would persuade the House, that the proceeding in question was a renewal of those oppressive measures which had been resorted to by Empson and Dudley, and for which those eminent individuals had suffered a penalty that no one regretted. Now, what was the course taken against Mr. Parsons, the author of all this mischief? A writ of intrusion had been filed, the only course open to the Government, and he should have neglected his duty if he had not afforded a remedy to enable the Woods and Forests to complete Mr. Watt's title. The action would be tried at the approaching assizes for Herefordshire, when he had no doubt there would be a verdict for the Government, and then he was quite sure that harmony would be restored between Mr. Watt and these poor people, and that having vindicated his title, Mr. Watt would, with his well-known kindness and liberality, allow them to remain in their holdings.

Mr. *O'Connell* contended, that there was no liberality in compelling these poor people to acknowledge his title by paying him 2d. or 3d. rent, and thereby giving him the power to turn them out when he pleased. The merits of the case would not be tried by the action that was brought. The overruling prerogative of the Crown would

override on that occasion all justice and equity. If the facts were as they had been represented to the hon. Member for Southwark, that hon. Member ought to move for a Committee of Inquiry on the subject, and if such facts were proved before it, it would be the bounden duty of the House to address the Crown to stop such oppressive proceedings.

Mr. *Ormsby Gore* begged to assure the hon. Member for Kilkenny that quite as strong cases had occurred in North Wales. The most vexatious and oppressive proceedings had been adopted there by the Commissioners of Woods and Forests—proceedings that had surprised the whole principality.

Mr. *Jervis* vindicated the conduct of the Commissioners, and contended that the proceedings which they had adopted had been necessary for the purpose of asserting the rights of the Crown, or rather of the public.

Petition laid on the table.

PRISONS OF THE HOUSE.] Sir *Frederick Trench* rose to make a complaint as to the state of the prison-rooms belonging to the House. He had had the misfortune to be the first inhabitant of them, and mere accident prevented his confinement in the same apartment with the hon. Member for Ipswich. The rooms were so constructed, that it was impossible for one Member not to pass through the apartment of the other, and frequently this could not be done without the utmost impropriety and indecency. That no inconvenience of this kind had arisen in his case was owing to good fortune; for the hon. Member for Ipswich, instead of being on his way to Dover and Calais, was comfortably asleep in his bed in his own lodgings. He had no doubt that had they been thus awkwardly circumstanced, the hon. Member for Ipswich would have treated him with the utmost courtesy, and he should have endeavoured to return it; but still the situation might have been inconvenient. He was suffering at the time under severe indisposition, and he might have been compelled to go through the hon. Member's room; and two men of less mild disposition and habits might have found the situation very disagreeable. If the object were to keep quarrelsome Members asunder, no arrangement could be more absurd. Of course he imputed no blame to the Speaker, who was

not at all responsible for evils existing in the construction of the present House of Commons; but although not an architect, having some knowledge of the subject, he could state, that no arrangement could be worse adapted to the purpose than the prison-rooms. From what he had observed in the recent change of tone in the conduct of debates, it might ere long be found necessary to put a great number of Members in the cells, and as (according to the proverb) a burnt child dreads the fire, he apprehended that serious consequences would ensue should he ever again become an inmate of them. He would, however, endeavour to conduct himself so as not to incur the displeasure of the House, that he might run as little chance as possible of such a calamity.

Mr. *Wason* referred to the letter he had written to the Speaker, expressing his sense of the courtesy shown to him by the Sergeant-at-Arms, and complained of the order of the House, for which he had found no precedent. No Member ought to be ordered into custody unless he had contravened the orders of the House, or refused to comply with its just demands.

The *Speaker* stated, that he had received information from the Sergeant-at-Arms, that the prison-rooms of the House were not well adapted to the purpose. As far as the evil was capable of a remedy he would take care that it was remedied.

Subject dropped.

THE DIVISION ON THE MUNICIPAL BILL (IRELAND).] Mr. *John Abel Smith* rose to call the attention of the House to a circumstance peculiarly and personally affecting him. He alluded to the irregular and improper manner in which he had obtained admission into the House on Friday night, so as to have his name inserted in the list of the majority in the Division. He was aware that it could not be retained on the votes, and he admitted that he had transgressed a rule which it was of great importance to observe. He could palliate it only by the great anxiety he naturally felt to be present, in order to record his opinion upon a question of so much magnitude. In his cooler moments he deeply regretted the course he had taken, and through the Speaker begged to express his sincere contrition. He must, however, after apologising for himself, by the attention of the House to the case of the messenger (Bailey), through

whose instrumentality he had contrived to get into the House, so as to be counted in the Division, although previously locked out. He understood that he was a most respectable and excellent man, who had unwarily yielded to his (Mr. Smith's) most earnest solicitation and entreaty, and had thus transgressed his duty. He himself was, in truth, the only guilty party, and he hoped that the offence would only be visited upon himself.

Mr. *Aglionby* bore strong testimony to the good character of the messenger, who came from the same county as himself. The offence he had committed arose out of his extreme obligingness of disposition; and he hoped that the Speaker, yielding to the sense of the House, would take no further notice of the transaction.

Sir *George Clerk*, who had been one of the tellers on the occasion, said that he had felt it his duty to follow the course taken on previous occasions, viz., to state to the House on the first opportunity that the names of some Members appeared in the list of the majority which ought not have been there. Owing to the absence of the hon. Gentleman (Mr. J. A. Smith) yesterday he could not then do it, but it was generally required by the Chair, when it was duly informed upon the subject, that such Members should avow themselves. All that was necessary was that the hon. Member's name should be struck out of the list. At the same time he expressed his hope that the Speaker would take no farther step regarding the messenger.

The *Speaker*: This being a matter bearing upon the privileges of the House, and looking to the position in which I stand on this occasion, I am sure the House will feel I should be wanting in respect to them, and in justice to my own feelings, if I did not immediately take the opportunity of dismissing any individual who has so misconducted himself in violation of its established rules. I can assure the House that I was not aware of what had occurred, until my attention was drawn to the matter by the hon. Baronet (Sir *George Clerk*).

Mr. *Aglionby* felt much disappointment at what had fallen from the Speaker, after the House had expressed its opinion that no further punishment should be inflicted on the messenger.

Sir *James Graham* observed, that the messenger came from the county he represented, and that he bore an irreproachable character. The rules and orders of the

House having been vindicated, he thought that no further proceeding was necessary.

Mr. *Wynn* was of the same opinion, and in the name of the House entreated the leniency of the Speaker.

The *Speaker*: I can assure the House, that I feel it is not for me to hesitate in complying with their wish, but that, on the contrary, I feel it to be my duty to give effect to the general sentiment of the House. I feel, however, that a sense of duty to myself, as well as my sense of duty to the House, require that I should not retain this individual, or any person in my service, without being first assured that, in so doing, there should be no chance of a recurrence of a neglect of duty. I can only assure the House that the messenger was deeply sensible of his error within five minutes after he had committed it, and has repeatedly expressed his extreme sorrow at the very culpable act of which he was guilty. I am satisfied the House will see that there is no one thing which it is more my duty to attend to, than that of seeing that its regulations are strictly abided by; but, in this instance, I shall conform to the suggestion which has been made, and admonish the individual in severe terms.

Ordered,—That the vote of John Abel Smith, Esq., on the division on the Municipal Corporations Bill for Ireland, be disallowed.

SPAIN AND THE SOUTH AMERICAN STATES.] Lord *Mahon* wished to ask a question of the Secretary for Foreign Affairs, relative to a subject which he had questioned him about last year—he meant the negotiations that were going on between Spain and the South American States respecting the recognition of the independence of the latter Powers by the former. When he put the question to the noble Viscount, on a former occasion, his reply was, that Señor *Mendizabal* had dissolved the Cortes, and the consequence was, that it had led to an interruption of the negotiations. The noble Lord might now make him the same answer, for the present Prime Minister of Spain had dissolved the Cortes in a similar manner. He understood, however, that Señor *Isturits*, when a Deputy, said, in his place in the Chamber of Procuradores, that he did not think that the determination of the question rested with the Cortes, but that it was part of the prerogative of the Crown, and therefore the Crown should direct the proceedings; in short, that the Crown should settle the

matter without the intervention of the Cortes. If this was the present opinion of Señor Isturitz, which he had given as a Deputy, he hoped the noble Lord would be able to say, that it was probable that the parties would come to a satisfactory settlement of the question. He hoped the noble Lord would be able to give the House some assurance that the negotiations were likely to be soon terminated. He did not complain of the noble Lord or of the Government; but when he recollected that it was a year and a quarter ago since the late Administration sent over General O'Leary and General Soublette, as deputies from the South American States, to Madrid, he thought that he was justified in again putting a question on the subject to the noble Lord, and in expressing his hopes that there was a reasonable prospect of bringing the matter to a conclusion. It was a subject deeply interesting to this country; and he was sure that the mercantile classes would hear with satisfaction that it was probable that the parties would soon arrive at a satisfactory result.

Viscount Palmerston did not think that the slowness of the negotiations could in any way be attributed to his Majesty's Government. The noble Lord must be aware that his Majesty's Government had nothing to do with the negotiations, for they had not been invited by either party to intervene in the matter. If, therefore, the negotiations were brought to an early termination, they could claim no merit for it, and if they did not succeed, his Majesty's Government could not be blamed. He could, however, assure his noble Friend, that his colleagues and himself were extremely anxious to see the differences between Spain and her South American colonies at an end; and as far as Great Britain could interfere between independent states, without being called upon, the Government would exert its influence to promote this object. He had not heard any thing on the subject since the change in the Government of Spain. That change, however, was so recent, that it was hardly possible that the negotiations could have been carried to such an extent that a result had been arrived at. He, however, could state, that he knew that Generals Soublette and O'Leary were still at Madrid; and whilst they were there, he hoped there was every probability that the negotiations would be brought to a satisfactory termination.

MUNICIPAL CORPORATIONS (IRELAND.)

On the motion of Mr. O'Loughlin, the House proceeded with the further consideration of the Lords' amendments in this Bill.

Several of the amendments having been agreed to,

On the motion to omit the word "appointed" in the 49th Clause, and to insert the word elected, and to insert the name Carrickfergus in the schedule,

Mr. *Freshfield** said, Sir, the motion now made by the right hon. Gentleman, will enable me to address to the House the observations I wish to offer upon the measure we have so long had under our consideration; but more especially upon the proposal of the noble Lord, the Secretary of State for the Home Department, to confer municipal corporate powers upon twelve towns, and only twelve towns, in Ireland, in opposition to the amendment sent down to us by the House of Lords; and, Sir, no person can be more unwilling than I am to open a discussion which hon. Members may wish to consider closed by the division of Friday last, but it will be in your recollection, Sir, how frequently I endeavoured to obtain a hearing on that night, especially after the hon. Members for the city of London, for North Derbyshire, and for Meath, but it appeared that arrangements had been made with a view to close the debate on that evening, and I felt it my duty not to interfere with that object, but to reserve myself for the present stage. Sir, in commenting upon the statement of the hon. Member for the city of London, I would premise that I have not been led to do so by any view taken of the subject subsequent to that debate, but the remarks I shall make are those which occurred to me at the moment the hon. Member was speaking, and the substance of which I communicated to him, when I apprised him that it was my intention to endeavour to controvert his positions.

Sir, the hon. Member stated, "that if the other House chose, upon all subjects of legislation, to decide upon different grounds from those upon which the Commons proceeded, it was high time and perfectly right that this should be proclaimed out-of-doors to the people;" and the hon. Member proceeded to infer that out of this state of things a necessity arose for some change which he did not very distinctly describe. I venture to deny the

* From a corrected report.

its power from its dispersion over the country, and its interest would be weakened by its having an ordinary possession, in this new proposition, of twelve Irish Roman Catholic Parliaments, the power would be increased by its concentrated form—by the elastic character and operation which might be given to it—by the interest which it would be enabled to create—by the systematic working which it might command. A more effectual instrument for the increased agitation of Ireland could not be conceived by human ingenuity. But is it for the interest of Ireland that she should be subject to increased agitation? I will answer the question by a fact.

Sir, in and prior to 1823, the landed proprietors of England were greatly inconvenienced from their inability to collect their rents, on the one hand, or, on the other, to raise money upon mortgage during the temporary pressure; and it is notorious that persons, with the ample security of unencumbered estates, were obliged to obtain money at annuity interest. In 1823, the difficulty was removed by the resolution of a great public body to lend money on mortgage, at 4 per cent. interest. The example was immediately followed by other capitalists, and loans on mortgage were readily obtained at a still lower rate than 4 per cent. In short, a greatly improved state of things, as it affected both landlords and tenants, immediately followed upon the adoption of this important measure; and it occurred to those who took an interest in the welfare of Ireland, that the benefit experienced in England furnished conclusive proof of the most effectual means of promoting the prosperity of Ireland. It was known that money was more scarce in Ireland—that the means of employing it were more ample, and the necessities of the population more urgent; and although I am not an Irishman, my acquaintance and connexion with Irish interests have led me to feel deeply for Ireland, and to spare no pains to confer substantial advantages upon my fellow-subjects in that part of the United Empire: and I assert most solemnly, (with ample means in my possession to prove the fact), that from the year 1824, and founded upon the experience enjoyed by English landowners, I exerted all the means in my power to introduce capital into Ireland. I did so when capitalists possessed such a redundancy of money as to be incapable of find-

ing employment for it;—I did so through the year preceding the panic—I did so upon every occasion which presented a favourable prospect of attaining the object; but, Sir, I did so with very limited success; my recommendations to capitalists, as well individuals as public bodies, were met with this single objection—"While agitation is permitted to exist in Ireland, there can be no security for property, and the promise of a high rate of interest will be no equivalent for the loss of the principal." I frequently pressed the distinction between the north and south of Ireland, and stated the regularity with which rents were paid in the former—the mitigated state of the tithe question in the north—nay, the absence of that question, in particular instances of landlords having the tithes of the whole parish in their hands; but the argument had very little effect. I was often told, that the comparative quiet of the north was a false peace not to be relied upon; that it would be wiser to lend, if at all, upon property in the south, because it was in its state of trial; and if rents could in that state be collected, it would prove something upon the question of security; but as to those parts not yet subject to the influence of agitation, their turn must come, and there was no probability of their being at rest; in short, at the very moment at which a security in England could not be obtained, even as a matter of favour, for money ready to be lent at less than 4 per cent.; at that same moment money could not be obtained upon the best Irish security at the high rate of 6 per cent. Sir, I could state many facts to establish and illustrate this position, but I am persuaded that it is unnecessary. I would only add, that the statement is made, not from hearsay or report, but from my own personal knowledge; and but for this agitation which has prevailed in Ireland, I am confident that this difficulty of finding investments in England, would have caused capital to flow freely into Ireland, and Irish works and Irish labour would have been largely paid for with British money. It is my solemn conviction that agitation is the moral pestilence of Ireland, and is working the destruction of the political and social happiness of the country. It is a war against property, life, and religion;—it is a cowardly system, inviting the many to persecute the few—it inflicts upon the people of Ireland the misery of a contagion

which, while it is preying upon them keeps at a distance those who would afford them help, and the very poverty which it produces increases their readiness to become the dupes and instruments of demagogues.

I may be told it is not enough to deprecate agitation—that we should remove the causes of discontent. Sir, I attach no value to that argument; it has been urged too often to deserve respect, it has been urged by the same persons, too, who, no doubt, believed the promise upon which others acted; they were confident that particular concessions would produce corresponding content, but experience has shown, that concession has operated only as an encouragement to make new demands, and I cannot feel that the advice of those who have been themselves deceived, and have deceived others, ought now to be followed. But it will reasonably be expected of me, that as I resist the course of concession as a mere instrument to endeavour to obtain peace for Ireland, I should point out what measure I would suggest; and, Sir, I do not hesitate to press upon noble Lords, and right hon. and hon. Gentlemen opposite—I even implore of them, to change their present course. Let the rights of property be respected—let protection for life be afforded—let the supremacy of the law be vindicated—let the disturber of the public peace be restrained and punished, whether high or low—whether he be the nightly assassin or the pampered preacher of sedition, whose harangues are incentives to treason, whose every speech is a punishable misdemeanor. This would be justice to Ireland and justice to England, and secure general safety—and it would secure the Gentlemen opposite the possession of their places, because it would obtain for them the support of all who acted upon Conservative principles. They would have nothing to fear from party struggles; it is no question with the Conservative who shall rule: irrespective of the principles on which they govern, he will not oppose one party in measures proposed and maintained upon Conservative principles, nor will he support his friends in measures of destruction. But if Gentlemen opposite will cling to their close alliance, and rely upon their junction formed upon honourable terms, they may boast of the indissoluble character of their alliance; but they will find it dissolved, as many un-

happy alliances are, by the power of Parliament, and they will find, when it is too late, that in conferring professorships upon their supporters, and granting them licences to agitate, they will destroy their own party, and they will withhold from Ireland and from the United Kingdom, that justice which they have now the power to confer.

Under other circumstances, I should have entered more fully into the subject, but I am aware of the indisposition of the House to entertain a renewed debate, after a division; and nothing but a conviction that the people of Ireland and the people of England ought to know how much mischief has been produced by agitation, and how much the measure now before the House is calculated to augment that agitation, could have induced me to do so much violence to my own inclinations, or to incur the risk of trespassing upon the indulgence of the House.

Mr. *Sharman Crawford* rose to bring forward a motion for the restoration of the towns to the present Bill, which were in schedule C. of the original Bill. He said that, according to the proposition of the noble Lord, twelve towns were to have mayors and town councils. The seven first towns were in the original Bill in schedule A, the others were to be found in schedule B, to which Carrickfergus and Derry were added. The effect of the noble Lord's proposition would be, to exclude four towns with a population of 10,000, and four others with a population of 9,000. Why they were to be excluded, while Derry, with only 10,000, and Carrickfergus, with only 8,000, were included, he could not understand, unless it was on the principle of a concession to the other House. The proposition he had to make was, that the towns which were placed in the old Bill in schedule C, should be restored to the honourable position of corporate towns. The towns to which he alluded were as follow: Bandon, with 12,617 inhabitants; Athlone, with 11,362; Wexford, with 10,673; Durdalk, with 10,078; Youghal, with 6,608; Armagh, with 9,189; Carlow, with 9,111; Tralee, with 9,562; Ennis, 7,711; Cashel, with 6,971; Kinsale, with 7,312; Portarlinton, with 3,091; New Ross, 5,011; Enniskillen, with 5,270; Colerain, 5,752; and Dungannon, 8,515. He objected to any such compromise as that of abandoning these towns. The Bill, as it had come from the other House, was an insult to the people of Ireland; and a

British Government should refuse to be a party to it. But if this insult was received, he did not blame his Majesty's Government—he did not blame the British representatives of the British people. If their country was degraded, the blame would rest upon the shoulders of the Irish representatives alone. What was the use of talking about the repeal of the Union, and the reform of the House of Lords? What was the use of such vain boasts, if, on the very first moment when these professions were brought to the ordeal of practice, their valour oozed out at their finger ends, and they proclaimed themselves to be the humble servants of Britain, ready to accept any pittance which she in her pride condescended to offer for their acceptance? Were they now to learn that such vain boasting was not the way to maintain Irish character and Irish rights? For himself, he never held language of menace without the full intention of execution. Ireland could demand the repeal of the Union, and could enforce that demand, if justice were refused; but that could only be effected by the steady, determined, and unflinching stand of her representatives against every compromise of her rights or honour. He particularly regretted that the great leader of the Irish people was not present to support him. He should be sorry to be acting in opposition to the feelings of that hon. and learned Member; but while he entertained every respect for him, his own honour would not allow him to compromise his own opinions for the sake of following the opinions of any individual. He had reason to apprehend that he now stood in the breach of a forlorn hope; but at all events he ought to have one supporter—he called upon the hon. Member for Meath (Mr. H. Grattan), who had in a late speech nobly repudiated the insult offered to his country with all the fervour of his departed and illustrious predecessor. He called on him to remember the sentiment of the great Grattan, when he said, “the honour of a country, like the honour of a woman, when once sacrificed can never be redeemed.” He did not exactly know how he could best frame his motion so as to accomplish his object; but he was disposed in that respect to attend to any suggestion that might be made to him. If he moved that the towns be included in schedule A they would have the 10*l.* franchise; perhaps they had better be included in a clause by themselves, giving them the 5*l.* franchise. The hon. Member concluded by moving that the

town of Bandon, which was the first in the list of the sixteen towns he intended to propose (being the largest in population), should be included in the number of towns which were to have a mayor and council. If he succeeded in this he would then proceed to move the others seriatim, accompanied by a clause restoring the 5*l.* franchise, and the qualification for mayor and councils, as in the original Bill for the smaller boroughs.

The Speaker : Who seconds the motion ?

Mr. Sergeant *Jackson* said he could not sit and hear it proposed that the town which he had the honour to represent should be included amongst the towns which were to have corporate honours and privileges extended to them without rising to second the motion. If there were to be any additional towns included he should certainly respectfully put in his claim for the very respectable town of Bandon. When the hon. Gentleman opposite declared that he would not compromise his opinions, he certainly did cheer the hon. Member, because whether in this House or out of it, in his humble judgment, a more honourable man was not to be found. He begged to add a word on another subject. The hon. and learned Member for Kilkenny had on a former occasion referred to an inscription which he said he had seen on entering the town of Bandon. Now he had received letters that morning, stating that there had been neither a gate nor any walls at the entrance of the town of Bandon within the last century. The letters informed him that there was not even the vestige of a wall or gate, nor was there any tradition to warrant the supposition that there ever had been a wall or gate. He seconded the present motion, because he felt that if there were to be towns added to the list, there could not be found a more loyal or more respectable town than that he had the honour to represent.

Sir *Eardley Wilmot* said, that although he had opposed the Bill in its first shape, he had cheerfully supported the proposition of the noble Lord, the Secretary of State for the Home department, for introducing the 12 towns which he had named, because he thought it would make a Bill, originally bad, worthy of the support of the House. He was decidedly opposed to the principle of adding other towns to the list; and if the hon. Member for Dundalk was allowed to get up and add three or four other towns, his example might be followed until all the small towns, as originally proposed,

would be replaced in the schedules, and the measure would be again reduced to that impracticable, and as he thought, improper state, which it was in before. He thought, as the measure stood at present, it would not only pass this House, but the other House also. Although an Englishman, he had as much regard for the welfare of Ireland as if he were a native of that country, and he was anxious to see ample justice done to Ireland; but the question was, what was justice to Ireland? He considered it to be the same as that which was considered to be justice to England. With respect to the House of Lords, he had never heard it contradicted in that House, that the House of Lords had not a right to revise the proceedings of the Commons; but he doubted whether on the present occasion they ought to press their right to the extreme. He believed the House of Lords would best consult the peace of the empire by allowing the Bill to pass in its present shape; and therefore he should support the noble Lord in opposition to the hon. Member for Dundalk.

Mr. *Waller* said, the motive which some Gentlemen had assigned for voting in favour of establishing new Corporations in Ireland was, that they considered it as likely to effect the pacification of that country; now, his reason for voting against the measure was, the very strong conviction, founded on observation and experience, that it would do no such thing, but that the rejection of the measure was more likely to produce the desired effect. Neither did he concur with those who maintained that the rejection of the new Corporations for Ireland was a rejection of the Irish people from the enjoyment of those rights which were possessed by the people of England; because, beyond doubt, previously to the enjoyment of any right, it ought to be shown that those to whom it was imparted should be in a condition to exercise it for the general benefit. He thought it had been clearly proved, first, that those who had already possessed these corporate rights in Ireland, had not exercised them for the general benefit, but only for the advantage of their own party, and therefore that they ought not to be conferred upon them; and next, he thought it had been proved with equal clearness, that those whom it was now proposed to endow with these corporate rights, would not enjoy them for the general benefit, but for the good of their party, and that therefore they ought not to be conferred, but that both sides should alike

be deprived of them: the rights themselves should be suffered to fall into disuse, and another mode of corporate government established. The old Corporations had undoubtedly been made, in Ireland particularly, an instrument of abuse which one party had used for the oppression of the other. But now what did they propose to do by this measure? They preserved this instrument of abuse, simply placing it in other hands, that is, in the hands of that party which had suffered by it, and who had therefore motives of resentment to instigate them, as well as the ordinary disposition of the human mind to abuse power. By this observation he intended no disrespect to Catholics or Irishmen, but argued only on general principles applicable to mankind, whether on this or on the other side of the Channel. England and Scotland had been adduced as examples why the same rights should be conferred on Ireland; but he would beg leave to ask whether we had yet had any experience of the content afforded by these new-modelled systems? The chief and just complaint against the old bodies had been the abuse of self-election; and that abuse having been removed, he doubted whether in other respects the new system would long continue to give universal satisfaction. But the peace of Ireland, it was said, was to be effected by this and by another concurrent measure—the appropriation measure. He had no more confidence in one measure than in the other. What could be more conciliatory than the course proposed the other night by the noble Lord, the Member for North Lancashire, for the adoption of a measure based on a commutation and ultimately a redemption of tithes, and such a disposition of Church property as would satisfy the Protestants, by whom, in fact, four-fifths of the tithes were really paid; and to the Catholics he would grant funds for education equal to those of which it was proposed to deprive the Established Church? He thought with that noble Lord, that as the grant for education would be a mere trifle, unfelt by the country, if taken from the Consolidated Fund, the Catholics ought not to be supported in endeavouring to wring it from one particular class of men, whose property it was, and by whom the loss would be severely felt. We said to the Catholics, “fill your bucket, if you please, from this vast river,”—namely the Consolidated fund; and their answer was, “No, we will take it from this poor man’s well, (the property of the Church of

Ireland,) though the owner had scarcely sufficient water for his own personal and domestic wants." But, after all, would either, or both, of these measures, now under the consideration of Parliament, have the effect of tranquillizing Ireland? Did the noble Lord, the Secretary for the Home-department, expect such a result? Was it not declared by those about him that these were only preparatory measures to future changes—one or two steps more in the path of incessant change? It was said, that the Roman Catholics insisted upon more now, because they had not previously had so much as they ought. But was a nation, or were the rulers of a nation, to be governed by such a maxim as this—that more should be granted at one time, because enough had not been granted at another? He said, that such a course as this was the mere exercise of vindictive feelings in others; and that justice, and no more than strict justice, ought to be done at all times. Such a course might do very well between individuals, but ought not to be pursued by a powerful Government towards dissatisfied subjects. They had now had six years' experience of the introduction of reform measures into Ireland, and they were likely to go on six years longer in the same way—change after change, but no peace, no tranquillity, nor any tendency to either. He should not detain the House longer than to recall to its recollection the various promises which were held out by the leading Catholics before the great measure of emancipation was passed. He would just as soon expect that peace would be restored by these new measures as he had seen it had been effected by conceding Catholic emancipation. The predictions were as confident on this occasion as they were then, and he believed the issue would be just the same. The noble Lord, the Secretary for the Home Department had spoken of the mischiefs that would result from taking away local government from the people in various districts, and transferring it by centralization to the Administration of the State. He thought that this was a singular opinion in one who had destroyed the local administration of the Poor-laws throughout the kingdom. He regarded both the questions as mere delusions. If Gentlemen were really interested in the welfare of Ireland, he thought they would act with more patriotism if they would first turn their thoughts to provide for the 2,000,000 or 3,000,000 of their countrymen who were acknowledged to be

in a state of destitution and wretchedness; rather than endeavour to agitate the country upon measures from which he believed not one in ten thousand could derive the slightest benefit.

Mr. O'Connell: I object, Sir, to the introduction of such questions as the Church Bill and the Poor-laws upon this occasion. On the Poor-laws we have already read enough in *The Times* newspaper. We had discussion after discussion upon them. *The Times* is the mighty thunderer upon the Poor laws, and the hon. Gentleman, I believe, really thinks that he is writing a paragraph instead of making a speech. And then, as to the Church question—as to what he calls the robbery of the poor man; why, the first time that question was stirred in this House, it was by the hon. Member for Tipperary; there were then only twenty-seven Members who voted for that spoliation, and one of the most prominent of them was the hon. Member for Berkshire. I have read his name in the list—the list published in *The Times*, so that he cannot renege from that. I wish to Heaven the hon. Member would take himself from this side of the House. I scented him in the past Session, as "the last rose of summer," and yet he still remains amongst us. I wish he would go to the side upon which he votes, and not remain where he ought not to be [Colonel Peel—"Order!"]. I leave it to the hon. and gallant Colonel, whether he could think it right himself to act in this way? I leave it to him, as a man and a gentleman, whether he would condescend to pretend to be one thing, and yet be another? We have then his dissertation upon the Church question. Why does he not in this conform to the columns of the paper I have referred to? Has that paper observed the slightest decency towards me, and as an earnest of the wages of its iniquity, has it not done this, and shall not I now be permitted to retort upon—

Mr. Kearsley rose to order. Sir, said he, if his Majesty's servants, for they are Ministers no longer—I say, Sir, if his Majesty's servants can submit—if they are so humiliated as to submit—to the bullying conduct of the hon. Gentleman, I shall not submit to it. I wish to know, Sir, is this proper conduct in this House? I'll divide the House upon it.

Mr. O'Connell: I wish the hon. Member for Berkshire joy of his ally. There

could not be two more completely suited to each other. I may, perhaps, indeed be permitted to express my astonishment at this; what an excellent constituency it must be that is represented by the hon. Member for Wigan! But to return; I have here the division of the 8th July, 1833, which is exactly as I have said. If it is wished by hon. Gentlemen opposite, I will read the contents of it. On the 8th July, 1833, exactly as I have stated, the hon. Member for Berkshire voted for the spoliation clause. I have now done with that part of his speech which referred to Poor-laws, and also that referring to the spoliation of Church property; we then come to the question before us. The hon. Member says, that the prophecy was wrong which declared that emancipation would procure the pacification of Ireland. Why so it would, if it had been honestly followed up. I did not say that emancipation would be a final measure. On the contrary, I always said, that it must lead to others; that it was only the means, and not the end itself. It was to be one of the means working to this end—the amalgamation of all parts of the British Empire into one consolidated body, enjoying equal rights and equal privileges. When emancipation passed, that did not follow; why? Because the Emancipation Bill itself was stingily, and I may even say, with individual exceptions granted. What then followed? The people of Ireland, as they had every right to do, looked to their own resources; they called for the Repeal of the Union, and they would have the right still to insist upon it, if there had not been given to them a distinct pledge that they should have equal rights and privileges with the people of England. Does any man say, that if this measure be granted it will pacify Ireland? No, but it will be one step taken by the British Government to confer upon them those rights—it will be advancing, and they have advanced to that end. The hon. Member for Berkshire, however, says, you are still to continue to make an exception as regards Ireland—that having nominally emancipated the Catholics, they are still to be actually unemancipated, as they must be, until they enjoy equal rights and privileges with other British subjects. He states, that abuses have already existed. Is that the reason that they are to continue? He says that the corporation was essentially a government of Protestants for Protestants,

Why the Protestants of Ireland are in number 850,000; there are 80,000 Dissenters. Now of the whole number of Protestants, there are only 13,000 who are members of the corporation; and of the entire 13,000, but 1,100 belongs to the governing body. That is the representation of the Protestants of Ireland; it is no more a representation of them than of the Roman Catholics. Thus, then, we perceive there are no more than 1,100 of the governing body Protestants. I wonder that the hon. Gentleman does not read sometimes as well as write. I submit to him that a writer ought, or is at least expected, to read a little. If he read at all, he ought to know that of all the Protestants there are but 1,100 of them who do not govern for others, but who make a monopoly for themselves; and it is because that paltry monopoly has misgoverned the country, that the people of Ireland are to have privileges taken from them. Because power is taken from a miserable party, the people themselves are to be treated as a party. Those who assert this are utterly ignorant of the Constitution. The people are not a party—as individual interests universally predominate when these individual interests accumulate in the majority, so is it necessary that the interests of the great majority never can be that of a party. The speech, however, upon which I am remarking, was not pronounced for this place—it was composed to be published for the miserable purposes of a party, and that it may appear amongst those things with which honest men are so much disgusted. Yes, disgusted, justly disgusted with a tergiversation of principle the most astonishing that ever occurred. The most disgraceful, too, that ever yet occurred.

Mr. Richards called the hon. Member for Kilkenny to order. An attack was made upon the hon. Member for Berkshire as if he were connected with *The Times* newspaper, when he (Mr. Richards) contended that the hon. Member for Kilkenny had not shown any connexion between the hon. Member for Berkshire and that paper. The hon. Member for Kilkenny could not be permitted thus to browbeat and ruffianise, if he might use the expression; it was not consistent with the order of the debate. He appealed to the Speaker to say whether such language as that used by the hon. and learned Gentleman, was consistent with the order, decorum, and dignity of that House.

Mr. O'Connell: The hon. Member for Berkshire has reason to rejoice in his second defender.

Mr. Walter: I do not wish to interrupt the hon. and learned Gentleman; I only ask the favour of being permitted to reply.

The *Speaker* considered it would be most desirable if hon. Members would only refer to what occurred in the course of the debate.

Mr. O'Connell: Certainly; and therefore I only wish to congratulate the hon. Member for Berkshire upon his second defender. I think nothing can be more flattering to him than the first—except the second; one, too, so especially remarkable for his exceeding delicacy and extreme polish, which make him shrink from any thing that belongs to the kennel.

Mr. Richards: I rise to order, Sir. It is not right to bring into this House the manners of a blackguard, instead of those of a gentleman ["*Order!*"]

The *Speaker* was sure that the House must agree with him in thinking, that expressions had been used on both sides which were not proper to be used in that House. He would conjure the Members, for the sake of that House, not to indulge in language inconsistent with propriety.

Mr. O'Connell: I care not for his expressions. As to mine, I only talked of hopping over the kennel, and I think it was not inapplicable to the occasion.

Mr. N. Fitzsimon: I think that the debate cannot continue. The hon. Member for Knaresborough has used most offensive expressions. He has made use of a word which I am almost afraid to repeat, but which you, Sir, I am sure, must have heard, as every hon. Member near me has heard it. I must, then, request of the hon. Member for Knaresborough to withdraw, before this House, his exceedingly offensive expression.

The *Speaker* observed, that words had undoubtedly fallen from the hon. Member for Knaresborough which ought not to have been used. The inference was, that if they were not directly applicable to the hon. Member for Kilkenny, they were intended to apply to him.

Mr. O'Connell: Oh! I do not remember them.

Mr. Richards: I hope that upon all occasions I shall bow to the *Speaker*. I understood the hon. Member for Kilkenny to say, that the words used by me were brought from the kennel. Understanding

it so, if he did not use the word kennel, I withdraw the expression.

The *Speaker* stated, that he understood the hon. Gentleman to have said that the words savoured of the kennel.

Dr. Baldwin remarked, that in the first instance the hon. Member for Knaresborough had used the word "ruffianise." He left it to the House to say whether that was a proper expression to be used.

Mr. Richards: If the word was not applied to me, in the manner I understood it, I withdraw the expression.

Mr. N. Fitzsimon: I think that the hon. Member for Knaresborough has no right to enter into a compromise upon this subject. I think he should be called upon at once to withdraw the offensive expression as indefensible.

Mr. O'Connell: I do not do so, feeling the compliment that has been paid to me by the hon. Member for Knaresborough.

Dr. Baldwin: But the other Irish Members do feel it. I call upon the hon. Member to explain the expression ruffianise.

Colonel Peel: The hon. Member, I am sure, will withdraw the expression; but I appeal to the hon. Gentleman opposite, whether the tone in which he has conducted this debate is not calculated to call forth angry expressions.

Mr. Richards: As it appears to me, I must have been under a mistake, in the application of the word kennel, I am at once ready to withdraw the expressions objected to.

Mr. O'Connell: I was arguing upon three points introduced into his speech by the hon. Member for Berkshire; one on the Poor-laws, the other the Church, upon which he has voted against his colleagues; the third is the real question before the House, and I was proceeding to comment upon it, when I was called to order by the Hon. Member for Wigan, who was very disorderly in doing so, and who sat down extremely quietly, as he usually does when he is in the wrong. I was then next called to order by the hon. Member for Knaresborough, who got into that species of language which is so familiar, that until it was proved to him, he did not know it was improper ["*Order!*"]

Mr. Scarlett said, the manner in which this debate was conducted, was a strong argument in favour of a repeal of the Union. He would put it to the Chair whether the debates of that House could

be properly conducted if such language as that which had just been used was allowed. He would ask whether, after an hon. Member had retracted certain expressions which had been reprobated by the Chair, it was parliamentary to say, that the hon. Member who used them was so familiar with them that he did not know when he uttered them. He thought that an insulting observation, and if such expressions were to be tolerated, he submitted that it would be quite impossible to conduct the debates of that House with anything like decency, and therefore he hoped that the Chair would have the goodness, on all occasions, to interfere on the first moment anything of the kind occurred, in order to maintain the dignity of the House, and to relieve it from the difficulty in which it was now placed. It was a question of Order on which he was speaking. The hon. and learned Member for Kilkenny had imputed to the hon. Member for Knarborough the use of improper expressions, which he said were so familiar to him, that he was unconscious when he used them. He would repeat his question to the Chair, was that Parliamentary?

Mr. O'Connell: Behold! a third advocate. Another cause for congratulation to the hon. Member for Berkshire! I do not believe a fourth could really be found in this House. The hon. Member for Knarborough makes use of offensive expressions: I do not require any apology for them, whereupon the hon. Member for Norwich—

Mr. Goulburn: It is not for the purpose of making a commentary that I now rise to order; but I submit to you, Sir, whether, if this species of discussion is continued, it is calculated to insure respect to this House?

Mr. O'Connell: I have done with the subject. I thought, indeed, that a fourth could not be found. I forgot the right hon. Gentleman; I forgot that in this House a fourth could be found. If any Gentleman calls me to order, I shall immediately sit down—to find a fifth is impossible. And now, Sir, I hope I may be allowed to go on.

Mr. Sergeant Jackson rose amidst shouts of laughter and cheers. He was understood to say, that if hon. Members persevered in this mode of conducting the proceedings of the House, he should move that the House do adjourn.

Sir Robert Bateson moved that the House do adjourn.

Mr. Sergeant Jackson seconded the motion.

Lord John Russell: I must agree in what has fallen from the right hon. Gentleman, that any personal expression is, in itself, irregular, and ought not to be persevered in. No interruption of the kind ought to be permitted, but the debate should be allowed to proceed. Now I cannot help remarking, that the last time the hon. Member for Kilkenny met with an interruption, it appeared to me that he was about to proceed with what is the proper subject for discussion.

The *Speaker* thought he could not have a more suitable occasion than the present for recommending to Members to be guarded as possible in the words used by them. Upon a great many occasions, when subjects were brought under consideration in which hon. Members felt deeply interested, expressions were used in the heat of debate, not perhaps intended to be personally offensive; and it was exceedingly difficult for one placed in his situation to catch at those expressions, and to give them a meaning with which they were not intended to be applied, and were not probably so understood. The predicament in which he was placed upon such occasions was exceedingly painful. He was at all times unwilling to lay hold of particular expressions; what he had always endeavoured to do, and often, he was sorry to say, not very successfully, was to promote as far as in his humble powers lay, that these debates should be maintained with discretion, order, and conduct, and in such a manner as would be consistent with the dignity, character, and honour of that House.

Mr. O'Connell: The speech of the hon. Member for Berkshire, to which I was adverting when interrupted, contains three subjects. The last was the Poor-laws, the last but one the Church question. Upon that I have shown his utter inconsistency. Whatever that person's inconsistency may be, it is not my fault. I have nothing to do with it—it is no act of mine if a man becomes a renegade to the one side or the other—but when a man does so, it is natural that he should have, at least, the sympathy of those who are also renegadoes, and have abandoned principles they formerly professed. It is matter so completely personal that it is not to be accounted for. The inconsistency of the hon. Gentleman is, however a matter of

very little importance in itself; it certainly has very little to do with the public interests. He has attacked all the Protestants—he has done so in identifying them with the wretched Corporations. Why he has done this in utter ignorance of the fact, that the number of Protestants in those corporations was so miserably small. And, beside this, there is the evidence before this House that those Protestants who from their intelligence and education belonged to the class of politicians, were as decidedly and as strictly excluded from the Corporations as the Roman Catholics themselves. So totally ignorant is the hon. Member for Berkshire upon this subject, that even this fact, so notorious to most others, he is not in the least degree aware of it. He is, too, doubly ignorant, when he founds an argument upon the assumption that the corporators have been the representatives of the great body of Protestants. Now, in connexion with the hon. Member for Berkshire, I have made observations upon *The Times* newspaper. The hon. Member for Knaresborough, for the first time in his life, is perfectly correct. Well, then, he was not perfectly right; but in principle he was right, and if there is a denial in this House, that the individual is not connected with that paper, the moment I have heard that denial, I shall never again say a word on the subject. But he is right. Let there be, as there ought to be, in this House, a disclaimer of any connection with an instrument of falsehood, foulness, and calumny—of one that affords an instance of the most abandoned, and certainly the greatest degradation of talent—of one that has lowered literature, and debased the character of public writers—that has shown them up as marketable commodities—that has only done this, that the higher they rise in public estimation, the more ready are they to be bought, and the greater must be the price paid for them. If there be any human being, out of this House—recollect I speak of a man not in this House—who continues to earn the wages of public prostitution; if there be such a man as I describe, then I say he is too despicable for further notice. I leave him to pocket a portion of the wages of his pensioned writers. Those who poison the waters that even an enemy in a hostile country drinks of, are accounted guilty of a crime most abhorrent to civilised life; but what are we to say of those who poison the first sources of litera-

ture, who stigmatise the character of a nation, and debase the instruments of learning—theirs is the worst mode of earning the wages of villainy, for theirs is the most abominable of all prostitutions. They are those who argue for a question, and turn against it; who hope for one thing to-day, and hate it to-morrow. Does this touch the hon. Member for Berkshire? I hope not. I really hope that he has no connexion with an instrument of that kind. It has been suggested by the hon. Member for Knaresborough that he has not. I adopt the suggestion. I believe at once that the fact is as the hon. Member has stated, and then every word I have said is merely in reply to that base instrument which has attacked me so long. But if my words do apply, I mention no name, I say *qui capit ille fecit*. Let him who chooses take them up—if any man wishes to find them, and in the vulgar phrase “the cap fits him,” I cannot help it. The people of Ireland are not so degraded as the hon. Member for Berkshire has suggested, that they are incapable of managing their own affairs. What is the ground, what is the pretext for saying so? Is it because they are Catholics? That is not a topic which suits this House, though it might read well elsewhere. It is as British subjects they claim their rights. Does any man contend that this measure alone will pacify Ireland? I shall not do so. Refuse it, and you create agitation, because you afford additional materials to the grievances which the people already endure: grant it, and you advance another step, for I admit you have already commenced, in giving to the people of Ireland equal rights with every other part of the empire. Why should not a measure like this be adopted towards Ireland, and which tends so much to the pacification and tranquillity of all. It is for these reasons I have risen to repudiate the speech of the hon. Member for Berkshire, and to call again for justice to Ireland.

Mr. *Walter* hoped he might be allowed to say a few words in answer to the personal charges brought against him by the learned Member for Kilkenny. In the first place he might observe, that he had not intended to take any part in the discussion of that evening, but the hon. Member for Warwickshire having risen to defend his vote, he felt it right to say a few words in defence of the course which he had taken on the Bill. With respect to the press, he had on a for-

mer occasion said all that he thought it necessary to say, and all that he should say, upon that subject. With regard to abuse, the most malignant nature could not prompt the most voluble tongue to heap more abuse upon the learned Gentleman than he himself had poured out upon those who were his present friends. In answer to the accusation of inconsistency upon the appropriation question, that inconsistency, he said, merely resolved itself into the inconsistency of others. The most extravagant estimates had been made by some hon. Gentlemen of the amount of the Irish Church revenues—one hon. Member had at one time estimated them at 3,000,000*l.* Now, he would ask, was there no difference between voting for the application of an asserted surplus, and when it was found that no such surplus existed, voting against the further diminution of a moderate Church revenue in order to create a surplus? cries of ["*Spoke, spoke,*" and "*Order.*"]

The *Speaker* said, that the House would hear the hon. Member in explanation of any parts of his speech on which other hon. Members might have commented; but having already delivered his sentiments on the question before it, it could not allow him to reply.

Mr. *Walter* submitted, that by the courtesy of the House he was entitled to reply to the personal and unfounded charges made against him by the learned Member for Kilkenny. One of the most extraordinary of those charges was that of sitting on that (the Ministerial) side of the House. When he (Mr. *Walter*) looked round and saw the numbers of Members who were now on that (the Ministerial) side, who two years ago had sat on the opposite side, he thought that the Member for Kilkenny, in blaming him, had cast an imputation on many of his own friends. The Ministry, it was said, was the same; but no parties had abused each other more than those who now appeared to have cast their lots together. He retained his original seat, because his opinions were unchanged; but though his opinions on things were unchanged, those on persons were, of course, affected by the closer observation he was able to make of their public conduct; and if, on such nearer observation he appeared to himself to have discovered some individuals better qualified to conduct the business of the country, than others of whose talents he had for a time entertained an undue opinion, he was of course open to conviction, and preferred the abler statesmen. He would only fur-

ther assure the learned Gentleman, that he would pursue his own course in that House; having neither obtained his seat in it in the manner the learned Gentleman had formerly represented, nor receiving hire and pay from the most distressed and destitute class of his countrymen, kept in a state of excitement only to be rendered more easily the dupes of false pretences and the victims of plunder.

The *Speaker*, said it would perhaps now be convenient to the House if he stated the question which was before it. The question was, whether Bandon should be included in schedule C or not?

After a few words from Mr. F. Shaw, which were inaudible to us,

Sir *John Hobhouse* said, there had been no wish or intention on the part of himself and the friends of the Government to disturb the House by a debate upon the question now before it, which was, whether Bandon should be included in the schedule or not? and if the hon. and learned Member for Bandon had not volunteered his services in that way, he felt convinced that his hon. Friend behind him would not have found a seconder to his proposition: He regretted to see that there seemed to be a determination on the part of Members on the opposite side of the House, that whatever business might be doing, on any Irish question, nothing should be done peaceably, amicably, and according to the usual parliamentary course. There were many Gentlemen on the ministerial side of the House who thought that Ministers had not made a sufficiently determined stand upon this question. He could only assure the House, however, that whatever had been done by them, had been resolved upon after the best consideration, and with the firm and honest conviction that they were doing the best which, under circumstances, could be done for Ireland. He thought that the thanks of the country were due to the Government for having adopted a course which was likely to lead to an honourable compromise, and afford an opportunity of bringing this great question to a settlement. He regretted extremely that anything of a personal nature had occurred in the course of the debate. He would express a hope, also, that his hon. Friend behind him would see the importance of not continuing the discussion further. He trusted his hon. Friend would see the great advantage which would result from this Bill being sent up to the other House in its altered form, without any division upon

it whatever. He begged his hon. Friend to consider this, and not permit himself to "listen to the voice of the charmer, charm he never so wisely."

Colonel *Butler* merely rose to say, that it was his intention to have seconded the motion of the hon. Member for Dundalk, when he was anticipated by the hon. and learned Member for Bandon in so doing.

Mr. *George F. Young*, in reference to the argument of the hon. Member for Berks, that the proposed measure of municipal reform would throw all the political power of the Corporations into the hands of one party, and that the most numerous one in the place, begged to make one observation—namely, that the political power in the new system was to be distributed, not simply according to population, but upon the basis of a property qualification. Now it happened that the property of Ireland was divided amongst the Protestants and Catholics, nearly in the inverse ratio of their numerical force, and there were at least two millions unfortunately in a state of beggary, and who, of course could take no part in the political powers created by the new measure. He had only one other observation to make upon this question. He would be one of the last men to dispute the powers and the perfect independence of the other branch of the Legislature, but at the same time he begged the House to consider the position in which this question stood. The original question mooted by the House was whether Ireland should have Corporations or not. The House of Commons declared its opinion that she ought, but the House of Lords had since said that she ought not to have these institutions. What had since been done was this. The House of Commons, which originally set down the number of the proposed Corporations at fifty, now consented to reduce them to twelve, and so showed that it had every disposition to effect an amicable compromise on the subject with the other House. If the Lords after this should persist in rejecting the Bill when sent back to them, they would show that they were not disposed to listen to any terms of compromise with the Lower House, and the country would behold them (the Lords) asserting the principle that the House of Commons had nothing to do but to yield entire and unconditional submission to their superior authority. He hoped, however, that this would not prove to be the case; he hoped and trusted that when this Bill went back

to the House of Lords it would be received by them in the spirit of fair and amicable compromise with which it had been treated in this House; so would this great question eventually be settled without throwing this great, happy, and now prosperous country into political convulsions, which under different circumstances would threaten it.

Mr. *Walker* hoped his hon. Friend near him would not press the House to a division on this question.

Mr. *Scarlett* did not deny that Irishmen were fit to enjoy political liberty and political institutions; but he thought that these must be given them by different means to those adopted in England, on account of the difference in the social characteristics of the two nations. He did not mean to say, that Irishmen were inferior to Englishmen; on the contrary, he thought that, in many particulars, they were their superiors, as in their great vivacity and quickness of apprehension.

Mr. *Wallace* felt strongly the insult which was offered to the Irish people by the House of Lords; but still he hoped that his hon. Friend, for whom he entertained great respect, would withdraw his motion.

Dr. *Baldwin* said, that it was not to be supposed that he did not feel strongly the insult which was offered to his country by the House of Lords; but he trusted his hon. Friend would not bring division into the camp of the reformers by pressing a motion which was calculated to embarrass that Administration which seemed to him determined to do justice to his country. He would not argue the question; all argument upon it was exhausted; but he rose merely for the purpose of asking his hon. Friend not to persevere in his proposition.

Mr. *S. Crawford* said, he would consent to withdraw it, if he heard any just reason urged for his doing so; but in the absence of all argument in favour of the course which he was pressed to adopt, he must persevere.

The House divided on Mr. *Crawford's* amendment:—Ayes 8; Noes 148:—Majority 140.

On the motion of Lord J. Russell, a Committee was appointed to draw up reasons to be offered to the Lords at a conference for disagreeing with the amendments made by the Lords.

MARRIAGES.] On the motion of Lord J. Russell, the House went into the Committee on the Marriages Bill.

On Clause 30 being put,

Mr. Pryme objected to it, as creating doubts as to the validity of marriages, and imposing difficulties in the way of establishing the legitimacy of children.

Dr. Lushington thought his hon. Friend misconceived the scope of the clause, the object of which was to confine the operation of the law (concerning invalid marriages) to as narrow a circle of cases as possible.

Dr. Nicholls thought the present law as to annulling marriages very objectionable, but he did not think it possible to omit the clause. It might, however, be advantageously modified, and he would lend his assistance to improve it on bringing up the Report.

Clause agreed to.

The remaining clauses were also agreed to, and the House resumed.

Bill to be reported.

EXCISE LICENCES (IRELAND).] The House went into a Committee on the Excise Licences (Ireland) Bill.

On Clause 3, shutting all houses for retailing spirits from 10 o'clock at night on Sunday, until 9 on Monday morning,

Sir Robert Bateson regretted that the clause, which originally closed retail houses the whole of Sunday, had been altered. In that shape, it gave universal satisfaction in Ireland.

Viscount Morpeth would have been pleased, if he could have retained the clause in its original shape; but the representations of the magistrates and the police officers had convinced him that it was impossible, and he had been reluctantly obliged to alter it.

Mr. Buckingham wished that, at least, an attempt should be made to close retail spirit shops in Ireland, as they were closed in England and Scotland.

The clause, with amendment, was agreed to; as were the remaining clauses of the Bill.

The House resumed; the Bill to be reported.

HOUSE OF LORDS, Thursday, June 16, 1836.

MINUTES.] Petitions presented. By Lord Dacre, from Stanstead, for the Abolition of Church-rates.—By Earl Grey, from Newcastle-upon-Tyne, for their Lordships to reconsider the Municipal Corporations (Ireland) Bill; and from Stanstead, for the Abolition of Church-rates.

BIRMINGHAM AND BRISTOL RAILWAY.] The Marquess of Clanricarde moved that the Birmingham, Bristol, and Thames Junction Railway Bill be read a third time.

The Duke of Wellington said, he had a clause to propose for the purpose of attaining the object which he had on a former evening explained to their Lordships. He did not understand that there was any objection on the part of their Lordships to some measure of this description being adopted. At the same time he had seen in circulation a paper signed by certain persons interested in railways, in which they set forth their objection to a clause of this nature. He conceived that it was in the power of their Lordships to attach any condition they might think it their duty to impose on any parties who came before them for powers to construct a railway or any other kind of work; and, as railways were in general a novelty in this country, and as they were now carried on to a very great extent, he thought it was expedient that Parliament should have time to consider the subject, in order that they might be able to make such regulations as might be found necessary to render them beneficial to the public, and prevent their becoming monopolies in the hands of particular individuals; for which there would be no remedy whatever except the construction of other railroads, to the great injury of private property, and the comfort and happiness of those living in the line of direction of these works. Under these circumstances, understanding, as he did, that some members of the Government, and gentlemen in the other House of Parliament, had turned their attention to the subject, and intended to bring in a Bill to enable Parliament to regulate these works to a greater extent than it at present had the power to do, he felt it his duty to propose to their Lordships to add a clause to the Bill to the following effect:—Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to the exemption of this or any other railroad from the provisions of any general Act or general Acts for the regulation of railroads, which may be passed with a view to the advantage, protection, and security of the public, before the expiration of one year from the passing of this Act, if Parliament shall be sitting at the expiration of such period of one year, or

if Parliament should not be then sitting, before the end of the then next session. The noble Duke concluded by moving that this clause be added to the Bill.

The Marquess of *Clanricarde* objected to the clause, not with reference to this particular Bill, but he objected to it because he thought it was inexpedient and unjust for Parliament to introduce such a clause in any of the Railway Bills that were now in progress through Parliament. If it was necessary to adopt any measure whatever for the future regulation of railways, it ought to be made retrospective, and should apply to all Bills that had been passed by Parliament. It was ridiculous to say, that because certain Bills happened to be a few days later than others in their passage through the two Houses, therefore certain restrictive provisions should be applied to them, from which all other Bills were excepted. In point of justice, he contended that the case was as strong in favour of the Bills now pending, as if they had actually passed through Parliament. If their Lordships would turn to the Report of the Select Committee, which sat on the standing orders, with respect to Railway Bills, they would see that the Committee directly stated, that although, on examination of the standing orders, they deeply felt that some change was necessary, yet considering that all the Bills which were then pending had been introduced on the faith of those orders, they thought it advisable to make as little change as possible in any regulations by which those Bills might be affected. Large sums had been subscribed upon the faith of Parliament requiring only their standing orders to be observed, and it would be unjust now to turn round upon the parties and take advantage of the mere circumstance of their Bills not having actually passed into a law. If their Lordships adopted the clause now proposed by the noble Duke, they would hold out to the country the assurance that they were about to pass some new law respecting railroads. Whenever any such measure should be proposed, he should give it full consideration; but he must remark, that no plan had yet been so matured as to be fit to be proposed to Parliament. In the speech of Mr. Morrison, published in the shape of a pamphlet, he found a plan suggested, to which he (the Marquess of *Clanricarde*) had the very greatest objection. He would not, however, discuss that plan at present, but would content

himself with saying, that it was most inexpedient to pledge the House to take any future steps on the subject, at a time when they were not able to say in what manner they could do so upon safe grounds. The consequence of so pledging themselves would be the putting a stop to all these undertakings for one or two years. That might be a good, or it might be an evil; but he would contend that it would be of the greatest disservice to the capitalist. There was a great mass of capital in this country that must be employed, and if it had no fair means of being employed here, it would be employed abroad. No doubt some of the speculations that were now on foot had been rashly and foolishly entered into; but all those great and useful works which were undertaken in other countries were undertaken by the Government of the country, and therefore the Government had a right to place what restraints they pleased on the mode of conducting those works; but in this country the case was quite different, joint-stock companies managed all such undertakings, and as a general proposition, those companies might be said to be most useful to the nation. He did not, however, mean to deny that every scheme to which Parliament lent its sanction ought to be well scrutinized; but he would repeat, that it was unjust to those who had embarked in these undertakings, and had entered into large contracts on the faith of Parliament, to subject them to restrictions beyond what the standing orders imposed; while it would be most unwise for Parliament to pledge itself to the adoption of a new course of legislation, without being capable of determining what that course should be.

The Earl of *Mansfield* confessed, that the clause of the noble Duke was not, in his opinion, satisfactory. It was not sufficiently definite in its object. Considering the great number of projected railways, and the vast sums of money embarked in them, he thought it very important that his Majesty's Ministers should take the matter into consideration with a view to bringing forward some plan for the regulation of these undertakings; and he hoped, if they were not able to do so this session, that they would be prepared to propose some measure for that purpose early in the next. If, however, any restrictions should be imposed that were too severe, the spirit and enterprise of the public would be checked, and this country, instead of being pre-eminent for

the accumulation of capital, and the judicious employment of it, would be deserted by the capitalists, who would resort to other countries where they would be at liberty to embark unfettered in their speculations. But while he deprecated any unnecessary restraint on the one hand, still some regulation was absolutely necessary for the protection of the public on the other; nor could any moderate restrictions be fairly or reasonably opposed by the joint-stock companies themselves. Those persons claimed a monopoly upon grounds that the undertaking would not only be beneficial to themselves, but would be for the interest of the public. If so, then unquestionably the public had a right to have their interests protected, as well as the interests of the companies in these undertakings. He perfectly agreed with the noble Marquess, that the standing orders of the House were alone the guide to parties who brought forward these Bills; but he was also of opinion that those standing orders required to be modified, so that parties might hereafter know what restrictions and conditions would be required of them, and what were the terms upon which they could apply to Parliament with any hope of success. This was the more necessary in consequence of the manner in which Bills were disposed of in Committee. Things might be introduced into private Bills in Committees, which if proposed in the House would not be sanctioned. The noble Duke endeavoured last year to provide for the better attendance in Committees; but his exertions had failed to produce any material improvement; with respect to the present clause, he thought it would be better to wait for the Report of the Select Committee that was now sitting on the subject, before they adopted it. There was one other point to which he wished to advert. Many of these undertakings, no doubt, might be attended with benefit to the public, though of no benefit to the individuals embarking in them. Still when persons had obtained legislative protection for their monopoly, and had made an acquisition of property by it, the public had a right to insist that the communications which were proposed to be made should be effected within a certain period, to be fixed by Parliament. He knew an instance of a Canal Company being formed, and six miles of the canal being cut, when the undertaking was abandoned, so that

the six miles of the canal was rendered totally useless, except being converted into a fish-pond. Some security ought, therefore, to be given to the public, that those communications from one part of the country to another, which was the ground of the monopoly asked for, and of the protection given, should be established and maintained, whatever might be the loss to the projectors; and this only could be done by making the subscribers responsible for a sum in addition to the amount of their own shares. He agreed with the noble Marquess, that it was perfectly impossible to apply this clause to Bills that had already been passed. Those companies had obtained a freehold, and their Lordships could not convert that freehold into a leasehold. It was an inconvenience certainly, but it was one to which they must submit. With regard to other Bills which might hereafter be introduced, it was perfectly true that there was a degree of hardship in having additional restrictions imposed on them, but it was, he believed, inevitable. One party might say, "How fortunate it was for us that these matters did not occur to their Lordships before *our* Bill was passed;" while the other party might exclaim, "How unfortunate it was that their Lordships did not slumber on for a few days more until *our* Bill had passed." What he would submit to the noble Duke was, that it would be better to postpone this clause, in order that they might apply to these Bills a positive rather than an unsettled and uncertain regulation. By the Bill as it was now framed, it would not apply in positive and express terms any greater obligation than was imposed upon the parties by the standing orders. But they accompanied it with a clause that held forth the threat of some future restrictions. They, in fact, made the measure like a pair of scales. In the one scale all the advantages were given to the projector, which were contemplated as the result of the speculation; while in the other scale they reserved to themselves the right of putting in a great additional weight, such as might counterbalance all those advantages. Because, after reading this clause, it as impossible for any one to say what it was their Lordships might hereafter be disposed to do. This clause would not give to the projectors of these undertakings the opportunity which they now had, under the positive regulations of the standing orders, of with-

drawing from the concern altogether, and of weighing in their minds whether it would not be better for them to submit to the expense which they had already incurred, and abandon the undertaking altogether, than go on with it. But by this clause the parties would be variously influenced. Some would be induced to believe, that the further restrictions that would be imposed on them would be so trifling as not to discourage them in prosecuting their work, while others, less sanguine, would apprehend that the restrictions would be so extensive, that they had better abandon the speculation altogether. Upon the whole, therefore, whether their Lordships should think it right at this moment to interfere with these companies, by any positive enactment or not, he thought it would, at all events, be improper to adopt this clause.

Lord *Hatherton* said, that even if it were admitted that their Lordships had authority to introduce a clause of this kind into the Bill, still he would submit to the noble Duke, that this was not the proper time for effecting his object. It was clearly desirable that all parties who were now prosecuting Railway Bills through Parliament should have notice that a similar clause would be applied to them. They were arrived, it was true, at a late period of the session, but it was equally certain that the session must last sufficiently long to allow the subscribers to these different projects to hold meetings, in order to consider whether it would be for their interest to accept their Bills on the terms proposed by this clause. To be sure, that proposition was open to one objection—namely, that even if they agreed to accept the Bill with this clause, they would still be kept in a state of uncertainty as to what measure of restriction they would be subjected to. The question then was, whether it was right or fair, at this period, to insert any such clause. He was of opinion that their Lordships could not, with justice, insert a clause of this description. There was no precedent in the case of private Bills, where the House had enforced on the parties any regulation or restriction of which they had not been given full notice in the course of the previous session. It was impossible to entertain this Clause without adverting to the principle of the measure to which the Clause itself had reference. He thought their Lordships

would be committing an act of folly to support a Clause of this description, because they would be supporting that which could have no effect. He did not agree with the noble Earl (*Mansfield*) that Railway Companies were likely to become monopolies. For his own part he saw no difference between a Railway Company and a Canal Company; and he should be glad to know from the noble Duke why he did not propose to apply this principle to canals as well as to railways? It was, no doubt, true that seventy or eighty years ago, when branch canals were beginning to be formed in different parts of the country, persons opposed them as being monopolies. The road trustees and the mortgagees of tolls opposed them with the greatest violence, and denounced them as monopolies. He would take, for instance, the Mersey canal, which ran through a great part of Derbyshire, Staffordshire, and Cheshire. It was stated in another place that a 50*l.* share in that canal now sold for 600*l.* No doubt during the war the profits of that canal were very great. But at the conclusion of the war, when the capital of the country was necessarily applied to projects of domestic enterprise, some parties suggested a railroad, for the purpose of competing with that canal. What was the result? The parties opposed it, and then a canal was cut between Liverpool and Manchester. But that was not all. No sooner had a new canal been cut, than a railroad was also formed, and thus three lines of communication were established; and yet this was called a monopoly. By these means the share which during the war had become worth 1,200*l.*, had been actually brought down to 600*l.* The same result would happen with respect to railroads; when they had been established fifteen or twenty years, they would be subject to a like competition, and would cease, as canals had done, being monopolies. The proposal now made was scarcely a new one. When the Manchester and Liverpool Railway Bill was first introduced, it was rejected, and Mr. *Huskisson* turned the matter in his mind with a view to conciliate the opposition to it. It was proposed either to limit the time of the Act or the profits of the Company. Mr. *Huskisson* immediately felt it would be most unjust to check a speculation of this description by endeavouring to limit the time of the Act. It was a perfectly new

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principle. He therefore proposed to restrict the amount of the dividends, and that the tolls should be reduced when the profits yielded more than 10 per cent. But he (Lord Hatherton) had often heard Mr. Huskisson himself acknowledge that that was a perfectly futile step, and must entirely fail, because there would always be means found for disposing of the profits, without the owners ever dividing more than 10 per cent.; so that, in point of fact, all that was gained by the measure was the passing of the Bill without further expense to the parties. It was a proposition for taxing the stock of the railway companies. If they did so capitalists would go to Brussels, and even to Paris, and invest their money where they could do so without having it taxed. He had heard it said, that lighthouses were granted only for a term; but there was no analogy between the case of lighthouses and the case of railroads. It was also said, that the interests in turnpike roads were also limited; but still there was no analogy between turnpike roads and railroads. Turnpike roads were made by gentlemen for the benefit of their own estates, and who did not mind expending 1,000*l.* or 2,000*l.* for that purpose. But, unfortunately for the noble Duke, there was a complete analogy in the case of canals and railroads; but it never had been attempted to limit the profits of canals, and therefore they ought not to do so with respect to railroads. References had also been made to the railways in the United States of North America; but then, again, there was no analogy between the two cases. The railways in America were not of the same description as this country. They were not constructed on the nicest regard to the gradients as they were here, nor were they attended with that enormous expense to obtain levels as in England. They were worked principally by horse power. They could never induce persons in this country to incur expense on these great undertakings, unless they gave them the fullest security for any profit that might result from them. He believed that the right plan for their Lordships to adopt would be, to scrutinise with great care all the projects that came before them, and unceremoniously to reject those which did not promise to confer some substantial advantage on the public. He thought their Lordships would do only that which was prudent and right, if they rejected at

once all projects of this description which were not strongly recommended by convincing evidence of public utility. By adopting this course the public would be fully protected, whilst the parties more immediately engaged in the enterprise would only undergo the inconvenience of a year's delay; it being perfectly competent to them to bring the subject forward again in another session of Parliament. On the other hand, if their Lordships inserted a clause of this description in every Bill that came before them, they would be robbing the public of all that advantage which arose from competition. He, therefore, was disposed to think, that the clause proposed by the noble Duke, having reference to a measure not yet before Parliament, and of the provisions of which it was as yet impossible to form any judgment, was a Clause which could not be supported on the ground either of principle or sound policy.

The Earl of Wicklow, without any knowledge of the different Railway Bills which then lay upon their Lordships' table, thought that the effect of such a clause as that proposed by the noble Duke would be to paralyse the exertions of those who had embarked in those great enterprises from which, under proper regulations, so much national benefit was to be expected. At all events he felt convinced, that this must be the effect of the clause as long as the nature and character of the measure to which it was ultimately to apply, remained unknown. By adopting such a resolution, too, their Lordships must remember that they would be frustrating one of the great objects of their own Standing Orders, of which it was declared, that before any Bill in the nature of a Railway Bill should be allowed to pass through Committee, it should first be clearly ascertained, that there was a sufficient number of *bond fide* subscribers to complete the undertaking. As it was impossible that any one could know the nature of the Bill to which this resolution would hereafter apply, persons, however much they might otherwise be disposed to embark in enterprises of this description, would, whilst the uncertainty remained, be shy of becoming subscribers to any project of the kind. He, besides, conceived that nothing could be more unjust than to attach a condition of this kind to all Bills before the House, unless it were also made to have a retrospective effect,

and to apply equally to all Bills which had already passed. The noble Earl (the Earl of Mansfield) who spoke from the table, said, that he thought a Committee of their Lordships ought to be appointed to give a full and fair consideration to the matter. He agreed with the noble Earl in that opinion. He thought that their Lordships should appoint, at a very early period, a Committee for the purpose of considering how, consistently with the well-being of the country, with the maintenance of private property, and the interest of the public, they could so frame and model their Standing Orders as to meet the pressing demands which at present arose out of questions of this description. Unless this were done, he thought their Lordships would incur the blame of throwing great impediments in the way of those useful measures which were now in progress through the country. He was most anxious that that House should not be supposed to throw unnecessary obstacles in the way of such measures.

The Duke of Wellington was of opinion, that if their Lordships appointed a Committee for the purpose of considering their standing orders, and of applying the result of that consideration to the Railway Bills then before the House, they would be adopting a much harsher measure towards them, than if they acquiesced in the clause which he proposed. The consequence of adopting the mode of proceeding suggested by the noble Earl, would be to stop all the Railroad Bills then before the House, until the result of the Committees' consideration of the standing orders should be made known. That which he proposed to their Lordships was, that they should insert into each of these Bills a clause, which should render the works proposed to be accomplished under them liable to any future general provision which Parliament in its wisdom should think fit to adopt for the regulation of all undertakings of this kind. The noble Lord (Hatherton) who spoke from the opposite side of the House, contemplated the possibility of rejecting these Bills, and of postponing the consideration of them till another session of Parliament, by which time some general provision might be adopted. But he did not desire to reject these Bills. He desired that they should go on; but since they had been before Parliament, it had been the universal opinion that some general provision should be made for their

regulation. That had been the expressed opinion of the other House of Parliament, and it appeared from what had been stated by his noble Friend near him, that it was the opinion of their Lordships' House also. He asked their Lordships, then, to adopt this clause, with the view of giving the public the advantage of the future consideration of Parliament, with respect to all those vast undertakings in the shape of railways which were at present advancing. The noble Lord (Hatherton) who spoke just now, said, that there was no chance of these establishments becoming monopolies. But he thought, that the noble Lord, at the very time that he made that assertion, stated enough to show that where successful these establishments were likely to become monopolies, and, moreover, that the remedy for the monopoly would consist of that very thing to which he (the Duke of Wellington) had objected, and expressed his anxiety to avoid, namely, the construction of other roads of the same description in the same parts of the country. This was the very thing which it was one of the chief objects of his clause to prevent. He had no objection whatever to the construction of these works wherever it could be proved to the satisfaction of both Houses of Parliament that they would be useful; but what he desired was, that they might not have the country cut up in all directions by roads of this description, merely for the purpose of getting rid of monopolies, the establishment of which it should be the care of Parliament to prevent in the first instance. That was all that he wished their Lordships to provide for. He did not ask them to go into a long inquiry, or to frame for themselves regulations which might throw impediments in the way of these works. That which he asked them to do was, to provide the means of applying any regulation which Parliament, after due consideration, might think proper to adopt. Was it not better that they should adopt such a course than follow the suggestion of the noble Lord (Hatherton) opposite, and throw all these Bills over till another session of Parliament. That noble Lord had adverted to the case of the Manchester and Liverpool Railway, in which a limitation of profits was imposed by the Legislature. He (the Duke of Wellington) did not now recommend any such measure to their Lordships. In point of fact, he did not recommend any thing to them.

All that he desired was, that Parliament might hereafter have the opportunity of applying to all the Bills now in progress any general regulation which it might think proper to adopt. He said that there was a growing feeling in that House, and in the other House of Parliament, that the Legislature had gone too fast upon this subject, and that the subject did require further and more mature consideration. All that he entreated their Lordships to do was, to enable themselves and the other House of Parliament to consider the subject maturely in the course of this and the next session of Parliament.

Lord *Ashburton* thought, although the matter came before them in the shape of a private measure, that a more important subject could not occupy their Lordships' attention. As regarded the question immediately before them, he confessed that after having looked at it with the best attention he could bestow, it did appear to him to be one of very considerable embarrassment, and he certainly could not take the very positive view of it either on one side or the other, that some noble Lords seemed disposed to do. The Bills, of which a number were then on their Lordships' table, had gone through the forms of both Houses, and stood, some of them, for a third reading that night. Of their Lordships' right, even in that last stage, to insert a clause of this description, he had not the smallest doubt. Their Lordships had not only the right, but it was their duty, before these Bills were passed into laws, to adopt any course with respect to them which they thought would be just to the parties, and advantageous to the public. Parties engaged in private Bills could not be considered as having any Parliamentary pledge, or any equitable pledge of any kind whatever, for the success of their undertaking, until those Bills had been read a third time by both Houses of Parliament. It would indeed be a bad precedent for their Lordships to establish, to say that any party should have a right to speculate, or to rely on what the decision of Parliament should be until that decision was finally given. But with regard to the present subject, Parliament stood in this position—that having passed some of these measures, scruples came over the other branch of the Legislature, as to whether the public were sufficiently protected against monopoly, or something else which might operate pre-

judicially; and a sort of reliance was thrown upon their Lordships for the adoption of some general provision, by which those anticipated evils might be avoided. He apprehended, therefore, that, if their Lordships read these Bills a third time without coming to some conclusion upon the point, the Commons would think that they had not given to the subject the consideration which its great importance demanded and required. He totally differed from the noble Lord (*Hatherton*) opposite, when he stated that there was no precedent for the insertion of a restrictive clause in measures of this description. He thought that a precedent was to be found in the very Bill to which the noble Lord had referred—that under which the *Liverpool and Manchester Railway* was constructed. In that Bill Mr. *Huskisson* introduced a clause to limit the profits. [*Lord Hatherton*: With the consent of the Company.] The Company were not brought very voluntarily to give their consent to a restriction of that kind. The Company certainly would not desire a clause of that description; and if they were induced to give their consent to it, he fancied there must have been exercised some strong persuasion, or perhaps even a little gentle enforcement. He thought, therefore, he might take the *Manchester and Liverpool Railway* as an instance in which a precedent was established for the insertion of a restrictive clause. The question for their Lordships to consider was, whether it were wise and prudent to insert into all Bills a clause of that description. He (*Lord Ashburton*) had a very strong feeling, not only that it was not the duty of Parliament to check the spirit of adventure in works of this nature, but that it should give every encouragement that a Legislature could give to the enterprise of the country, consistent with a due regard to the security of private property. When he first read the clause proposed by the noble Duke, it appeared to him to be most unobjectionable; but the difficulty attending it was this, that it would create uncertainty and doubt in the minds of those who had embarked in works in which the whole country might now be said to be interested. The clause imposed no specific restriction which the adventurers could know and understand before their works were commenced; but rendered them liable to any restraint which Parliament, in the course of another year, might think fit to impose. This would have the effect of deterring parties from

investing their capital in works of this description until the ultimate determination of Parliament were made known. He therefore thought that their Lordships should appoint a Committee to clear the matter up, and to hear the opinions of the parties who had suggested the necessity of this precaution. He thought that a Committee, sitting eight or ten days, would as satisfactorily settle the question as their Lordships could possibly do, by leaving it to be bandied about from this time till the next Session of Parliament. He thought it would be fairer to the parties, and more beneficial to the country, to give eight or ten days to a thorough sifting of the matter, than to leave it in a state of uncertainty for another year. To any limitation of time, he thought there would be many objections, but he saw none of the same reasons for objecting to a limitation of profits. The noble Lord (Hatherton) had stated, that the provision for limiting the profits of the Company in the case of the Liverpool and Manchester railway had been constantly evaded; but that must have been from the awkwardness of the manner in which the clause was framed. Any person of ordinary capacity, he thought, would be able to frame a clause which should be effectual. This, he thought would be a fit matter of consideration before a Committee. Then the noble Duke had stated a difficulty, and a very serious one it was—namely, that of having the country cut up by a variety of railroads running between the same places. This, again, was a fit subject for inquiry and consideration. Under all the circumstances, therefore, he thought it would be their Lordships best course to appoint a Committee, which would not sit more than eight or ten days, for the purpose of determining upon some general regulation which should be applicable to all Bills of this description. By adopting that course their Lordships would remove all the doubt or apprehension which would naturally exist in the minds of the parties engaged in these undertakings as long as they were rendered liable to some ulterior measure, with the provisions of which they were wholly unacquainted.

Lord Kenyon thought it would be most unjust that their Lordships should apply any restrictive clause to the Bills now in progress which was not made equally applicable to all Bills of the same description which had already passed. He had great doubt as to the good policy of the clause

proposed by the noble Duke. The subject was one which undoubtedly ought not to be hastily determined upon, and he therefore trusted that the Government would take it into their serious consideration.

The Marquess of Lansdowne would endeavour, in as few words as possible, to state the grounds on which he did not feel inclined to oppose the motion of the noble Duke. Although the matter came before them in the shape of a private Bill, he was not surprised, seeing the important view in which it had been taken up by the noble Duke, that it had attracted the general attention of the House, and been considered, as indeed it was, a public question of the first magnitude. He therefore was extremely glad to perceive the general attention which had been paid to it. Although the resolution proposed by the noble Duke contained some few words which he (the Marquess of Lansdowne) would rather see omitted, yet he must say that, looking at the general terms in which that resolution was framed, he did not perceive a design on the part of the noble Duke (nor did he think that there ought at that moment to be a design entertained by Parliament) to limit the parties engaged in these undertakings, in any one respect, with a view to any future enactment on this subject. He did not understand that the noble Duke wished even to prejudge so much of the question as might apply to the Bills which had not yet passed into a law. If there were any advantage to be gained by undertakings of this kind, which had already been completed, not being subject to any proposed new law which might be enacted upon the subject, he confessed he should not grudge to them any advantages they might gain from the exemption. He regarded these early undertakings as pioneers in the march of improvement, and in the advances of measures of public utility, necessarily encountering risks greater than any that could attach to those which followed after them, and consequently well entitled to any advantage which the comparatively different state of the law at the time they were undertaken might afford them. But when he said, that he did not grudge to those earlier undertakings any advantage they might possess, he did not mean to admit that by any new law that Parliament might adopt, any material disadvantage would be thrown on the undertakings now in progress, or under the considera-

tion of the Legislature, or even that they might not derive a distinct advantage from the new regulations which the Legislature might adopt. It was on that account that he confessed he should rather see some of the words introduced by the noble Duke in his motion omitted, and that the clause should confine itself merely to this—that the parties should continue subject to any general Act or Acts for the regulation of railroads, &c., omitting the words, “with a view to the protection, advantage, and security of the public.” It was possible, he thought, that these words might be interpreted out of the House in a way to create alarm in the minds of persons about to embark in such undertakings; and this assertion applied particularly to the word “advantage,” because it might be stated that it would be for the advantage of the public that the tolls on railroads should be reduced to a degree which would entirely deprive the proprietors of the fair and just remuneration which they would have a right to expect. But to make all railways subject to any provision or regulation which the interests of the public might demand, and which, in fact, might be taken as including the interests of the Company also, he could not conceive the slightest objection. He was well aware of the immense advantage which the rapid mode of transit presented by railways afforded to commerce and manufactures; and he was sure Parliament would pause before it did anything to deprive the public of the advantage to be gained from such undertakings. He did not see that a railroad could in any way be compared with a turnpike road; they were, in fact, entirely different. The public could enter upon a turnpike road, and take possession of it at once; but how could the public take possession or make use of a railroad? Railroads were also different in their nature from canals; for on the latter the public were their own carriers. Still he thought it desirable that Parliament should take precautions to prevent the locking-up of a railroad, which might happen to be, in the particular district where it was placed, the best possible means of intercourse. He did not mean to discuss the measure, which, it was understood, would be introduced in another place; but he was glad to have the opportunity of stating that, in his opinion, such an enactment should not insist on certain periodical revisions being

made. It would be unjust to throw upon the parties engaged in railroad undertakings the burden of getting Acts of such a nature passed into law. The Acts ought to be considered as public instead of private, and there ought to be some competent authority to judge whether within a given time a revision ought to be instituted with reference to the public interest.

Lord *Wharncliffe* trusted, that whatever general measure might be passed, it would apply to the railroads which had already been sanctioned by the Legislature, otherwise great injustice would be done to those who had engaged in new undertakings.

The Earl of *Winchelsea* thought the House ought to feel indebted to the noble Duke for the proposition he had made. The subject was a most important one, for not less than 60,000,000*l.* was embarked in railroad speculations. He was of opinion that some steps should be taken to protect the interests of those Gentlemen who were obliged to give up their property to enable these railroads to be formed, and who sometimes suffered considerably in consequence of the undertaking not being completed.

The Marquess of *Londonderry* thought that railroads forming under Bills which had already passed, ought to be subject to the operation of any general measure which might be introduced. The object of the present Bill was to extend the Birmingham and London Railroad into the heart of the city, and unless the general measure which had been alluded to had a retrospective effect, the consequence would be, that one portion of the railroad would be subject to its operation, while the remainder of the line would be entirely exempt from it.

The Duke of *Richmond* took the present opportunity of observing, that one of the great grievances of which the public had a right to complain was the manner in which railroads were first undertaken. The House could not but be aware that the first step taken by the promoters of any railway was to apply to the great landed proprietors, and if they opposed the undertaking, their lands were purchased at more than ten times the value, and they then became supporters of the proposed railroad, while the small occupiers were compelled to take the promoters' price. He thought that some alteration

ought to be made in the standing orders, to the effect that, previous to the third reading of such Bills, the promoters ought to state to the House the agreements entered into between them and the land-owners whose property was affected. If this were done, it would be seen that agreements for purchases had been made by them at sixty and seventy years' purchase. While he did not think it right now to interfere with parties who had expended between 50,000*l.* and 60,000*l.* on the faith of the standing orders and practice of Parliament, he should support the proposition of the noble Duke, and he should at the proper time also give his support to the motion of the noble Marquess (Salisbury) for the appointment of a Committee on the subject.

Lord *Ellenborough* trusted, that he never should give a vote that was not founded on equity, and he felt satisfied that he was not acting contrary to equity in giving his support to the proposition of the noble Duke near him (the Duke of Wellington). He saw a great distinction between Bills which had passed, and Bills which were to be passed, and he was convinced that it was infinitely better for the country that compensation—monstrous in amount as it might be—should be given, rather than that the faith of Parliament should be compromised. Noble Lords seemed to forget that there were always two parties to measures like the present—the promoters of the work, and the parties whose property was to be affected and injured, and it was for the protection of their interests and those of the public that he (Lord *Ellenborough*) acquiesced in the proposition of the noble Duke. It was said, that railroads had been most beneficial in manufacturing and commercial districts. He would not attempt to question that assertion, but simply ask what would be their effect in agricultural districts? There they would cut off the present easy means of communication; they would form an impassable torrent, an Alpine mountain of difficulty in that respect, and the parties whose lands were intersected would be compelled to come to Parliament for private Bills to enable them to construct and open new means of communication to the various parts of their lands. The promoters of this Bill received a boon by its becoming law, and the clause proposed did nothing more than intimate to them that the boon con-

ferred was to be accompanied by restrictions.

The Marquess of *Clanricarde* said, he would not withdraw his opposition to the clause proposed by the noble Duke. He stood upon the faith of the standing orders, upon which the promoters had relied.

The House divided on the question that "the clause be inserted," when there appeared, Content 33; Not Content 15: Majority 18.

List of the NOT-CONTENTS.

Dukes.	Rodney.
Richmond.	Scarborough.
Marquesses.	Wicklow.
Clanricarde. (Lord	Lords.
Somerhill.)	Glenelg.
Earls.	Hatherton.
Burlington.	Kenyon.
Chichester.	Teynham.
Dartmouth.	Bishop
Mansfield.	Exeter.
Radnor.	

Clause added, Bill read a third time, and passed.

HOUSE OF COMMONS,

Thursday, June 16, 1836.

MINUTES.] Bills. Read a third time:—Fisheries; Cinque Ports.

Petitions presented. By several *HON. MEMBERS*, from various Places, for the House to Adhere to the Provisions of the Irish Municipal Corporations' Act as originally passed by them.—By several *HON. MEMBERS*, from various Places, for Abolition of Tithes (Ireland).—By several *HON. MEMBERS*, from various Places, against the Factory Act Amendment Bill.—By Mr. W. J. DAVISON, from Dorking, for a Mitigation of the Criminal Laws.—By several *HON. MEMBERS*, from various Places, for Abolition of Church-rates.—By the ATTORNEY-GENERAL, from Edinburgh, for the Abolition of Annuity Tax.—By Mr. BETHELL, from Mapleton, in favour of Common Fields' Inclosure Bill.—By Major BRADCLIFFE and Mr. KEMP, from Horsham and Chichester, for Amendment of New Poor-Law.—By Mr. BROWN, from Newport-patrick, for Introduction of Poor-Laws into Ireland.—By Sir CHARLES KNIGHTLEY, from Places in Northamptonshire, against Turnpike Trusts' Consolidation Bill.—By Mr. S. CRAWFORD, from Drumlee, against the Sale of Spirits by Grocers (Ireland).—By several *HON. MEMBERS*, from various Places, against Municipal Corporations' (Scotland) Bill.—By Mr. LAW HOBBS, from Dartford, for Repeal of the Duty on Spirit Licences.—By Sir R. BAYSON, from Colerain, in favour of the Municipal Corporations' Bill for Ireland, as passed by the Lords.

LIGHT-HOUSES (SCOTLAND).] Mr. Cullar Fergusson rose to present Petitions from the landholders and commissioners of supply of the stewartry, and from the merchants, shipowners, and mariners of the port of Kirkcudbright, complaining of the want of lighthouses on the Scotch side of the Solway Frith, whereby numerous shipwrecks and great loss of life were fre-

quently occasioned on that coast. The matter complained of was a great and crying grievance in that part of the country. There was only a single lighthouse from the Mull of Cantyre to the coast of Dumfries, and the whole of that navigation was of the most perilous description, being along a rocky shore, upon which shipwrecks were extremely frequent. For the last thirty-five years those who were interested in the stewartry had endeavoured to obtain the erection of a lighthouse on the island of Little Ross, and since he had come into Parliament, he had made representations for that purpose to the Commissioners of Northern Lights, on grounds that he conceived it impossible to resist. They were resisted, however, and on grounds that it appeared to him impossible to sustain. The Commissioners took great credit to themselves for having established a lighthouse at the Mull of Galloway, but in consequence of an intervening headland, that light was not of any use to vessels navigating along the coast of Kirkcudbright. During the last year four vessels had been lost there, two of them with all hands on board, and of the crews of the other two a considerable portion were drowned. If there had been a light on Little Ross Island, this loss of life would not have occurred. There had been sixty-six vessels altogether lost on that part of the coast during the last thirty years, and he could state, on the best authority, that the establishment of a lighthouse on the spot he had named might have averted to a great extent, if not entirely, such a destruction of life and property. A lighthouse could be constructed there for 1,400*l.*, which was scarcely one-tenth of the amount of the cargoes of some of the ships lost there. He did not desire to cast any reflections on the Commissioners of the Northern Lights—they were all most respectable gentlemen; but he must question the constitution of that Board. Of course the House supposed that it was mainly composed of scientific persons and of mariners. There was not, however, a single individual of either class upon it. It was composed of Edinburgh lawyers, and of the sheriffs of certain maritime counties in Scotland, and the Commissioners were entirely led by the judgment of their engineer. That gentleman had not done his duty towards the county which he (Mr. Fergusson) represented. From 1820 up to the present time

his constituents had never been able to obtain an answer to their request that a lighthouse should be established on Little Ross Island. The reply to them now was, that the harbour there had been surveyed by the engineer of the Board, and that he had reported that it was dry at low water. Now what was the fact? In this very harbour King William rode for several days, with all his fleet, on his way to raise the siege of Drogheda. Hundreds of vessels have been seen riding there in safety, and if the engineer had consulted any mariner on the spot, he would have told him that at the lowest ebb there were from three and a half to four fathoms water in the harbour. He had been informed by a most respectable resident in Kirkcudbright, that the engineer arrived there on a Sunday, went to Little Ross Island, merely looked at the harbour, and without asking a question of a single mariner there, and without taking soundings, left the place. The harbour was, in fact, one where vessels coasting from Ireland to Cumberland, Dumfries, and Kirkcudbrightshire, could ride with perfect safety, and the light was asked for it as a harbour of refuge. He might be asked what could the House do? It could legislate on the subject, and by a Bill compel the Commissioners to do their duty.

The *Speaker* interrupted the right hon. Gentleman, and reminded him that it was one of the regulations of the House not to go into a discussion on a Petition relating to a matter that had been, or would be, made the subject of a specific motion.

Mr. *Cutlar Fergusson* said, that in that respect the regulations of the House were changed since he had come into it. He still thought that petitioners had a right to have their case stated, though they might not have a right to have a debate upon it. He now gave notice, that on Thursday next he would present these petitions, and move for papers on the subject.

The *Speaker* said, that he was bound in duty to enforce that which had been laid down as the general understanding of the House.

Petition withdrawn.

IMPROVEMENT OF THE METROPOLIS.] Mr. Alderman *Wood*, in introducing his motion for a Committee, to consider of the improvement of the metropolis, said

that he understood there were many streets in the city of London, and other quarters of the metropolis, which were almost impassable from their confined breadth, and the crowd of carriages which blocked them up, and that it was absolutely necessary to widen them in several places. One of the principal objects of the Committee would be, to consider of the best means of procuring a remission of the tolls at Waterloo and Southwark bridges. These tolls were a source of great annoyance and expense to many labouring men who were obliged to seek employment in Southwark. He calculated, that to carry into effect the various improvements which he proposed, would require not less than 1,000,000*l*. To repay this sum, he would propose to levy an impost of 6*d*. a ton on coals, which would bring a return of more than 50,000*l*. a year. He proposed to form a new street from Southwark-bridge to the Bank of England, which would be very convenient for persons coming from the west-end into the city; another from Waterloo-bridge to the North-road; another from the Bank through Lothbury to the Post-office; another from the Post-office to Smithfield; another from St. Paul's to Blackfriars-bridge; another from Holborn to the Strand; another from Westminster-abbey to Belgrave-square; and also one of considerable size passing through Southwark. The hon. Member concluded by moving for a Select Committee to consider of the most effectual plan for raising of money to carry into effect the necessary improvements required in the cities of London and Westminster, borough of Southwark, and counties of Middlesex and Surrey, and for the purchasing of the interest of the proprietors of the Waterloo and Southwark bridges, that they may be thrown open for the use of the public, free from toll.

Mr. *Hume* hoped, that when he seconded the motion of the hon. Member, he might not be understood as consenting to his proposal for raising the money by a continuance of the duty on coals. No one could visit the city of London without being made aware of the great importance of the communications being facilitated, as the loss of time and annoyance experienced from the present condition of the streets was incredible. He thought the success which had attended the plans of the hon. Member on former occasions,

entitled his projects to be fairly considered at present.

The *Chancellor of the Exchequer* trusted that the hon. Member did not contemplate drawing upon the public purse in aid of the objects he had in view.

Mr. Alderman *Wood* replied, that that formed no part of his plan.

Sir *Robert Peel* hoped that a very enlarged and comprehensive view of the subject would be taken. They were now in the same situation with respect to improvements in the Metropolis in which they had been placed with regard to railways when those great national undertakings were first projected. When railways were first planned, perhaps the fittest course would have been to appoint a commission of able practical men, to survey the whole of the country adjoining the proposed railway, and lay down the course of the main line of road; but now they were so far advanced, that it was almost too late to legislate on comprehensive principles with respect to them. He hoped that nothing would be done with respect to the remaining improvements of the Metropolis till the various plans proposed had been impartially considered, that due foresight would be used as to the probable extension of the Metropolis, and that not only the present, but the future, convenience of the public would be consulted. It was manifest that very great improvements might be effected, and he hoped that Government would not hesitate to consent to a temporary advance of the public money, if that should be necessary. He did not mean to say, that the public should sustain any loss; he had always maintained that the Metropolis had no greater claim on the public funds than the rest of the empire; but if great benefit could be secured to the Metropolis by a temporary advance on adequate security, he thought that would be a perfectly legitimate application of the public money. He thought that if it were possible to appoint a commission in which the public might have confidence, to take an enlarged view of the question, such a step would be very desirable.

Mr. *O'Connell* moved, as an amendment to the motion, that the said Select Committee do inquire into the state of the law relative to Lotteries, foreign or otherwise, in which schemes have been advertised or circulated, or tickets or shares disposed of, in the United Kingdom, and to report their opinion thereon to the

House, and whether any and what alteration in the law be desirable, or if the resumption of State Lotteries for national purposes, under the control of Government, be advisable. Every hon. Member, he said, must be aware, that notwithstanding the law condemned Lotteries, such schemes, both foreign and British, were openly carried on, and advertised in every newspaper. The law prohibited the sale of tickets, but not the purchase of them. It was notorious that a drain of money from the country to the amount of at least 200,000*l.* yearly took place owing to these speculations. If there was any necessary immorality in Lotteries, the House ought not to permit them for one moment, and when he considered that no Member of that House could move from his residence at night without meeting twenty or thirty gambling-houses open in his way, he thought there were ample grounds to induce them to entertain this question.

Sir E. Codrington seconded the amendment.

Mr. *Hume* submitted to the hon. and learned Member for Kilkenny, that this was a proper subject for the investigation of a separate Committee. There was no sort of connexion between the two objects proposed [*hear*], and he thought the two inquiries might easily be conducted so as not to interfere with each other.

The *Chancellor of the Exchequer* was very glad that the subject of Foreign Lotteries had been introduced. His attention had been lately directed to the question, and he was engaged in preparing a Bill, which he believed was calculated, in its operation, to redress some portion of the evils which were complained of regarding them. He should introduce it in the course of a few days, and the House would see whether it answered that purpose. If it did not, he should support the reference of the Bill to a Select Committee. Undoubtedly, the evils to which these speculations gave rise called for an immediate remedy.

Mr. O'Connell would not press his amendment.

Original motion agreed to.

REGISTRATION OF VOTERS BILL.]
On the motion of Lord *J. Russell*, the Order of the Day for the further consideration of the Report on the Registration of Voters Bill was read, and the Bill re-committed.

Clauses 1 and 2 were agreed to.

On Clause 4, for establishing a Court for the Revision of the List of Voters, the Court to consist of not less than twelve Barristers, to be appointed by the Speaker, vacancies to be filled up by the Lord Chancellor,

Mr. *Wakley* moved, that the words "His Majesty" be substituted for the words "Speaker of the House of Commons," and "Lord High Chancellor."

The Committee divided on the original clause—Ayes 58; Noes 38: Majority 20.

Mr. *Maclean* moved, that the Barristers be required to have practised three years below the bar, and three at the bar.

The Committee divided on the amendment, Ayes 113; Noes 2: Majority 111.

On the question that the clause as amended stand part of the Bill,

Lord *Granville Somerset* observed, that there was a very important matter to be taken into consideration, namely, the time which would be taken up in effecting the registration. The Bill proposed that every district should have the registration effected once in each year. Now, he had found that last year 475 days were taken up in completing the registration. The hon. Member opposite might reply that that was an extraordinary year; but he would take the two years preceding, which were not extraordinary, and the average number of days occupied in the registration was 323, in which computation Sundays were not included. It was evidently a physical impossibility that the number of Barristers to be appointed could perform this duty, and he should therefore divide the Committee against the clause.

Mr. *Warburton* contended, that every question must be decided by the balance which appeared between conveniences and inconveniences. He did not agree with the noble Lord in thinking that so much time would be consumed in the registration as had been wasted under the old system, owing to the incompetency of the tribunal which had to decide on questions relating to that subject.

Sir *W. Follett* said, that in his judgment, it was not so much a matter of importance whether the number of Barristers was large or small, as whether the appointment should be vested in the Government. He had a strong objection that the Revising Barristers should be creatures and nominees of any Government. It was objectionable in the highest degree to invest the Ministers of the day with the power of appointing officers filling

such important stations as these Barristers, who had a power of deciding on the validity of all the voters in every town and county in the United Kingdom. This was too dangerous a power to be thus flipantly bestowed. The House, in adopting the clause, would be acting with gross inconsistency. In cases of petitions against the return of Members at contested elections they did not leave the matter to the decision of the Ministry, nor even to the decision of a majority of that House; but they required a Select Committee appointed by the Ballot. The proposition of investing the Ministers with so tremendous a power as the nomination of Commissioners, on whose decision the elective franchise all over the Kingdom was to be in most cases decided, was so objectionable and unconstitutional, that he should support the proposition of the noble Lord if he pressed for a division.

The Committee divided on the clause,—
Ayes 88; Noes 55: Majority 33.

Clause as amended agreed to.

Clause 6 was agreed to.

On the question that Clause 7 stand part of the Bill,

Mr. *Goulburn* said, that by this clause, if the Revising Barrister should be taken ill, a Deputy was to be appointed. Now, was it intended that they, having enacted that the Revising Barrister himself should be prevented from sitting in Parliament for any borough, city, or county, for which he had revised the list, that the Deputy to be appointed should be placed under the same restriction?

The *Attorney-General* considered that they ought to be placed on the same footing with the Revising Barristers themselves, and it would be necessary to introduce a proviso to that effect.

Sir *James Graham* begged to enter his protest against the propriety of vesting the appointment of Revising Barristers in the officers of the Crown.

Mr. *Jervis* cited, in justification of the proposal, the case of the Welsh Judges, who, until within a few years, had always been appointed by the Crown, upon the same principle that it was proposed now to adopt with reference to the Revising Barristers.

Sir *James Graham* remarked, that the precedent put forward by the hon. Member for Chester was an unfortunate one, inasmuch as the manner of appointing the Welsh Judges had long been a theme of general and deserved reprobation, and in

consequence of the objections that have been raised, the practice in that respect had been altered.

The *Attorney-General* begged to remind the right hon. Baronet, that there was a wide difference between the cases of the Welsh Judges, as formerly appointed, and that of the Revising Barristers to be appointed under this Bill—namely, that the Welsh Judges did sit in Parliament, which gave rise to the charge of political jobbing as against them, while the Revising Barristers were expressly incapacitated from holding seats in Parliament, not only for the time being, but for a period of eighteen months, after being employed in that capacity, in respect of the places for which they had revised the lists, whether city, borough, or county.

Sir *Frederick Pollock* begged to ask if no jobbing could be done unless the parties had seats in that House? If it was considered necessary to exempt certain individuals from sitting in that House, was it not sanctioning a much worse principle, to say that persons under the influence of the Crown should have the power ministerially to decide the question as to who should sit in that House?

Mr. *Charles Buller* was strongly disposed to join in the objections that were taken to this clause. It certainly was a most extraordinary principle that the Revising Barristers were to be appointed by one person, while the substitutes for the Revising Barristers, when a necessity arose for their appointment, was to be appointed by another, who could not be so well acquainted with their fitness as he whom they had excluded.

Mr. *Maclean* contended that the Lord Chancellor might appoint a person as a supernumerary Revising Barrister, who might not be of more than two or three years standing; and the scale of payment of these individuals was to be determined by the Lord Chancellor; he was to award what he should deem meet. He had great objection to lodging this power in the hands of the Lord Chancellor.

Mr. Warburton had no objection to postpone the clause.

Clause postponed.

On the question that Clause 11 stand part of the Bill, the Committee again divided—Ayes 107; Noes 67: Majority 40.

Clause agreed to.

On its being proposed to consider Clause 18, there were calls for "Mr. Brotherton,"

Mr. Brotherton rose, and said that he owed an apology to the House for not persisting on a former night in his motion for an adjournment of the House at twelve o'clock. He had submitted, however, on that occasion, to a power which he felt that he was not able to resist. He had not undertaken the task of moving the adjournment at twelve o'clock at night from any unworthy motive—from any morbid love of notoriety—he had undertaken it because he felt that the system of mid-night legislation was not only injurious to the health of hon. Members, but was also highly prejudicial to the interests of the country, and to the sober and deliberate judgment which those interests imperatively required. He desired on all occasions to act impartially, and he hoped that he had done so. He was sorry, however, to observe that there seemed in certain quarters to be a desire to break through the very wholesome regulation on this subject, to which the House agreed at the commencement of this Session. He therefore felt himself called upon not to give way to-night, and he should therefore move, that the Chairman do now report progress, and ask leave to sit again.

Mr. Warburton thought, that the hon. Member for Salford had not fairly stated the regulation to which the House assented at the commencement of the Session. The understanding then was, that no new matter should be commenced after twelve o'clock, but that was not to prevent the matter in hand at that hour from being brought to a conclusion. He considered that the hon. Member, in making his present motion, was guilty of a decided breach of the understanding which had formerly been made between him and the House.

Mr. Shaw said, that he had never understood that the hon. Member for Salford had consented to let business go on till three or four o'clock in the morning, because it had commenced before twelve o'clock at night.

Mr. Praed expected the hon. Member for Salford to persevere in his Motion; and reminded him that he had frequently moved the adjournment of the debate when a new Speaker rose at five minutes past twelve o'clock.

Colonel Sibthorp said, that if the hon. Member for Salford felt any hesitation in pressing his motion, after what had fallen from the hon. Member for Bridport, he

would take upon his own shoulders the responsibility which the hon. Member declined, and would move that the Chairman do now report progress.

Mr. Aglionby was not aware that the House had ever come to any understanding on this subject with the hon. Member for Salford. For himself, he had not been a party to any such understanding, nor would he now. He would not let the hon. Member for Salford be the sole judge whether the House ought or ought not to sit after twelve o'clock. He should certainly divide the Committee on the question of reporting progress.

The Committee divided on the motion for reporting progress.—Ayes 39; Noes 85—Majority 46.

Colonel Sibthorp moved that the House do adjourn.

Sir John Hobhouse hoped that this motion would be resisted. If the House determined not to sit later than twelve o'clock at night, hon. Members must make up their minds to continue sitting to that hour till the middle of September. He, therefore, hoped that hon. Members would not obstruct the public business by making motions of this kind. He denied that Government had ever come to any understanding with the hon. Member for Salford on this question.

Mr. Wallace said, the hon. Member for the University of Dublin himself spoke frequently fifteen or twenty times after twelve. For his part he never did and never should adhere to the rule of adjourning at that hour. It was departed from almost every night. He did not wish to make any harsh observations upon the course pursued by the hon. Member for Salford. No hon. Member ought to be permitted to dictate to the House what was or what was not important business, or prescribe a time for closing their discussions. They were sent there to do the public business with the greatest possible speed. He must remind the hon. Member for the University of Dublin, that while that hon. Member was absent in Dublin, in the discharge of his duty, he and others must be in that House at all times during the Session. It might be very convenient for hon. Members to concur in a motion for adjournment, who were not in their places all day watching the public business. Were they, after proceeding so far with this important Bill, to give it up at so early an hour as twelve?

If this rule were to be observed; they must meet at twelve at noon, or the business of the Session could not be gone through.

Mr. Brotherton would take with calmness the observations of the hon. Member for Greenock. He had never pretended to make himself a judge on this matter, and as a proof of it, he would appeal to the House whether he had ever divided it before to-night on the question of adjournment.

Colonel Sibthorp observed, that though the hon. Member for Greenock had alluded to the hon. Member for Salford as "the guardian of the night," he had never yet been under his control; and if the hon. Member for Salford intended to vacate his present post, he was prepared to take possession of it. He was determined to take the sense of the Committee again on the question of adjournment, and he hoped that hon. Members would support him in so doing.

Mr. Shaw reminded the House that the understanding with the hon. Member for Salford, which his Majesty's Government now repudiated, was a compromise made with a certain party in that House. He was sure that hon. Members could not have forgotten that the hon. and learned Member for Kilkenny had given notice that he should move the adjournment every night at ten o'clock, but that promise, like several others from the same quarter, had never been performed.

The Chancellor of the Exchequer said, it was quite clear that the continuance of such desultory conversation tended only to exhaust the patience of the House, without advancing the business of it in the least degree. That the Bill before them was of importance no one denied, and that it was one of exigency, in point of time, was equally admitted. It had been re-committed a third time, and, therefore, it remained to be shown by hon. Gentlemen who knew that they were a minority, whether they would interrupt public business, not for the purpose of reserving points upon which a difference of opinion was likely to arise—because he was willing to reserve any such points—but for the purpose of retarding the business of the House. We say, that with a view to give the people of England a remedy for admitted evils, let us proceed with the points upon which we are all agreed.

Mr. George F. Young did not wish to impede the business of the House, but

his experience had convinced him that the business was always unsatisfactorily conducted at late hours.

The Committee divided on the question of adjournment—Ayes 30; Noes 83—Majority 53

Clause 18 was then agreed to.

On Clause 19 being put,

Colonel Perceval begged leave again to move, that the Committee do adjourn.

The Chancellor of the Exchequer entreated the House to go through those clauses to which no objections were taken, and postpone the rest to another evening. It was not wished to entrap hon. Gentlemen into an acquiescence to clauses against which they entertained any objection. But if they would oppose clauses now, to which they would at another hour assent, why then let the country understand that such was the spirit in which these hon. Gentlemen were prepared to legislate.

Colonel Perceval said, that a great number of Gentlemen, who were the best informed upon the subject of this Bill, and on whose judgment he and his friends placed implicit reliance, were gone home, upon the understanding, that the proposition which was made at the early part of the Session for adjourning the House at twelve o'clock, would be adhered to. He did, therefore, feel it his duty, under those circumstances, to persevere in his endeavour to prevent the Bill going on any further to-night.

Sir John Hobhouse would ask, whether anybody could deny that the opposition now offered by gentlemen on the other side of the House was not a most fruitless, injudicious—he would not call it unfair, because nothing was unfair in that House,—and most unfounded opposition. If those respectable Gentlemen, who so well understood the provisions of the Bill, were gone away, still he begged leave to say, that many Members who had taken part in the debates upon the Bill, and who seemed to understand its details were still present. There were the hon. Member for Oxford, the hon. Member for Yarmouth, and the hon. and gallant Member for Lincoln—a wise gentleman in his generation—all those who seemed to understand the subject best, still remained. If public business was to be impeded, let it be understood by whom it was so impeded, [laughter, amidst which, the laugh of Col. Sibthorp was distinguishable.] "There is a well-known Latin proverb," continued

the right hon. Baronet, "which rendered into English, signifies, that 'nothing is so foolish as a foolish laugh.' It is more foolish, I think than agitation is. The hon. and gallant Gentleman has been kind enough to say something of its being the wish of the Government to postpone public business. He must, on consideration, know, that that is not our intention."

Colonel Sibthorp: As what passes in this House afterwards finds its way out of the House, nothing ought to pass within it which would not be suffered to pass unnoticed out of it. If the right hon. Gentleman wished to say anything which was personally offensive to me—I ask the right hon. Gentleman to state whether such is his intention? After a few more words, which were not heard, the hon. Member resumed his seat, and immediately afterwards left the House.

Mr. Maclean: The right hon. Gentleman, in the course of his address to the House, was good enough to use my name. Before he did that, he said that those respectable Gentlemen who understood this question had left the House, laying some little emphasis on the word respectable. I presume the right hon. Gentleman did not mean to imply that those whose names he mentioned were not properly designated by that term?

Sir John Hobhouse begged to deny, in the most express manner, any intention to make the slightest possible reflection on the hon. Gentleman; and if he had said anything which was the least injurious to the hon. Gentleman, or which in any degree was hurtful to his feelings, he begged to express his sincere regret that any such unintentional circumstance should have happened.

Mr. Rigby Wason said, that the only way to put an end to this discussion was by forty members putting down their names, and declaring that they would remain there till six o'clock in the morning, in order to go through the business of the House.

Mr. Bonham hoped the House would not be deterred by any threat from doing its duty.

The *Chancellor of the Exchequer* said, it was an important question and ought to be treated with calmness. If hon. Gentlemen would not allow the business to go on, undoubtedly they had the power to prevent it. He had hoped that the mode

that he had before suggested would have been adopted, but as that was not the case he could only advise his hon. Friends not to waste their time by raising their voices any longer against adjourning the further consideration of the Bill, by using their power of resisting, as hon. Gentlemen opposite did of proposing, that course. All the gain would be on the side of hon. Gentlemen opposite; therefore he was not disposed to enter into a contest which must end unprofitably. He should accordingly move that the Chairman report progress, and ask leave to sit again.

Question agreed to.

The House resumed.

Mr. Bernal (The Chairman of the Committee) begged to acquaint the Chair, that certain words had passed between the hon. Member for Lincoln (Col. Sibthorp) and the right hon. Member for Nottingham (Sir John Hobhouse), in the progress of the Committee whose proceedings he had just reported, on which false constructions might be put; he therefore considered it his duty to report the fact to the House. It would be for the right hon. Gentleman in the Chair to take that notice of it which he should deem necessary.

The *Speaker*: Are the hon. Members in the House?

Mr. Bernal: No, Sir.

Mr. Henry Grattan said, I must say, Sir, that I did not hear any words used by the right hon. Member for Nottingham, which any man in his common senses could take offence at.

Mr. Wason begged to suggest the propriety of both the hon. Members being taken into custody forthwith.

The *Chancellor of the Exchequer* submitted, that the proper course of proceeding would be, to move that both the hon. Members be ordered to attend the House. This would bring them under the jurisdiction of the House, and they could then proceed as they thought proper. He begged to make the motion.

The *Speaker* put the question, that Sir John Hobhouse and Colonel Sibthorp be ordered to attend in their places.—

Ordered.

After a short interval, Colonel Sibthorp entered the House.

The remaining orders being disposed of,

The *Speaker* said, that seeing the hon. Member for Lincoln in his place, it became his duty to acquaint him that the Chair-

man of Committees had reported to him that certain words had passed between the hon. Member and the right hon. Member for Nottingham, which had been, in his (the Speaker's) opinion, misapprehended and understood in an offensive sense by the hon. Member. He, therefore, required to be informed by the hon. Member whether or no any such feeling existed in his mind?

Colonel *Sibthorp* : I have no hesitation in saying, Sir, that I have entertained, and must continue to entertain, such an impression, until I find an inclination on the part of the right hon. Member for Nottingham to disavow such an intention. I have but one course to pursue, Sir; I determined upon that course, Sir, when I first entered public life; and I hope the course I have uniformly pursued, both as a military man and a civilian, has never been irreconcilable with the course I ought to pursue. Sir, I have but one course to pursue; it is the maintenance of, I hope, unimpeachable honour, and, I trust unimpeachable courage. I have no hesitation in saying, Sir, that I did receive those words, and that I shall continue to receive them, in a manner offensive to me. As a man of honour, I have but this course to pursue; and this being the case, it is my inflexible determination to pursue no other.

The *Chancellor of the Exchequer* was quite certain that the general expression of opinion which had fallen from the hon. Member, contained those principles by which every other hon. Gentleman would be most anxious to regulate his own conduct. For the moment, however—he meant no offence in this—he wished to leave the hon. Gentleman entirely out of the question, and to appeal to the personal and political friends who sat around him. He appealed to them for the accuracy of his interpretation of what had taken place. He really did not apprehend that any circumstance had occurred in the course of the debate in Committee, of which any hon. Gentleman had a right to take personal notice. He wished it to be understood that he was not now arguing the case of the hon. Member for Lincoln, because he wished to remove him altogether from the scene. The occurrence was simply this: a laugh took place on the Opposition side of the House; it might have occurred on the Ministerial side. Upon this, his right hon. Friend,

translating a Latin proverb, said, “few things are more foolish than a foolish laugh.” Now, he put it to hon. Members whether if an hon. Gentleman took such a remark as this to himself, he might not with equal propriety construe almost every remark which was made in that House into a very serious personal affront. No personal offence could have been intended. The hon. Gentleman laughed certainly, but so did other hon. Members. He would put it to the hon. and good-humoured laughers opposite, whether they had felt affronted by the observation of his right hon. Friend? Well, they had not felt it any very heavy personal offence. The hon. Member for Lincoln should remember, too, that he had deprived his right hon. Friend of a reply, by leaving the House first. In his absence, however, his right hon. Friend had replied; and in that reply he had unequivocally stated that he had meant no offence whatever to anyone. Under these circumstances, he put it to the judgment and good sense of the hon. Members around the hon. Gentleman, whether it would not be misapplying the powers of the House and the functions of its Speaker to interfere at all in the present case.

Mr. *Eaton* felt bound to state, for the information of the House, and the satisfaction of the gallant Colonel, that he had been informed by the right hon. President of the Board of Trade (Mr. Poulett Thomson), that he was quite sure no personal offence had been intended by the right hon. Member for Nottingham.

Colonel *Sibthorp*, being loudly called for, said that so long as he was under the Speaker's authority, he was bound to abide by his decision; but he would rather vacate his seat in Parliament than bend to anything which was contrary to his feelings, or yield to anything which he considered an affront, or, he would add, an insult. If the communication he had heard, however, came from the right hon. Member for Nottingham, himself, he had no other course to pursue but to say that he was perfectly satisfied with it.

Subject dropped.

HOUSE OF LORDS,

Friday, June 17, 1836.

Mrs. Norton.] Bills. Read a third time:—*Bastards' Wills* (Scotland); Municipal Act Amendment. Petitions presented. By the Marquess of Epsom, from South-

say, for Protection to the British Fisheries.—By the Marquess of *CONYNGHAM*, from Kentstown, for the Abolition of Tithes (Ireland).—By the Marquess of *CHOLMONDELEY*, from the Congregation of Trinity Chapel, Conduit-street, London, for the Better Observance of the Sabbath.

STAFFORD BOROUGH DISFRANCHISEMENT BILL.] The House proceeded with the examination of witnesses in support of this Bill.

THE FRENCH CHAMBER OF PEERS.] A Report was presented from the Library Committee of their Lordships, stating that the librarian had received, and had in his possession, 1,872 volumes presented by the French Chamber of Peers to the House of Lords. The Committee recommended the appointment of an assistant librarian.

The Duke of *Richmond* said, that the French Chamber of Peers had not only sent copies of their own Journals and valuable papers, but also copies of some of the most valuable works in France. He thought that their Lordships ought to place on their Journals an acknowledgment of the gift. He would therefore move that the House had heard with great pleasure the Report of the Library Committee, and that they felt grateful for the valuable accession thus made to their library.

The Earl of *Devon* could state from his own observation, that the Chamber of Peers had endeavoured to make the gift in every way worthy of the acceptance of this House.

The Marquess of *Lansdowne* fully concurred in what had fallen from his noble Friend (the Duke of *Richmond*), whose motion he cordially seconded.

Lord *Ashburton* asked, if there was any precedent for the House communicating as a body with any foreign body?

The Duke of *Richmond* said, the noble Baron had mistaken him. He had not made any motion to the effect which the noble Baron had supposed. All he had moved was, that the House received with pleasure the Report of the Committee, and felt grateful for so valuable an accession to their library. He was aware that there was another mode of conveying the feelings of the House without a direct communication from it as a body.

The Marquess of *Lansdowne* said, the expression of the feelings of the House would be communicated, through the Foreign Secretary, to the French Government.

Motion agreed to.

The Duke of *Richmond* said, that that vote being carried, he would now move that it be an instruction to the Library Committee to send forthwith to the French Chamber of Peers the remaining Journals and papers of the House of Lords, from the date of the last presentation of them up to the present time.—Agreed to.

MUNICIPAL CORPORATIONS' BILL (IRELAND) CONFERENCE.] The *Chancellor of the Exchequer*, accompanied by a considerable number of Members of the House of Commons appeared at the Bar, and desired a conference with their Lordships, on the subject-matter of the Amendments made by their Lordships to the Bill entitled, "An Act for the Regulation of Boroughs Corporate in Ireland."

The Conference was held as requested; and on the return of the Peers appointed to confer with the Commons, the Marquess of *Lansdowne* read the reasons stated by the Commons for disagreeing to their Lordships' amendments, to the following effect:—

"In discharge of the high trust committed to them by the Constitution of this realm, the Commons of the United Kingdom of Great Britain and Ireland feel it to be their duty to guard against the establishment of any principle inconsistent with the maintenance of the good correspondence and understanding between the two Houses of Parliament, which is essential to the due administration of the laws, and the settlement of all classes of the King's subjects, and the security, honour, and dignity of his Majesty's Crown.

"In considering the amendments made by the Lords in the Bill for the regulation of Municipal Corporations in Ireland, the Commons are bound to advert to the mode of procedure adopted by the other House of Parliament.

"The Bill passed by the House of Commons provided for the regulation of Municipal Corporations in borough towns in Ireland, and was framed upon the principle of reforming existing abuses, but of preserving within certain cities and towns in Ireland a system of municipal government.

"It appears from the Minutes of the House of Lords that, in pursuance of an instruction from the House, the principle of the Bill has been altogether altered in Committee, and a change of title has been consequently rendered indispensable.

"By the Bill returned from the Lords, it is proposed to abolish Municipal Corporations throughout all Ireland, and to place the management of all corporate property under Commissioners appointed by the Lord-Lieu-

tenant of Ireland, and holding their offices during his pleasure.

"The Bill, as amended, founded on a new principle, bearing a new title, and varying in its enactments from the Bill sent to the other House of Parliament, must, therefore, be considered as an original measure. The Commons are far from questioning the undoubted right of the Lords to exercise their undisputed powers and privileges in modifying or rejecting legislative measures submitted to them; but as the due and careful examination in each House of Parliament, of the principle and details of all legislative enactments passing through the various stages as prescribed by the orders, ancient usages, and constitution of Parliament, is essential to the making of just laws, and as such due and careful consideration is rendered difficult, if not wholly impossible, if original Bills are transmitted in the form of amendments from one House of Parliament to the other, the Commons trust that the course pursued on the present occasion by the Lords may not be drawn into precedent:

"But while the Commons have felt it to be their duty to state the reasons which preclude them from agreeing to the Bill as amended, yet, from an earnest desire to maintain undisturbed that good understanding and correspondence between the two Houses, which they consider as essential to the well-being of the British monarchy, and from a conviction of the evil consequences of leaving great and admitted grievances without present and adequate remedy, they have proceeded to take into their consideration the Lords' amendments, in an earnest hope that such a measure may be thereon founded, as shall meet the concurrence of the other House of Parliament, as shall be consistent with the principles of legislation adopted in the reform of the Municipal Corporations of Great Britain, satisfying the just expectations of his Majesty's subjects in Ireland, and thereby maintaining and strengthening the Union between Great Britain and Ireland.

"Because the Commons cannot consent to abolish a branch of the institutions of this free country, which is coeval with the earliest connexion between Great Britain and Ireland, which is founded upon charters granted by his Majesty's royal predecessors, and is recognised by the Statute law of the realm, at various periods, more particularly in the Act of Settlement and the Act of Union between Great Britain and Ireland.

"Because, as the Imperial Parliament has passed laws for Great Britain, reforming the existing Corporations, but providing a permanent system of municipal government, the Commons are not prepared to consent to any enactments for Ireland, irreconcilable with those sound principles which have given ease and contentment to the inhabitants of the corporate cities and towns in Great Britain,

and have been conducive to the common weal.

"Because it appears to the Commons essentially necessary to the best interests of Great Britain and Ireland, and to the maintenance of the Legislative Union between the two countries, that the same general principles of legislation should be applied to both parts of the empire, subject to such modifications as local circumstances may render indispensable or expedient.

"Because, if the rights, immunities, and franchises, granted and continued to Municipal Corporations in Great Britain, are in Ireland abolished or withheld, the Commons are apprehensive that a spirit of distrust and discontent will be produced in Ireland, lessening the confidence reposed in the decisions of Parliament, endangering the public tranquillity, and thereby impairing the strength, the resources, and the security of the British empire.

"Because the Commons consider the discharge of local duties and the enjoyment of local privileges, under a system of self-government, as established in the Acts for the reform of the Municipal Corporations of Great Britain, to be among the most efficient guarantees and securities for peace, good order, and contentment, and to afford the surest means of directing the active ambition of the free subjects of a constitutional monarchy to just and legitimate objects, thus insuring obedience to the laws and an attachment to the constitution of the realm.

"Because the conduct of the several Corporations in Ireland, as set forth in the Reports presented to Parliament, has been such as to render it wholly inexpedient to continue in office, by one general enactment, all the servants of such Corporations, intrusted as they are with the performance of duties highly important to the mercantile and commercial interests of the several cities and towns in Ireland.

"The Commons disagree to the amendments of the Lords, by which members of the Corporations other than the officers of such Corporations may claim to receive compensation.

"Because the grant of such compensation, without reference to the duties of office performed by the party claiming compensation, is unprecedented, and likely to lead to injurious results.

"Because the payment of pensions, allowances, and annual sums, without reference either to the time at which such pensions, allowances, or annual sums were granted, or to any public services rendered by the persons to whom such grants have been made, whether supported by an alleged established usage or a previous resolution, may entail on the cities and towns of Ireland charges created contrary to law, unsupported by any just authority, and may thus continue and sanction abuses of trusts, augmenting the local burthens, and

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diminishing the revenues applicable to the common good.

"Because these enactments of the Lords, if not amended, are wholly at variance and irreconcilable with the facts of the case, as appearing on the face of the Report of the Commissioners presented to both Houses of Parliament.

"Because, if the malversations and abuse of trust by existing Corporations be such as to impose an obligation upon the Legislature to extinguish or remodel all such Corporations, a continuance of the existing corporators in the discharge of their duties is inexpedient and unjust.

"Because the property of many of the existing Corporations has been granted in trust for paving and improving several of the cities and towns in Ireland, and for other public uses, and consequently these enactments would continue the powers of the existing Corporations, or of the governing bodies and leading members thereof, by a law which proposed to provide for their absolute abolition and extinction.

"Because these enactments would, in some cases, have the effect of converting a terminable trust or office into an office or trust for the life of the party, and that not in the case of persons appointed or elected with such intent, but for the benefit of such as are casually in office on a given day.

"Because such enactments might create an impression, that whilst the legislature proposed to abolish the existing Corporations, care was taken to continue and to sanction the powers and authority of the existing corporators.

"Because the estates and personal property of Corporations being granted for local purposes, will be most advantageously administered by those who are at once locally interested and locally responsible.

"Because in so far as these corporate funds are applicable to the purposes of paving, watching, and lighting, and other analogous public services, which must otherwise be provided for by local taxation, it is just that the parties authorised and empowered to impose these local taxes should also be intrusted with the management and application of the corporate estates.

"Because the effect of placing the management of these estates and funds in the hands of Commissioners, holding office during the pleasure of the Lord-Lieutenant, would be the creation of an undue influence in the several cities and towns inconsistent with their freedom and political independence.

"Because the transfer of the right of nominating various public servants and officers from a local authority to Commissioners holding office during the pleasure of the Lord-Lieutenant, will increase the patronage of the Crown, unsupported by the suggestion of any adequate grounds either of necessity or of expediency.

"Because the enactment that such surplus revenue may be applied to the public benefit

of the several towns, is vague and indeterminate, and leaves too wide a discretion to the nominees of the Lord-Lieutenant.

"Because it is proposed in this enactment to sanction the appropriation of corporate revenues to the uses of local boards or of trustees, acting under a statutable authority, and the public revenues of the cities and towns may thus be applied to purposes of limited usefulness, by which the general interests of the inhabitants may not be promoted.

"Because this enactment may sanction a misapplication of the corporate funds from the public purposes to which they were originally destined, and to which, for the benefit of the country, they should still continue to be applied.

"Because, if the conduct of the existing Corporations in Ireland has been such as to render their abolition not only expedient but indispensable, the continuance in office of the nominees of such Corporations, without reference to their character or qualifications, cannot be justified.

"Because such offices are connected with the administration of justice in Ireland, and should therefore be removed from local influence, and placed under the immediate authority of the Crown.

"Because the effects of the Lords' amendments would be to give to several of their officers a more permanent title in their several offices than that which they now possess.

"Because the effect of such an enactment would be, to give to the officers in question a more extended interest in their offices than that which they now enjoy.

"Because the officers appointed by or under the authority of the existing Corporations of Ireland are not in all cases the best qualified persons to be continued in the exercise of functions connected with the administration of justice.

"Because such officers have been appointed by the corporate bodies, whose abuse of trust is proved by the Report of the Royal Commission, and is admitted by both branches of the Legislature.

"Because such offices relating to the administration of justice ought not to be exposed to animadversion or suspicion.

"Because the effect of the Lords' amendments will be, in some cases, to convert an office held during pleasure, or by annual appointment, into an office held during good behaviour, thereby creating a new and extended title, for the benefit of the officers of existing Corporations.

"The Commons have felt it to be incumbent on them to state the foregoing reasons for their disagreement with certain of the amendments sent to them by the Lords.

"In the Bill, as now amended, the Commons have consented to confine the establishment of town-councils to twelve considerable cities and towns, of which the wealth and importance render them well-suited to such a system of local government. The Commons

have further provided for the local government of twenty cities and towns of lesser extent and population, by applying to them the enactments of a statute especially relied upon in the amendments of the Lords. Within these several cities and towns it cannot be doubted but that the wealth, the intelligence, and the public spirit of the inhabitants, will supply both a constituent and a representative body fully qualified for the performance of local duties. The Commons have excluded from the immediate operation of the Bill, as returned from the Lords, eighteen towns in which the necessity of legislative interference is less apparent.

"The Commons have thus endeavoured to maintain a good understanding between the two Houses, by not insisting on many provisions contained in the Bill as it originally passed their House.

"The amendments to which the Commons have still felt it their duty to refuse their concurrence are such as appear to them to be wholly irreconcilable with the principle of the Bill as introduced, and no less at variance with the principles adopted in reforming the Municipal Corporations of Great Britain.

"From these leading principles, the Commons think it would be inexpedient, unwise, and unjust to depart. In an Address carried by both Houses to the foot of the Throne, a determination was expressed to preserve inviolate the legislative Union; but, at the same time, to remove all just causes of complaint, and to promote all well-considered measures of improvement. Were the present Corporations of Ireland, or the governing bodies thereof, to be continued in the exercise of their functions, proved and admitted, as has been, their scandalous abuse of trust, the Commons feel that a just cause of complaint would remain unremoved; and if a Bill were permitted to become law, extinguishing in Ireland all traces of these Municipal Institutions, which have existed for upwards of six centuries, and which at no former period, even during internal commotion and civil war it was ever proposed to abolish, the Commons do not conceive that enactments of such an unprecedented nature would come within the description of those well-considered measures of improvement which Parliament has pledged itself to promote."

On the Motion of Viscount Melbourne, it was agreed that the Municipal Corporations (Ireland) Bill, as returned from the Commons should be taken into consideration on Friday next.

The Earl of Haddington said, he was present in the Committee-room during the Conference; and it appeared to him, that the Conference was not conducted after the usual manner, or according to the Standing Orders of their Lordships' House. The Lords appointed to manage the Con-

ference stood uncovered, instead of sitting covered during the ceremony.

The Marquess of Lansdowne admitted the statement of the noble Earl to be correct; but said, it was from inadvertence only that the customary form had been departed from. During a great part of the Conference, the Lords stood up with their hats off; but, in the first instance, when the Commons entered the room, they were seated. He apprehended that no advantage would be taken of the circumstance.

Subject dropped.

HOUSE OF COMMONS, Friday, June 17, 1836.

MINUTES.] Bills. Read a second time:—Grand Jurie (Ireland); Charitable Trustees; Secular Jurisdiction (York and Ely) Abolition.

Petitions presented. By Mr. CORRY and Lord ASHLEY, from various Places, for Sabbath Observance Bill.—By several Hon. MEMBERS, from various Places, for the Abolition of Church Rates.—By Mr. W. S. O'BRIEN and Mr. SHEL, from various Places, for Abolition of Tithes (Ireland).—By Mr. SHAW, from Clonmell, in favour of the Lords' Amendments to the Corporations (Ireland) Bill.

EAST-INDIA MARITIME SERVICE.] Mr. George F. Young said, that he now rose to present the petition of which he had given notice, from Captains Newall, Barrow and Glasspoole, of the late maritime service of the East-India Company, complaining that the compensation to which they were entitled under the Act 3rd and 4th William 4th., c. 85, was withheld from them. While candour obliged him to say, that he thought great injustice had been done to these petitioners, he was sure at the same time that the right hon. Baronet at the head of the Board of Control had only acted in accordance with the dictates of his conscience and judgment in deciding against their claim. He was also certain that no one would be more rejoiced than the right hon. Gentleman himself, if he should find, that he had been mistaken in arriving at that decision. He thought it right to say thus much at the outset, and to disclaim all participation in those attacks which he had seen with great regret made upon the part of the Government with which the right hon. Baronet was connected, in reference to this subject. The case of the petitioners was briefly told. They were Gentlemen of great respectability, character, and station, and they had been commanders of ships in the East-India Company's service. In the year 1833, at the termination of the late charter of the company, it was deemed

expedient that the China trade should be thrown open. If that arrangement had not gone further, there would have been no claims for compensation on the part of any individuals; but it was also deemed accordant with public policy to exclude the East-India Company from any participation in that trade for the future. The result was, to throw out of employment a considerable number of most meritorious individuals, who derived their subsistence from employment in the Company's service, and whose situation justly excited the sympathy of the Court of Directors, of Parliament, and the public. The principle of compensation was adopted, and the greatest anxiety was evinced that it should be extended as far as a just liberality called for. It would be recollected, that when the clause in the Act was under discussion, care was taken so to frame it that all maritime officers entitled to compensation should be brought within the terms of it. In the rules and regulations, however, which were afterwards framed by the Court of Directors, and approved of by the Board of Trade, for the purpose of carrying the compensation, clause into effect, in his opinion the line was drawn too closely, and many individuals were excluded from compensation who, he thought, were entitled to it. The case of such individuals had already been brought by the hon. Member for Worcester before the House; and he believed that that hon. Member had a notice on the notice-book on the subject. The present petitioners, however, complained of a peculiar hardship, and he confessed, that until he heard the reasons from the right hon. Gentleman opposite, he could not conceive why their claims for compensation had been disallowed. These Gentlemen had commanded ships belonging to the East-India Company itself. Now a regulation had been adopted by the East-India Company, that of any of the ships of which the Company itself was owner no one should have the command for more than five voyages. This arrangement had been adopted for two reasons—first, because it was understood that in that period a competent fortune might be acquired; and secondly, because the number of ships belonging to the Company was so small that but for such an arrangement the junior officers would have little prospect of ever being in command of one of them. After making five voyages in

Company's ships commanders could command freight ships employed by the company. These three Gentlemen not having made a sufficient fortune for their families while in the command of the Company's ships, had felt it their duty, and had actually made arrangements to take the command of ships freighted by the Company, when the Company's trade was stopped by the interference of the Legislature. Under such circumstances, they submitted their claims for compensation to the East-India Company, when to their great surprise, the Finance Committee of the Company reported that—

“Claims having been preferred to maritime compensation by commanders who have completed the full number of five voyages in the Company's own service, your Committee submit that it never could have been intended to grant the compensation to such commanders, they having had the peculiar benefits of the Company's own service for the whole term allowed by the Regulations, and there not being a single case in which a commander so circumstanced has again gone in the command of a ship. Your Committee, therefore, recommend that, subject to the approbation of the Board of Commissioners, claims for this class of commanders be deemed inadmissible.”

On this Report of the Finance Committee being presented, the Court of Directors disclaimed it, and recommended that the claims of the petitioners to compensation should be allowed. Application, however, being made to the Board of Control, it was found that that board concurred with the Finance Committee of the East-India Company in refusing the right of the petitioners to compensation. The Court of Directors had recommended the case of the petitioners to the Board of Control for compensation, and that board having refused to grant it, the petitioners had no other remedy but an appeal to that House. The main objection made to the claim of the petitioners was, that no one who had commanded a Company's ship for five voyages had ever continued to pursue his profession afterwards. But such was not the fact; and the rule laid down by the act of Parliament was, that all persons who suffered injury by the termination of the Company's trade, should be liberally compensated. The petitioners in their case, as laid before the Board of Control, detailed facts to show that there were several instances of commanders, after five voyages in Company's ships, continuing to follow their profession; they gave convincing proofs that they had themselves intended

to do so, and that they had made arrangements for that purpose; they subjoined the certificates of most respectable merchants that they intended to present them to ships to be freighted by the Company, and to crown all, they had subscribed the solemn declaration required from all persons claiming compensation that it had been their intention to pursue their profession. In the teeth of such facts, the Board of Control decided against their claims. He should have mentioned that at a meeting of the Court of Proprietors, the following resolution had been unanimously carried—

“At a general Court of the East-India Company, the 16th of December, 1835—Resolved unanimously—That according to the intention of this Court in the scheme of compensation proposed by them for their maritime officers, Captains Newall, Barrow and Glasspoole, are entitled to the pension of 200*l.* per annum, granted by this Court to commanders generally of the late maritime service, who had been in actual service between the 28th of August, 1828, and the 28th of August, 1833, and that the Court of Directors be requested to take the necessary steps for paying the same accordingly.”

He trusted, that even should the right hon. Gentleman consider it his duty to adhere to the decision already made on the subject by the Board of Control, he would give way, should the feeling of the House appear to be that the regulation should not be drawn so strictly, but that it should be relaxed a little in order to do justice to the petitioners.

Mr. *Georg Palmer*, after pronouncing a warm eulogium on the East-India Company's maritime service, gave his cordial support to the petition.

Sir *John Hobhouse* said, that the hon. Gentleman who had just sat down could not rate that service higher than he did. He also begged to assure his hon. Friend who had presented the petition, that it was not until he had gone through all the facts of the case most minutely, that he had arrived at the conclusion of which the petitioners complained—that they were not entitled to the compensation which they claimed. Having had notice of this petition, he had again gone over the details of the case, and he was again painfully compelled to pronounce the same decision. He could assure the House that of all the labours which devolved on the department with which he was connected, none were so painful as those which related to the consideration of claims of this kind [*hear*], and it was with the greatest regret he found

himself compelled by a sense of public duty to resist the claims of these gentlemen. The hon. Gentleman was mistaken in supposing that the Court of Directors had always regarded the claims of these gentlemen favourably. In the first instance, they took the same view of the subject as their Finance Committee—namely, that the claims of these gentlemen were inadmissible. The Court of Directors came to a resolution to that effect on the 4th of March, 1835. It was true that in a few days afterwards they changed that opinion, and they thought fit to recommend to the then Commissioners for managing the affairs of India, of whom the hon. Member opposite (Mr. *Præd*) was one, to consider the case of those officers. The then Commissioners did so, and Lord *Ellenborough*, after a most careful examination of the case, thought fit to decide that the claims of these officers were inadmissible. He would briefly state his reasons for concurring in that decision. The hon. Gentleman had referred to the decision of the Court of Proprietors, but that decision did not carry, in his opinion, much weight with it. They were not a fit body to entertain a question of the kind. They had now no power over the revenues of the Indian empire, and the amount of their incomes would not be at all affected by the decision of such claims as this one way or the other. He doubted very much that the interpretation put by his hon. colleague (Lord *Glenelg*) on the act of Parliament was correct. He thought that the Court of Proprietors, strictly speaking, had no right to discuss questions of this kind. He begged to assure the hon. Gentleman opposite that there was not a single instance where commanders who had gone in Company's ships five voyages had afterwards taken up freighted ships. What the act of Parliament intended to guard against was, the infliction of prospective loss on any individuals. They had nothing whatever to do with the former circumstances of these gentlemen; all that the Board of Control had to inquire was, whether their claim could have a prospective force. It was just possible that they might have again been called into service; but he had no control over that. They had derived all the advantage they had a right to expect from employment in the Company's service, and being in possession of that, they had no right to attempt to prove a prospective loss, on which ground alone they had any claim to compensation. He contended that the arguments advanced in

support of the claim were founded on a total misapprehension of the Act of Parliament. His hon. Friend was quite mistaken if he supposed that Parliament could exercise any power in granting compensation, or in any particular except in distributing it. If they were to undertake the settlement of the various claims which were urged by individuals, the time of the House would be entirely taken up in considering them. He had given the most careful attention to this case, as well as to all that had come before him, and if he could fancy for a moment that injustice had been done, he would not hesitate to reconsider it. But he conceived that Lord Ellenborough was right—that the gentlemen concerned had not proved a prospective loss, and that not having proved it, they had no right to claim compensation. The argument pressed by the hon. Member for Middlesex in favour of the claim was, that other parties had received sums of money, not as pensions, but gratuities, larger perhaps than those gentlemen would think it just to claim. He replied, that he was not responsible for the scale on which those gratuities were granted. It was, in his opinion, an extremely improvident one. Any Gentleman who could prove that there would have been a certainty of his being employed as captain of a Company's ship, not having been so previously, was entitled to a gratuity of 5,000*l.*, and a pension of 200*l.* a-year, that is, for giving up his chance of the advantage to be derived from five voyages he was entitled to what was equivalent to 7,000*l.* His hon. Friend admitted that the profits, on an average of five voyages, did not amount to a great deal more than 7,000*l.* He thought the compensation was unnecessarily large; but, comparing it with the alleged amount of profit, certainly no ground of complaint could be advanced by the parties. He had to apologise to the House for entering into this detail; but he thought he had made out such a case as proved he had come to a correct decision, and that this was not a case which Parliament should consider, or in which the House of Commons ought in any way to reverse the decision to which the Commissioners for Managing the Affairs of India had, after due deliberation, arrived.

Mr. Robinson said, that the only question was whether these officers were or were not injured by the opening of the trade to China. The right hon. Baronet said, that they had brought forward no proof of this; but he would remind the

right hon. Baronet that the Board of Control would allow no proof to be adduced. The Court of Proprietors had admitted the justice of their claim, and that by an unanimous vote. Under these circumstances he was bound to say that he considered this a case of extreme hardship, and even injustice. They were driven to petition Parliament to interfere in their favour, and he hoped that the House would see the justice of their claim. The right hon. Baronet had denied the right of the Court of Proprietors to interfere; but he differed with the right hon. Baronet on this point, because that Court was one of the parties to the contract entered into with the naval officers of the Company. There were three parties to that contract—the Company, the public, and the Company's maritime officers. He was aware that this was not the time to argue the question at length, but he did not very well know what remedy would be left to the officers, if the Board of Control, after the favourable conclusion come to by the Court of Directors which was confirmed by an unanimous vote of the Court of Proprietors, were to annul those decisions without assigning any definite reason. Parliament having delegated the distribution of the compensation fund to the Court of Directors and the Board of Control acting with them, those bodies had exercised their right in a perfectly fair and equitable manner, and he did not think it just that their sentence should be reversed.

Mr. Praed agreed with the right hon. Baronet, that the Act of Parliament warranted the awarding compensation under certain regulations laid down to some classes of the officers of the East-India Company. He agreed with the right hon. Gentleman that the scale of compensation adopted was needlessly profuse; but he thought the restriction of it to those who had served within the last five years was very inexpedient and impolitic. But these regulations were made before Lord Ellenborough came into office. He thought there was a strong *prima facie* appearance, that a captain who had made five voyages in the service of the East-India Company could have no prospective loss to complain of, and such a person could not be regarded as entitled to compensation within the restriction made by Mr. Charles Grant, now Lord Glenelg. It had, however, been the opinion of Lord Ellenborough,

and he entirely concurred in it, that the rule, though strong as to the inclusion, was not strong as to the exclusion, and that it might be relaxed if there were any circumstances affecting a particular case, which gave the individual special claims to compensation. His view of the opinion held by Mr. Grant on this subject was this,—he believed that Mr. Grant came to a resolution to compensate all officers who might sustain injury by the new arrangements entered into respecting the trade to China; but he found that if all those who considered themselves injured were called on to make out their claims, the property of the Company would be wasted to an indefinite amount, and was therefore induced to restrict compensation to those who had served a certain period. It was certainly his opinion that the petitioners had made out a claim founded on prospective loss.

Mr. *Vernon Smith* hoped the hon. Member would allow him to set him right on one point. They had imagined that in all they had done, with regard to claims for compensation, they had acted in complete accordance with the precedents laid down by Lord Ellenborough. He contended that the Board of Control had offered no objection to the production of evidence in support of the claim of the petitioners; but the proofs they produced were of a very unsatisfactory character. The hon. Member for Worcester said, that the Board of Control had thrown obstacles in the way of the petitioners. He admitted this; but he did not agree with him in thinking that they were not entitled to throw obstacles in the way of a claim which they considered did not rest on any sufficient ground. He thought that one of the principal uses of the Board of Control was to prevent the extravagant expenditure of the property of the East-India Company. If the hon. Gentleman thought they had acted improperly, he might bring their conduct before Parliament, or he might, if he thought proper, introduce a Bill for altering the functions of the Board.

Petition to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND)—LORDS' AMENDMENTS — CONFERENCE.] The *Chancellor of the Exchequer* stated, that a Committee had been appointed to draw up reasons, to be communicated to the Lords at a conference,

for disagreeing to certain amendments introduced by the House of Lords in the Municipal Corporations Bill for Ireland. He begged to move that they be reported.

They were read accordingly. For them, see the Lords, *ante* p. 576 *et. seqq.*

On the question that they be agreed to, Sir *Robert Peel* said, that he hoped it would be distinctly understood, that those who did not wish to provoke any discussion on the subject were at the same time not to be considered as coinciding with the reasons. It was impossible to urge any grounds of disagreement to the amendments to the Bill made by the Commons, without provoking a general debate on the point under discussion the other night. A division might take place on each of these amendments, especially as the reasons had not been read at length, and he trusted that it might be understood, that they the (Opposition) dissented; that their acquiescence was given under protest, and with a distinct reservation of their own opinions.

The *Chancellor of the Exchequer* said, that a similar course had been pursued last year on the English Municipal Reform Bill, and it was then distinctly understood and expressly stated, that the reasons for disagreeing to the Lords' Amendments were only the reasons of the majority, and, therefore, the minority, could not stand in the slightest degree pledged to abide by them. Many clauses of the reasons were not very intelligible, without reference to the Bill; it was not necessary to read them at full length, and they could only be regarded as the reasons of those who agreed to the Bill in its present shape. That was the course pursued on a former occasion, and the one which would prove most conducive to the public convenience.

Sir *Robert Peel* remarked, that considering the important charge intrusted to a Committee, in drawing up reasons whether they were such as had no reference at all to the opinions of the minority or not, he doubted, where that was the case, if it would be a good precedent to establish that such a Report should be received without objection. It was not right that the House, as a House, should sanction such a proceeding, and it might materially increase the weight of the reasons assigned, if it were known that they passed as those of the whole House, and that no objection was offered to the Report.

Report agreed to; and the *Chancellor*

of the Exchequer, with other hon. Members were deputed to demand a conference with the Lords. The conference was held and the Chancellor of the Exchequer reported that the managers for the Commons had delivered to the managers for the Peers the reasons of the Commons for disagreeing from the Peers' amendments, and had left with them the Bill and its amendments.

COMMUTATION OF TITHES (ENGLAND).] Lord J. Russell moved, that the order of the day be now read for taking into further consideration the Report on this Bill.

Sir George Sinclair observed, that in the orders of the day the Church of Ireland Bill stood at the very head of the list. Why then was it postponed? The House had now sat four months, and he really did think that a Bill purporting to be one for the relief of the Church of Ireland, one of the most important measures that could possibly be submitted to the House, should long since have been carried to a conclusion. It seemed to him that the conduct of his Majesty's Ministers, now that they were in power, was very different from what it had been when they sat on that (the Opposition) side of the House; for while there a great deal had been said by them about the impossibility of tranquilizing Ireland without a settlement of the question relating to the Church of Ireland: yet week after week, and month after month, was now allowed to elapse without the measure being brought to a conclusion. This he could not reconcile with his ideas of what ought to be a manly, straightforward, and statesmanlike conduct. The only reason, indeed, that he could possibly discover as probably actuating his Majesty's Ministers in the course of proceeding they had adopted, was the fear they must necessarily entertain of the manner in which the appropriation clause of that measure was likely to be received in another place. It appeared to him that they had thought the appropriation clause a very convenient millstone to be launched from their catapulta to break down the rampart which kept them from the Treasury benches, but that they had at last found it a heavy millstone round their own necks. He trusted that some day would be fixed, on which the discussion might really and fairly be entered into, so that it might be ascertained whether the Bill

should be carried on or not. The conduct of Ministers was the same as it had been during the former session when they carried the appropriation clause, did nothing whatever in it until June, but brought forward many other questions, although that was the question on which they took office. He would be glad to know from the noble Lord why the question had not been brought forward, and when it was likely to be gone into?

Lord John Russell: The hon. Member who had just sat down had been dreaming away his existence, without paying the least attention to the events of the last few years. The hon. Member had said, that when out of office his Majesty's Ministers had pretended great anxiety to obtain a settlement of the tithe question in Ireland. To that it was almost superfluous in him to reply, that they had really felt, and had not pretended, that anxiety. For his own part, he had felt it for sometime past, and had shown it in 1834, when, as one of the King's Ministers, he had assisted in preparing a Bill for that purpose which had been thrown out by the House of Lords, even though it did not contain any objectionable clause of appropriation. Again, in 1835, Ministers, as soon as they had time to consider this question, had propounded another Bill for the same object, and that Bill too had been thrown out by the House of Lords. Those facts appeared to have escaped the attention of the hon. Member who seemed to be in complete ignorance of the fate of those two bills. He (Lord J. Russell), however, could not exclude the past from his memory, and the consequence was, that he did not entertain the same hopes which he formerly entertained, that the Bill which he had proposed for the settlement of tithes in Ireland would be suffered by the other House to pass into law. With regard to the Bill to be debated that evening, he had only to observe that the Tithe Commutation Bill for England was brought into that House early in February last, that it had since then been frequently discussed, that it was a Bill of great importance, that it was a measure in which the interests of many parties were materially concerned, and that it was one on which he entertained hopes that Parliament would agree, there being no such question involved in it as was involved in the Irish Church Bill. He therefore could not see any reason why this Bill,

which was introduced in February last, should be postponed to make way for the Church of Ireland Bill, which was not introduced till a month later. It might perhaps suit the convenience of the hon. Member better to have the Irish Bill discussed that night. Perhaps he had some speech ready cut and dried for that Bill, of which he was anxious to deliver himself. If that were the case, he would make no objection to the hon. Member's delivering it upon the English Tithe Bill, as it would probably be just as appropriate to one Bill as to the other.

The order of the day was read.

Lord John Russell said, before the Bill was recommitted he wished to make a few remarks to the House. He would remind the House that when this subject was last under consideration, he had stated, that although they had been some time in Committee upon it, still the attendance had not been so numerous, nor had the sense of the House been so fairly taken on the 34th Clause, as to justify him in proposing that the Bill should pass, without affording them an opportunity of pronouncing some more decided judgment upon that particular provision. The effect of that clause was, that if it should be found in certain cases that the amount of tithe paid, or the amount of the composition for tithe, was above seventy-five per cent. on the gross value, it should be reduced to seventy; that, in cases where it fell below sixty, it should be raised to seventy; and that in special and peculiar cases it might be fixed at between sixty and seventy. He had since considered the subject with a view to meet, if possible, the objections of those who had spoken and voted against this clause as one which, in their opinion, would commit a very great injustice against the landowners. The result of that consideration was, that he gave notice of a motion for the recommitment of the Bill, for the purpose of effecting a very considerable change in this enactment. That change would be a modification of this clause, as the former clause was a modification of the 33rd Clause originally proposed. It was essentially necessary that that clause should undergo some modification, because it was evident that in many cases the sum of money taken as composition fell very much below what ought to be taken as its fair amount; and it was represented—with great justice, as he thought—that it would be very unfair

if persons who from their own leniency, or other creditable motives, had taken a small amount of composition for a certain period, were to be fixed for ever to that precise amount; while others, who had got as high a rate of composition as they possibly could, were benefitted in proportion to the tenacity with which they had insisted on exacting the utmost farthing. However, so much alarm having been created by the principle he originally proposed to adopt in the 34th Clause, he now proposed to modify it in a different manner, and to fix a limit, beyond which the tithe should not be varied by the Commissioners. He now proposed that the Commissioners, upon a consideration of the circumstances of the case, should ascertain the gross value of the tithe, and should have the power of raising or diminishing the sum to be paid in future, with this limitation—that they should not raise or diminish it more than one-fifth beyond the amount paid for the last seven years. He proposed, likewise, that the Commissioners should, by the 1st of May next, make a report to his Majesty, which should be laid before Parliament, stating what rules and regulations they thought fit to adopt, according to which this amount—never exceeding the one-fifth—should be estimated. This would the better enable Parliament to decide upon the rule they would lay down, which would naturally be founded partly on the state of the different districts, and partly on the proportion which they should be told the sum taken bore to the actual tithe. He had thought it necessary to give notice that he should propose this clause in lieu of the 35th: at the same time he must express his opinion, that the clause he originally proposed was founded on the principles of justice, and his regret that it had met with so little support when first brought forward. The noble Lord in conclusion moved, that the Bill be recommitted.

Mr. Goulburn did not know whether the noble Lord would prefer, that he should enter into the question now or in Committee; but in his opinion the alteration now proposed was so completely a substitution of one principle for another, that he did not conceive himself, or any other hon. Member, called upon to enter into the merits of the proposition without time for consideration. The proposition appeared to him to contain an entirely new principle. The noble Lord said, that tithe

should in future be rated upon the average of the last seven years; but, said he, that would operate unjustly—it would be a tax on the liberal and a premium to the illiberal. He agreed with the noble Lord on this. The Bill, however, already provided against this objection, by specifying a sum which might be supposed to meet the exigences of every case; but the noble Lord now abandoned that principle in his subsidiary clause. He proposed, that the composition should be estimated from the actual value of the tithe, yet he now went back to the contrary principle, and actually did that which he proposed to avoid, encouraging the illiberal and taxing the liberal. This mode of proceeding overlooked entirely the value of the tithe, and went only upon the amount actually received by the incumbent. This he conceived to be a very great variation from the avowed principle. Indeed, the noble Lord himself seemed to be sensible of the inconvenience it might occasion, and to distrust the operation of the clause he was about to introduce, for he proposed to call on the Commissioners to report the rules and principles upon which they proposed to make the additions or deductions. He confessed, that he could not see how the Commissioners could possibly make such a report. The subject-matter of it must depend upon the knowledge the Commissioners might have of the nature of the agreements for composition in individual cases, and they could have no better means of judging than the noble Lord himself or the House. The noble Lord said, that the arrangement was necessary, because persons had entered into compositions with the existing incumbents, on the faith of which they had commenced a course of improvements. This he could understand as a reason why existing engagements should not be interfered with; but it must be remembered that a party making such an agreement would make it for a definite period, either for the life of the incumbent or for a certain number of years, and that it, would be most unjust to make that which was originally the basis of a temporary arrangement the foundation for a permanent one. He begged not to be understood as either supporting or opposing the clause; but if the noble Lord did not afford the country time to consider it he would not be doing justice to his own measure, to the landowner, the titheowner, or to any of the interests involved in its operation.

Sir *Robert Inglis* said, that if he understood the plan of the noble Lord correctly, it was quite contrary to the principle on which he had previously proposed to act, that was, to take the past receipts as the basis of future payments. Now, on the contrary, the noble Lord proposed to take the gross amount of the tithe, and to reduce them on another scale. He thought that they should have a valuation of the entire tithe-property of England, as the right hon. Member for Cumberland proposed, until which time the noble Lord could scarcely have a clear idea of the subject. When that was done it would be quite time enough for the hon. Member for Southwark to move its appropriation according to his sense of justice and propriety. For his (Sir R. Inglis's) part, he thought it should be kept as much as possible in the hands of its present owners, and especially not be given up as a bonus to the landowners.

The House went into a Committee on the Bill.

The clause proposed to be substituted for the 35th having been read,

Mr. *Hodges* suggested, that as the clause involved matters of a complicated nature it would be much better to postpone the consideration of it until it had been printed. He recommended that the debate on it should be postponed.

Mr. *Goulburn* was quite incapable of discussing the clause with anything like satisfaction to himself till he had seen it in print, and had had time to consider the probable effect of it.

Mr. *Shaw Lefevre* thought, that the adoption of this clause would be a decided improvement of the Bill, and would materially assist the working of it. He felt obliged to the noble Lord for adopting it. He did not see the necessity for postponing the discussion of it, as there could be no objection to adopting it.

Mr. *Ayshford Sanford* approved of the principle of the clause, because it gave a greater discretionary power to the Commissioners.

Mr. *Goulburn* observed, that it was probable that the hon. Member for Hampshire (Mr. *Shaw Lefevre*) had seen the clause, as he had expressed so strong an opinion in favour of it; but this was not the case with the rest of the Committee. He once more suggested the necessity of putting the Committee in possession of the clause with which they had to deal. He could not conceive that his propo-

sition would be regarded as unreasonable.

Mr. *Blamire* said, that he did not perceive that there was any difficulty in understanding the clause, although he had not seen it. He thought that it was highly advantageous that it had been brought forward. By means of it they would be enabled to guard against much injustice, which otherwise would have been inflicted.

Viscount *Ebrington* hoped the clause would be agreed to. Hon. Members could state any objection to it on bringing up the Report.

Mr. *Estcourt* objected to the clause being inserted in the Bill without the fullest discussion.

Mr. *Benett* had no objection to give large powers to the Commissioners. Indeed, he thought the clause did not go far enough in this respect, for there were many cases in which the Commissioners ought to have the power of lowering the commutation beyond the twenty per cent. Although most anxious for the disposal of this Bill, which he considered as calculated to do much good in the country, he certainly thought this clause ought to be maturely considered before it was adopted.

Mr. *Cayley* looked upon the clause as a great improvement.

Clause agreed to.

The House resumed.

REGISTRATION OF BIRTHS AND MARRIAGES.] Lord *John Russell* moved the Order of the Day for bringing up the Report on the Registration of Births and Marriages Bills. The noble Lord observed that several amendments had been made in these Bills. The right hon. Gentleman opposite (Mr. *Goulburn*) objected to the provisions of the Bill. Perhaps the right hon. Gentleman would consent to take the sense of the House upon those objections on the third reading.

Mr. *Goulburn* was understood to say that, if considered more convenient, he should discuss the provisions to which he objected on the third reading.

Lord *Stanley* thought the House was bound to take into its consideration the situation in which a class of persons, the parish clerks, would be placed by this Bill. Some of those persons received in fees from 100*l.* to 150*l.* Now, although he could easily imagine it might not be desirable that those persons should fill the

office of registrars, yet it might be proper, when it could be conveniently done, that those persons should fill those offices. He wished to know whether means could not be taken to afford compensation to those persons?

Lord *John Russell* thought that there would be very great difficulty in providing a remedy for the grievances referred to by the noble Lord. Until the Bill was in operation they could not say what loss those persons would sustain. He did not well know how clauses for compensation could be introduced into the Bill.

Report received—Bill to be read a third time.

CHURCH OF ENGLAND.] Lord *John Russell* moved the second reading of the Established Church Bill.

Sir *Robert Inglis* said, his objection to the Bill was, that it made the Bishops of the Church of England, instead of being great proprietors, stipendiaries of the State. The apportionment of the salaries he considered of minor importance. As he believed that any opposition which he could offer to the present motion would not be in the slightest degree successful, he should content himself with entering his protest against the principle of the Bill.

Mr. *Poulter* said, that this was a question which ought to be completely discussed and receive the fullest consideration. The object to be obtained was one of no less importance than the real efficiency of the Established Church. He should not oppose the motion, but he must express his hope that the noble Lord would fix some day on which the question might be discussed fully.

Mr. *Pease* considered it his duty to state, that it was intended, when this Bill came into the Committee, to propose a provision for the See of Durham, previous to any portion of the funds being set apart for Manchester and other places, which were in a situation to provide for their own wants without abstracting anything from the poor See of Durham.

Bill read a second time.

REGISTRATION OF VOTERS.] On the Motion of the Attorney-General, the Registration of Voters' Bill was committed.

On the 49th Clause,

Mr. *W. M. Praed* proposed, an amendment for the purpose of allowing

Counsel to appear in support of votes before the revising barristers.

The Attorney-General opposed the amendments.

The Committee divided on the original clause Ayes 68 ; Noes 22 :—Majority 46.

Original Clause agreed to.

On Clause 50, which gives the right of voting to charitable trustees,

Mr. *George F. Young* proposed as an amendment, that no trustee should be allowed to vote who was not a trustee for property of the amount of 30*l.* a year, and who was not in actual possession of the rents and profits.

Mr. *C. Ross* objected to the clause, on the ground that it gave the power of voting to charitable trustees.

The Attorney-General supported the clause. It was but just that all property should be represented.

Mr. *George F. Young* said, that according to the principle laid down by the right hon. Gentleman (the Attorney-General), the property owned by females should be represented.

The Attorney-General observed, that the property possessed by females was deprived of representation, precisely for the reason that property belonging to minors and lunatics could not be represented—namely, that from its very nature it was unfit to have the privilege of representation granted to it. The property under the superintendence of trustees, however, was capable of being represented, and therefore it was the object of the present clause that it should be represented.

Lord Stanley thanked the right hon. Gentleman for his illustration respecting minors and lunatics, as it appeared to him to bear precisely on the present clause; for he was persuaded that, on the very same ground on which the guardians of the property of minors and lunatics should not have votes, trustees, to whom it was intended by the present clause to give the right of representation, should be excluded—namely, because they have no beneficial interest whatever to entitle them to vote.

The Solicitor-General said, that if the noble Lord would look at the words of the clause, he would see that those trustees only who exercised a controlling power over the property of which they were appointed guardians were empowered to vote.

Mr. *C. Ross* said, that the effect of this clause would be, that nominal charities would be created in every part of the country, in order to give a fictitious right of voting.

Mr. *Foster* was in favour of some amendment of the Reform Act, as it stood at present, with reference to trustees, for he knew instances in which men having a trusteeship, without any beneficial interest whatever, were allowed to vote, though he, who was similarly circumstanced, had his claim disallowed.

The Committee divided on the original question, Ayes 44 ; Noes 23 :—Majority 21.

On the question being again put, that the clause stand part of the Bill,

Lord Stanley objected to it, as being opposed to the provisions of the Reform Bill. By the statute of William, trustees in actual possession were allowed to vote; but by the statute of Anne which followed, no trustees were allowed to vote unless they were in actual possession of the rents and profits for their use and benefit. In the Reform Bill there was one clause with regard to trustees which declared negatively that no person who was not in possession of the rents and profits should be allowed to vote. This clause did not certainly say, that they should be in possession of the rents and profits for their own use and benefit; but by a subsequent clause it was distinctly declared, in conformity with the statute of Anne, that no trustee should be allowed to vote, unless he were in possession for his own use and benefit. It was rather extraordinary that the latter restrictive clause was that relied on by the Attorney-General as a justification for the change now proposed, which must have the effect of materially enlarging this class of voters. He asked the Committee whether they would, in the face of the statute of Anne, in the face of the abuses which his hon. Friend (Mr. *C. Ross*) had alluded to, as the inevitable result of their sanctioning his proposal:—he asked them whether they would in the face of common sense and the plain meaning of the Reform Act, consent to the creation of a number of faggot votes grounded on no beneficial interest whatever? If this clause passed, a man having 60*l.* a year out of a school would have nothing to do but to make two or three trustees, and they would thereby be entitled to vote for Members of counties, they having no direct beneficial interest in the property. He called upon the Committee to reject the clause.

The Attorney-General said, that the noble Lord happened to differ in his opinion of the right of a trustee to vote under the Reform Bill from the Chief Justice of the

King's Bench. He had himself heard the Chief Justice declare, in the case of the parish of Mary-la-bonne, in which a question as to the right of trustees to vote arose, that under the Reform Bill a trustee had the right of voting. And any judge in England might, he thought, have expressed the same opinion. Before the Reform Bill passed trustees in possession had, under the Act of William, the right of voting. [Lord Stanley: But what do you say to the statute of Anne?] He did not mean to pass over the statute of Anne. But under the statute of William trustees in possession were considered to be entitled to vote. Then came the statute of Anne, which declared nobody entitled to vote unless he were in possession of the rents and profits for his own use and benefit. A doubt existed whether the statute of William was repealed by that of Anne; and then came the Reform Bill, in which was inserted the statute of William *in totidem verbis*. When, therefore, that statute was expressly re-enacted in law, how could the noble Lord argue that it was repealed by the Reform Act? By a subsequent clause of the Reform Act, however, it was declared that trustees were not entitled to vote unless they held for their own use and benefit. Taking this clause by itself, trustees certainly appeared to be excluded from the right of voting; but considering the two clauses together, it did appear to be a reasonable construction, that when the trustee was in possession as a mere receiver he should not have the power of voting; but that, where he was intrusted with a discretionary power over the rents and profits, his claim should be admitted, because *sub modo* he had a beneficial interest in the property. That interpretation of the Act appearing to receive the most general approval he had embodied it in the present clause, which he trusted would be approved of by the Committee.

Mr. *Praed* contended, that unless, as argued by the Attorney-General, the words "for his own use" included trustees having a regulation or control over the trust funds, the objection taken by the noble Lord was not removed. He should certainly take the opinion of the Committee upon the point.

Lord *John Russell* observed, that the object of the 26th Clause of the Reform Bill was to place the law in regard to trustees in the same state as it was placed by the Act of William 3rd.

Mr. *W. Miles* was of opinion that the *bond fide* administrator of a charitable bequest had a valid claim to vote.

The Committee divided on the question that the clause stand part of the Bill—Ayes 90; Noes 50; Majority 40.

Clause to stand part of the Bill.

On Clause 52,

Mr. *Praed* moved, that it be omitted.

He objected to it on two grounds; first, as an infringement of the provisions of the Reform Bill: and, secondly, as a disfranchising clause introduced into a Bill of which the title and preamble were of an enfranchising nature. The clause of the Reform Bill which the clause before the Committee went to repeal, was one introduced by the House of Lords, and on its being sent down from that House, the noble Lord and the hon. Member for Kilkenny both expressed their approval of it. Unless, therefore, it could be shown that it had operated prejudicially, the House would be stultifying its own proceedings by repealing the clause. The only ground of objection which, he believed, could be found to the class of voters now proposed to be disfranchised was, that they were unfavourable to the present Government. That, however, was not a valid ground, or one which the Legislature could entertain. His objection, however, extended as well to the manner in which the clause was introduced, as to the matter it contained. If it was found necessary to meddle with the Reform Bill, it ought to be done openly, and the necessity ought to be stated in the preamble. The measure before the House was entitled, "A Bill for the more effectual registration of persons entitled to vote in the election of Members to serve in Parliament, and its preamble was of a similar enfranchising character. How, then, was a voter to know that, by a disfranchising clause smuggled into the centre of it, his right of voting was taken away? He should certainly take the sense of the Committee upon the question.

Sir *Harry Verney* expressed his conviction that the clause of the Reform Bill proposed to be repealed was introduced into it by mistake, and Ministers had properly availed themselves of the present opportunity to destroy its operation.

Mr. *Ewart* considered, that the clause proposed to be omitted, so far from being an infringement of the Reform Bill, was in strict conformity with its principles.

The Committee divided on the question that the clause stand part of the Bill. Ayes 86; Noes 44; Majority 42.

Clause to stand part of the Bill. Clauses to the 67th agreed to.

The House resumed: Committee to sit again.

HOUSE OF LORDS,

Monday, June 20, 1836.

MINUTES.] Bills. Read a third time:—Judicial Ratifications' (Scotland).—Read a first time:—Punishment of Offences Cape of Good Hope.

Petitions presented. By several NOBLE LORDS, from the Dissenters of various Places, for Relief from Church Rates.—By the Duke of CLEVELAND, from Sunderland, for the Removal of Jewish Civil Disabilities.—By the Earl of CLARE, from the East-India Company, for the Equalisation of the Duties on East and West-India Produce.—By the Earl of WINCHILSEA, from Canterbury, against the Commons' Amendment to the Municipal Bill for Ireland.—By Lord ASHBURTON, from Persons in Upper and Lower Canada, against any Alteration in the Timber Duties.—By the Earl of ARDEN, from the Lord Provost and Magistrates of Edinburgh, against the Universities' (Scotland) Bill.

THE POST-OFFICE.] The Duke of Richmond would commence the very few observations with which he had to trouble their Lordships on the subject of the Post Office, in pursuance of his notice, by assuring them that it was not his intention to make the slightest attack either upon the present Commissioners, the former Commissioners, or any of the persons to whom they might at any time have delegated their authority. He brought forward the question now, because he felt that if he delayed it until the measure for the new regulation of the Post Office came before their Lordships, and then moved that the Bill be referred to a Select Committee, he should lay himself open to the imputation of wishing to get rid of the measure by a side-wind. He now gave his Majesty's Ministers the power, before they proceeded with a measure which he was persuaded would be most prejudicial to the best interests of the country, of moving that it be referred to a Select Committee. If they would do so, and if before that Select Committee they could prove to him that it would not be attended with danger to the manufacturing, commercial, and agricultural interests of the country, he would withdraw his opposition. Ever since he first became acquainted with the details of the Post Office he had always held the opinion that the idea of abolishing the office of Postmaster-General, and appointing Commissioners in his stead, was wild

and visionary. It was due to the public that they should have some person at the head of that department, who was responsible for the discharge of the functions intrusted to him. What said the Commissioners on this point? What reasons did they assign for the change? Why they set out by saying, "We have had under our consideration the general management of the Post Office, and we feel convinced that it would be impossible for us to propose any substantive alteration in the number of clerks, the present mode of conducting the business, or any of the complicated machinery of the department, without in fact placing ourselves in the situation of the Postmaster-General." The Commissioners, in fact, acknowledged that they were ignorant of the whole details of the establishment, and because they were so, they recommended the destruction of the present mode, and a substitution of another mode of management. One of their grounds for recommending the abolition of the office of Postmaster-General was, that the duties of it generally devolved on the Secretary. Well, but whose fault was that? When the Government appointed a Postmaster-General, let them take a pledge from him that he would discharge the duties of his office in person, and if he did not, let them do their duty and recommend his Majesty to discharge a person who disgraced the office he held. Their Lordships must feel themselves justified in demanding some evidence on this point, before consenting to the abolition of the office of Postmaster-General. There were sixty pages of evidence certainly, but of those sixty, forty had been taken prior to the year 1827, and the whole department was remodelled in 1830. In addition to which there was throughout the whole this singular inadvertency—no one witness was asked his opinion of the proposed change, or even whether he thought any change necessary. If the Commissioners could not inquire into the details of the office without putting themselves in the situation of the Postmaster-General, why, at least, could they not have given the House the Postmaster-General's evidence? There was not a word from him; there was no knowing from the Report whether he concurred in the propriety of the proposed change or not. He submitted, that the House had a right to call for the evidence of the Postmaster-General before they proceeded further. The Commissioners recommended

a Board of two perpetual Commissioners, and one responsible chief in Parliament. They then said, that all letters of great importance were to be signed by the whole three. He (the Duke of Richmond) did not object to the three Commissioners being forced to sign every letter, but at the same time he thought it would be just as satisfactory to the public to have the signature of the Postmaster-General. The Commissioners did not say in what respect the appointment of the Commissioners would benefit the department, but he could tell his noble Friend in one moment how to make the department popular. The secret was this. It ought not to be considered so much in the light of a revenue board, but the Postmaster-General ought to be allowed to spend more money in increasing the advantages derivable from the Post-office. In the evidence he had given before the Commissioners, he had told them, that if the rates of postage were reduced, he had no doubt the revenue of the Post-office would be increased. There were many other points in which the Postmaster-General might make a sacrifice with the greatest advantage to the public. The Chancellor of the Exchequer, however, would not allow him to do so, because he wanted the money. Was there any reason to suppose that he would be a whit more good-natured to the three Commissioners, than to the Postmaster-General? Supposing the proposed Board were constituted, the chief would have to go out of office with every Administration. The Postmaster-General at least had the power of ordering things to be done, even supposing he delegated his authority to the Secretary, which he (the Duke of Richmond) denied, while this new chief would be under the complete control of the two perpetual Commissioners, from whom he might always disagree. He must assert that there was no authority for the proposed change. The Finance Committee of 1827 had merely said it was questionable whether some such Board might not be advantageously constituted; but the Finance Committee of 1817 was decidedly opposed to any such Board. He agreed with that Committee that it would be dangerous to remodel this office without inquiry; and he contended that there was no ground whatever to justify their Lordships in effecting a change of this importance. When he reminded their Lordships that a great machine like the Post-office

affected every interest, manufacturing, agricultural, and commercial, and was intimately connected with the comforts, the feelings, and the well-being of every man in the community, he need not recommend them to proceed with caution and deliberation. He would give his noble Friends notice, that when the Bill for the regulation of the Post-office reached that House, he should move, that it be referred to a Select Committee, wholly dissatisfied as he was with the evidence on which it was founded.

Viscount *Duncannon* would oppose any such motion, even if he stood alone in doing so. Three Commissions on the subject had been already appointed, and he could not help thinking that referring it to a Select Committee now, would only be in effect postponing any measure for the reconstruction of the Post-office for an indefinite period. After taking the evidence of the Secretary, the Commissioners had come to the conclusion, that if they had entered further into the details of the Post-office, they would have neglected objects of the utmost importance, such as the mail-coach contracts, the steam-packet establishment, the communication by letter with other countries, and other points which they had now under their consideration. For himself, he must say, that the opinion he entertained on this subject in July last was strengthened in a tenfold degree by the evidence which the Commissioners had appended to their last Report. The evidence given by the Secretary himself, proved that he was the only person who had discharged the functions of the Postmaster-General up to the noble Duke's time. He stated, that he always exercised his judgment as to the business which he should lay before the Postmaster-General, and that during his absence he was the responsible party. His noble Friend had said, that the chief would change with every Administration, and would be outvoted by the other Commissioners. He could only say, that this was not the case in other Boards, similarly constituted, of which he was a member. The examination before the Commissioners had been carried on with the most anxious wish to obtain every information on the subject. Their Lordships would perceive by the statement contained in the Sixth Report, that every packet on the Holyhead station had been on fire in the course of the last year in their passage across—some more than once, and that there were no means

for extinguishing the fire. On the whole, he felt that their Lordships would consider it to be most unwise to postpone any legislative measure on this subject, by the intervention of a Committee of Inquiry.

The Duke of *Richmond* wished to ask his noble Friend, whether he did not know that at the moment the packets were transferred to the Admiralty? Did not his noble Friend know, that it might be done without a Bill; that it required only an order of the Treasury to make the transfer; and he should not be surprised if the transfer had already been made. It was objected that this country had lost 4,000*l.* a-year by the packets sailing too early for the passengers. He remembered telling his noble Friend, the then Chancellor of the Exchequer, that if he agreed to the treaty with France, there would be a loss of 4,000*l.* a-year; but his answer was, that he (the Duke of Richmond) ought to look to the great advantage which would accrue to the commerce of this country by the merchants obtaining their letters at a much earlier period; and therefore the Government ought not to compete with private packets in conveying passengers. His noble Friend had spoken of the great loss sustained by this change; but he ought on the other hand to take into account the gain by accelerating our commercial intercourse. But what did his noble Friend mean by loss? It appeared by the Appendix A., No. 27, that the total gain in one year previous to the alteration was 316*l.* 11*s.*, and that the total loss during the first three after the treaty was 155,272*l.* 5*s.*, being an average loss of about 45,000*l.* a-year. Now suppose they had taken the packets by contract, what would have been the loss? During the three years of his experience of the change of system, the loss had been for the first year 18,959*l.*; the next year, 21,612*l.*; and the third year, 17,000*l.*, making an average loss of 19,000*l.* a-year. But could his noble Friend expect that his letters could be carried for nothing? With respect to the charge of peculation at Holyhead, the Postmaster-General or the Admiralty ought to institute an inquiry who were the guilty parties, and when discovered, they ought to be punished. When he was in office he had intended to have gone to Holyhead and made an inspection there; but the reason he deferred doing so was, that it was every day expected the Government would come to some decision with respect

to the transference of the packets to the Admiralty. The Commissioners in their Report stated, that the Lords of the Admiralty ought to regulate the salaries of the officers in the Post-office steam-packet service. It was also his opinion that they ought to do so. At present the pay of those officers was not on a footing exactly such as their Lordships would approve. The captains had 145*l.* a-year ordinary pay; but then they were allowed freight, and what profit they could make by entertaining the passengers. He did not think it was a good system to make officers of the navy keepers of hotels; and one great benefit which would be derived from putting the Post-office packets under the Admiralty, he expected, would be a change in this respect, by calling the attention of the Admiralty to the matter.

Viscount *Duncannon* repeated his opinion, that no further inquiry was necessary as to the charge of peculation. The person who had made the inquiry had taken the best means he could to ascertain the fact, not only with respect to the charge of peculation in coals, but also with respect to iron and to oil. This person was contradicted by the resident at Holyhead, but in every case he made good his charge.

The Marquess of *Westmeath* thought that a case of misconduct and peculation had been made out, with regard to the Holyhead station alone, sufficient to make the public anxious to have at least as much efficiency displayed in that department, as was the case when the noble Duke (Richmond) was Postmaster-General. He could corroborate the statement of the noble Viscount as to the facts arising out of the evidence; and if a Committee should be applied for, by which another delay would occur in remedying the present defective system, he certainly should oppose it. He wished to ask the noble Earl opposite, whether the appointment of Capt. Bevis was not at the instance of the Lords of the Treasury.

The Earl of *Minto* knew nothing of the circumstance mentioned by the noble Marquess.

The Earl of *Lichfield* said, that he appointed Captain Bevis from the Milford station to Holyhead, previous to any recommendation from the Treasury. He did so, because the Post-office would otherwise have been without an agent at the latter station. Captain Bevis was an officer of experience in the navy, and one

whom he thought a most proper person for the appointment in question. On receiving the recommendation of the Chancellor of the Exchequer, he informed the right hon. Gentleman of the appointment he had made, at the same time expressing his entire conviction of Captain Bevis's perfect competency to fill the situation. The experience he had since had of the conduct of Captain Bevis at Holyhead fully satisfied him that he was perfectly right in making that appointment.

Lord *Ashburton* had long had a strong impression on his mind that some alteration in the system of the Post-office department was necessary. He believed that the noble Duke (Richmond) was almost the first Postmaster-General who could be said to have looked into the details of that department. If any measure should be brought forward for altering the organisation of the system, he should certainly give it his support. The great and leading error in the Post-office establishment of this country was, that it was made a source of revenue to the State. This was the only country in Europe where impediments were thrown in the way of commercial intercommunication by financial exactions. He was perfectly well aware that during the war the Minister required every means by which to obtain a revenue, and that since the war, the demands for a reduction of taxes of various descriptions had been so pressing, that it was not to be expected the Chancellor of the Exchequer would voluntarily relinquish a tax against which no serious and earnest complaint had been raised. But what surprised him was, that in a commercial country like this, and in a country too where the diffusion of knowledge was so strongly advocated, such a serious check upon the intercourse between this country and foreign nations should have been suffered so long to exist. It was a perfect anomaly, that on an expenditure of not more than 500,000*l.* a-year, a tax should be raised to the amount of upwards of a million and a half. What would be thought of a tax upon verbal communications, or commercial transactions in the same town? and yet in principle, a tax upon the correspondence between commercial men in different parts of the world, beyond the necessary revenue to defray the expense of conveyance, was precisely the same thing.

Lord *Wallace* concurred most cordially in the principle of the measure intended to

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be brought forward by the noble Viscount (Duncannon). He anticipated great advantages from the substitution of a Board of Commissioners for a single Postmaster-General. He did not see any reason for the appointment of a Committee to make further inquiry on this subject. They had the Reports of several Commissions, composed of persons connected with all parties; and every one coming to the same conclusion as to the desirableness of substituting a Board of Commissioners for the present system. For, notwithstanding what the noble Duke had said upon the subject of the Finance Committee of 1817, he (Lord Wallace) still must claim the authority of that Report in favour of the view which he took of the subject. It was true, that Committee did not recommend the appointment of a Board of Commissioners to be constituted like the existing revenue boards, but they were of opinion that it would not be advisable permanently to leave the office of Postmaster-General in the possession of a single individual. If there ever was a question on which it did not seem necessary that there should be any further inquiry, it was the very one which their Lordships were then discussing.

The Duke of *Richmond* said, that it certainly appeared by the evidence that there had been great negligence and carelessness on the part of the agents at the Dover and Holyhead stations, and that if he had been Postmaster-General, he should have removed those parties. But that was not a sufficient ground for altering the present system. It was quite clear that the packets were to be transferred to the Admiralty, therefore all the arguments deduced from the sixth Report in favour of the intended measure must go for nothing. In conclusion, he thought it but fair to give his noble Friend notice, that when the Bill he was about to introduce should come before their Lordships, he (the Duke of Richmond) should move, as an amendment, that the fifth Report should be referred to a Select Committee, and he should certainly take the sense of the House upon it.

The conversation terminated.

HOUSE OF COMMONS,

Monday, June 20, 1836.

MINUTES.] Bills. Read a first time:—Horse Patrols; Bills of Exchange; and Entailed Estates (Scotland).—Read a second time:—Copyright (Ireland).—Read a third time:—Highway Rates.

Petitions presented. By Captain F. BARKLEY, from Gloucester, for Revision of the Criminal Code.—By several MEMBERS, from various Places, for placing Retailers of Beer on the same footing as Licensed Victuallers.—By Mr.

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JAMES OSWALD, from the Bakers and Fishers, Glasgow, for Municipal Corporations' (Scotland) Bill; and by the ATTORNEY-GENERAL, from several Places, against the Bill.—By several HON. MEMBERS, from various Places, against the *Pastorles' Act Amendment Bill*.—By several HON. MEMBERS, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. HINDLEY and the ATTORNEY-GENERAL, from Edinburgh and Ashton-upon-Lane, for Removal of Jewish Civil Disabilities.—By Mr. COLLIER, and Mr. Sergeant JACKSON, from Torquay and Templemartin, for a Lord's Day Bill.—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By several HON. MEMBERS, from various Places, praying the House to Adhere to the Provisions of the Municipal Corporations' (Ireland) Bill.—By Major MACNAMARA, from several Places in Ireland, for the Abolition of Tithes (Ireland).—By several HON. MEMBERS, from various Places, for Repeal of the Duty on Newspaper Stamps.—By Sir EARDLEY WILMOT and Mr. HUME, from several Paper Stainers in London, for Repeal of the Duty on Stained Paper.—By Sir R. PALGRAVE, from Ballynuve, against the Sale of Spirits by Grocers.—By Mr. W. S. O'BRIEN, from Duty and Ballindon, for the Introduction of Post-Laws into Ireland.—By Mr. MACKINNON, from Marylebone, against interfering with the House of Lords.

CHURCH RATES.] Lord Stanley begged to ask the noble Secretary for the Home Department whether it was the intention of Ministers to bring forward this Session a measure on the subject of Church-rates?

Lord John Russell replied, that it must depend upon the progress of other Bills, and upon the decision the House should come to on the plan proposed by the Church Commissioners for appropriating part of the Church revenue not absolutely wanted, and now devoted to sinecures. The Report of the Commissioners had not yet been presented, and he would take this opportunity of saying, that he did not think he should be able to introduce a measure on the important question of Church-rates in the present Session. At the same time he begged to declare that his opinion remained unchanged; that by means of Church-rates, or in some other way, it was expedient that the State should provide for the maintenance and repair of churches. If a Bill were not brought in this Session it would be absolutely necessary not to delay it beyond next Session, and if it could be proceeded with instantly it would not be very possible to vote any sum for the purpose in this Session, so that a remedy would not be much, if at all, delayed by deferring it to another year.

Mr. Hume referred to the anxiety felt out of doors, especially by the Dissenters in all parts of the kingdom, on this question. Although they did not wish inconveniently to hurry the Government, they expected to be told frankly and clearly what course was intended to be taken.

Lord John Russell, added that whatever

might be the anxiety of the Dissenters, they could not have been in doubt as to the opinions of the Government. Two years ago Lord Althorp brought in a Bill on the subject, in which the principle was declared that Church-rates should not be abolished unless the State provided a substitute. He had never said anything inconsistent with that principle, or at least anything to lead the Dissenters to suppose that Ministers meant to abolish Church-rates without an equivalent, or that such an equivalent was to be found in the revenues of the Church. To that principle he had adhered, and to it he intended to adhere. On various occasions he had explained his views to the Dissenters, and they were satisfied that he did not mean to bring forward any Bill that would accomplish their wishes. He did not believe, therefore, that they were at all anxious that any measure should be introduced.

Mr. Hume said, that as far as he was acquainted with the wishes of the Dissenters, they never would agree that Church-rates should be paid out of the general revenues of the country. Means to pay them ought to be found in the sinecure revenues of some of the deans and chapters.

Lord John Russell remarked, that that was a question upon which the House had not yet come to any decision.

STAMP DUTY ON NEWSPAPERS.] The Chancellor of the Exchequer moved the Order of the Day for the House to resolve itself into a Committee on the Stamp and Excise Acts.

The Speaker having quitted the Chair,

The Chancellor of the Exchequer said, that on a former day he had generally stated his views as to the reduction of the duty on newspaper stamps; subsequently the hon. Baronet, the Member for Northamptonshire, had expressed his intention to substitute a partial reduction of the duty on soap. He had then promised that the discussion should be taken in such a shape as to enable the hon. Baronet fairly and fully to present his motion, and accordingly the House had now resolved itself into a Committee, not only on the Stamp Act, but on the Excise Acts. What he meant to do this night was to submit a single resolution, that it is expedient that the duty on newspapers should be reduced from 4d., less the discount, to 1d. If this were carried, it would be

made an instruction to the Committee on the Stamp Bill to alter the provisions of it accordingly. He had already taken good care that no Member should be committed in the former stages through which that Bill had passed, and in the schedule the stamp duty on newspapers was specified to be 4d. He would reserve to a later period of the evening the questions controverted between the right hon. Member for Cambridge (Mr. Goulburn) and himself respecting the size of newspapers, double sheets, and matters of that description. First, it would be more convenient to settle the point in dispute between the hon. Baronet and himself upon the plain and intelligible principle whether it was fit that the duty on newspapers or on soap should be reduced. The right hon. Gentleman moved, "That it is expedient that the duty now payable be reduced, and that the duty paid and payable upon every sheet or piece of paper whereon a newspaper is printed shall in future be 1d., subject to such provisions respecting the size of newspapers, and the printing of supplements, as may hereafter be deemed advisable."

Sir Charles Knightley rose to move the amendment of which he had given previous notice. His proposition was, to reduce the duty on soap. The hon. Member for Lincolnshire had some time ago brought forward a motion to abolish altogether the duty on soap; and the only argument with which the Chancellor of the Exchequer had resisted that motion was, that it could not be granted with a due regard to the public revenue. He only proposed to take off a small portion of that duty; and it was only necessary for him to prove that the reduction of the duties on soap would be more beneficial than the reduction of the duties on newspapers. First of all, the reduction of the duties on soap would be a benefit to the farmer. The reduction of the duty would increase the consumption of the article on which it was imposed, and that would increase the demand for home produce, by increasing the demand for fat of animals. It had been said that the farmers did not at present stand in need of relief. He admitted that they were now better off than they were formerly; but he was afraid that their present prosperity was only a fleeting dream, a gleam of sunshine which would soon disappear. When the farmers asked relief to a large amount,

they were told that it could not be granted; and now, when they asked only for a small boon, he trusted that it would not be refused to them. He believed there was no instance of a farmer complaining of the high price of newspapers; but he knew of many instances in which they had expressed the delight which they would feel in obtaining a reduction of the duty on soap. If he were to vote for the reduction of the duty on newspapers, instead of voting for the reduction of the duty on soap, he did not know how he could face the farmers and ask them for their votes. How could he ask a man for his vote, who was enabled to say to him, "Instead of giving me the opportunity of getting clean hands for myself, and clean garments for my wife and daughters on a Sunday, you give me at a low price a parcel of dirty newspapers?" It was quite absurd to say, that the stamp duties on newspapers debarred the poor from reading them. In London, newspapers were abundant enough, for coffee-shops which took them in were to be found in every street. He had from curiosity sent a person to visit one of those coffee-shops, and that person informed him, that for 1½d. he had obtained a good cup of coffee and a sight of every newspaper published in London. And these papers, after they were read in the coffee-shops in London, were sent to all parts of England, he fancied at a greatly reduced price—less, it might be, than one-half. To be sure they did look as if the thumbs of their readers wanted a little soap. He believed that the hon. Member for Finsbury would not be able to sell newspapers to his constituents for less than 3d. a-piece, even if the stamp duties were taken off; and now it appeared that they could be read and enjoyed with a good cup of coffee for just half the money. Did the newspaper proprietors call for any reduction of these stamp duties? Had the House had any application from the proprietors of the *Times*, the *Standard*, the *Morning Post*, and the *Morning Herald* papers on our side of the question? Had they had any applications from the proprietors of the papers on the Ministerial side? No: one of them had absolutely deprecated the removal of those stamp duties. The *Globe*, which always supported the Government, and was generally supposed to be its organ, said, "The amount of mischief which might, or might

not be done by a sudden supply of such writings, diffused through every hamlet, we cannot see far enough through a mill-stone to prophesy. It would depend on a variety of circumstances beyond calculation. Sure we are, the first fruits of the measure would be anything but the diffusion of knowledge, whatever might be its ultimate consequences; at least, the knowledge would not be of that pure and calm kind which is commonly deemed to merit the name. Political speculations on ignorance always deal in invective and violence; in appeals to anger, envy, distrust,—as other fanatics deal in damnation. Wholesome wares are not half so saleable; and if Brummagem knowledge were suddenly encouraged by the total removal of fiscal restrictions, as well as by furnishing better organized means of transmission through the medium of his Majesty's post, we do not say it would be destructive, but we say it would be exceedingly troublesome, and very apt to find work for his Majesty's Attorney-General, treading, like Nemesis, on the rash web of his Majesty's Postmaster. It would require continual legal repression; that is to say, if incitements to turbulence are meant to be repressed at all.

On the other hand, what was the opinion of those who were engaged in the soap trade? At a meeting held by them at the George and Vulture they had unanimously agreed to a long string of resolutions, calling upon the Chancellor of the Exchequer for a reduction of the soap duties. After reading those resolutions the hon. Member proceeded to observe, that one of the arguments employed by the Chancellor of the Exchequer in support of his proposition for reducing the stamp duties on newspapers was, that the 1*d.* duty, from the increase it would produce in the sale of newspapers, would produce as much as the present duty of 3½*d.* Now, if there was anything in that argument, it was just as good for soap as it was for the newspapers. He had gone to the Post-office last Saturday night, out of curiosity to see the mails, and he found them so heavily laden that it was hardly safe to travel by them. He asked one of the guards what was the reason of it, and the guard told him it was owing to the quantity of newspapers, which distressed the horses exceedingly. Now, if the Chancellor of the Exchequer was

right in saying that the 1*d.* stamp would produce quite as much as the present stamp, then the quantity of newspapers must be more than trebled; and if so, there must be a tax raised for their conveyance. His reason for preferring his own proposition to that of the Chancellor of the Exchequer was, that the tax on soap pressed with undue severity on the poorer classes. The poor man had his soap taxed seventy-five per cent., whilst the rich man's soap was only taxed thirty per cent. The reduction of the duty on soap would not only promote the health and comfort of the poor, but would also increase the demand for agricultural produce. The reduction of the duty on newspaper stamps would do nothing of the kind—it would not benefit the farmer or the poor, and the rich did not want it. He therefore called upon the Chancellor of the Exchequer to accede to his motion, and upon the House to improve the minds of the people by purifying their bodies. If the Chancellor of the Exchequer reduced the duty on soap, he would benefit the country; if he reduced the duty on newspaper stamps, he would inflict upon it, in the shape of a cheap profligate press, one of the greatest curses which could desolate humanity. The hon. Member then moved a resolution, that the duty on hard soap be reduced from 1½*d.* to 1*d.*, and on soft soap from 1*d.* to ½*d.* a pound.

Mr. *Charles Barclay* seconded the amendment. The amount of revenue obtained by the soap duties was 799,000*l.*, deducting the drawback and the expense of collection. If his hon. Friend's reduction were acceded to, the amount of revenue obtained by the soap duties would be 555,000*l.*; so that his reduction would create a loss of 244,000*l.*, supposing that only the same quantity of soap was consumed after the reduction as before. But as the reduction of duty in general produced an increase of consumption, he did not anticipate that the loss to the revenue would be more than half that amount, or 122,000*l.* Now, the Chancellor of the Exchequer had estimated the loss which the revenue would sustain in consequence of the reduction on newspaper stamps at 125,000*l.* He had the authority of the Excise Commissioners, with Sir Henry Parnell at their head, for saying that no trade suffered so much as the soap trade, from the great number of onerous regulations to which they were subject in

order to prevent fraud and illicit manufacture, but which it had become altogether impossible to act on in practice. The effect of reducing the duty in 1833 had been considerable, the increased manufacture of soap in the country having already exceeded seventy per cent.; while it was a curious fact, that in London and in Scotland there had been a reduction. He did not believe that the reduction of the duty on soap would be any great relief to the agriculturists; he believed that no tax which the Chancellor of the Exchequer could give up would be regarded as an adequate boon to the landed interest; and he very much feared any great reduction could not be made without leading very soon to an alteration in the corn-laws, which, having been in that House, and consented to their imposition in 1815 and 1826, he still believed to be essentially necessary for the protection of the landed interest. But he would support the proposition of the hon. Baronet, because it would relieve the honest trader from the unfair competition of the illicit manufacturers. It was of the utmost consequence that the contraband trade should be put an end to, because the House should know that Wales was supplied with soap entirely from Ireland, where no duty was paid, and it was well known the drawback was allowed to a much larger extent on the export trade of Liverpool, than had originally been paid by the manufacturers. Much good would therefore necessarily result from the suppression of smuggling, and especially if conjoined with the adoption of the hon. Baronet's proposition. But, apart altogether from this view of the subject, he had a decided objection to the reduction of the duty on newspapers. One of the arguments in favour of that reduction made use of by the right hon. Gentleman was the difficulty, if not the impossibility, of enforcing the penalty against those who evaded the present state of the law. Now, in his (Mr. Barclay's) opinion, no duty could be more easily enforced; because at the bottom of every sheet the printer's name was uniformly to be found, and was not the printer liable? He firmly believed the duty might be enforced, but unfortunately a spirit of opposition had been raised to those duties as unpopular; and when he recollected the example which had been set by a noble lord (Earl Fitzwilliam), during the discussions on

the Reform Bill, refusing to pay all taxes, and the threat held out by another hon. Member in that House, if the Chancellor of the Exchequer refused to reduce the particular duty on newspapers, he did not wonder when such a course had been taken by those in responsible situations, the poor and ignorant had been deluded by their pernicious example. The hon. Baronet who preceded him had already informed the House that there was no want whatever of newspapers. Every individual, there could be no doubt, to whom Parliament had given the elective franchise, had already ample opportunities of possessing and reading the newspapers of the day, whether at the public-house, beer-shops, or coffee or public reading-rooms; and he was confirmed in that opinion by the increase which had of late years taken place, estimated at sixteen per cent., in the papers which paid the stamp duty. He was persuaded, under these circumstances, that the country would not be a whit wiser, better, or happier by the remission of any portion of such a tax. He could not well conceive on what grounds the Chancellor of the Exchequer could justify his present course; indeed, he believed he never could have adopted it had it not been unwillingly forced upon him. If left to himself, he firmly believed the right hon. Gentleman would have selected a tax much more important in itself, and in its remission much more likely to prove generally beneficial; but he found it impossible to resist the persuasion of thirty Members of Parliament who had interviews with him at the Treasury, and some of whom were represented to have used language which he (Mr. Barclay) did not believe could have come from any Member of that House. As he had already stated, those individuals whom Parliament had intrusted with political power had sufficient opportunities of consulting the public newspapers as at present published; but the cheap papers, with all the trash they purveyed, were directed to those who had had not been invested with political power, but to whose physical force so many appeals were made in that House. If the plan of the right hon. Gentleman were adopted, they would soon hear of 14,000,000 in this country demanding new rights and privileges, as they were now accustomed to hear of the 8,000,000 elsewhere and justice for Ireland. Yes, justice for England, and justice for Ire-

land—asking for justice and receiving a stone! The greatest benefit had arisen from the reduction which had taken place in the beer-tax, both with respect to increased consumption and improvement in the quality of the article; similar advantages had already attended the partial remission of the duty on soap, and, believing that greater good would flow from the adoption of the proposition of the hon. Baronet than from the plan of the right hon. Gentleman, he should cordially support the amendment.

The *Chancellor of the Exchequer* said, that in replying to the observations made by the hon. Baronet, the Member for Northamptonshire, he should not only state his objections to the amendment, but, at the same time, he should also give the reasons which induced him to prefer his own proposition and to recommend it to the House, and which he trusted would induce the House to sanction it. Before, however, he went into the observations which he intended to make on this part of the subject, he would make a few remarks in reply to what had fallen from his hon. Friend who had just sat down. The hon. Member had asserted that he did not bring forward the proposition which he had submitted to the House, in consequence of preferring it, but because it had been forced on him by a certain number of Members of Parliament who sat behind him, and who generally gave their support to the Government. In reply to this assertion, he would only say, that he never would make a proposition in that House which he did not conscientiously think would be for the benefit of the country. Let there be a confederacy on one side for obtaining the total abolition of the stamp duty on newspapers, and on the other side for the continuance of the present duty, and instead of it a reduction of the soap duty, he would merely say that it was his duty to do that which he believed to be most beneficial, without regard to the consideration, whether his proposition would be successful or not, on this side of the House or the other. The hon. Gentleman had very slightly observed what had been going on, if he thought that the proposition had been forced on him. During the sixteen years that he had been in Parliament, he had never met with so much abuse and obloquy, both spoken and written, as had recently been heaped upon him by certain hon. Gentle-

men, in consequence of the scheme which he had proposed, and thus either to dissuade him from bringing it forward, or to induce him to withdraw it, and make a proposition of a very different kind. The hon. Member for Surrey had at least rendered it less necessary that he should make any observations on one part of the speech of the hon. Baronet; for the hon. Member had said, with perfect truth, that if he were asked whether the adoption of the proposition of the hon. Baronet could be regarded as a boon to the agricultural interests, that he would reply that he did not, for one moment, suppose that there was any ground for such an assumption; for that he, as a practical man, did not believe that it would give them any relief. The hon. Baronet, in proposing a reduction of the duty on soft soap, was most liberal, for no portion of the agricultural interest could in the slightest degree, be benefitted by it; for nearly all the soft soap that was manufactured in this country was made from oils which were the produce of other countries, and which were imported for the purpose. But the proposition which the hon. Baronet had brought forward was inexpedient as a financial measure. He objected to it, on grounds which he would very shortly state to the Committee. In the first place the soap duty was a gradually increasing duty, while the stamp duty on newspapers was a diminishing duty. He contended, therefore, that he was justified on every sound principle of finance in pursuing the course which he proposed, when he found from the finance statement on the table that the duty on soap was increasing, while the productive amount of the newspaper duty was diminishing. He would not detain the House very long with this part of the subject, but he would direct the attention of hon. Gentlemen to the comparative duties on soap and newspapers within the last few years. He would take the years 1831 and 1835. In the year 1831 the quantity of hard soap on which duty was paid was 109,000,000 lbs. In 1835 the quantity had increased to 135,000,000 lbs. With respect to soft soap, which appeared to have been selected by the hon. Member as a special object for his protection, there had been a great increase in the consumption. In 1831 the quantity of soft soap on which duty was paid was 9,600,000 lbs., and in 1835 the quantity was 12,103,000 lbs., showing an increase of nearly a fourth in a

very short interval of time. The stamp duty on newspapers did not show the same result. In 1831 the amount of duty on newspapers was 483,000*l.*, while in 1835 it had diminished to 455,000*l.* This was a very considerable reduction. The next element for consideration was, whether they should give relief in one quarter or the other—whether they should give something to that to which a considerable share of relief had already been afforded, or to an article which was placed under a disproportionate duty, and which was struggling under a heavy tax. It happened with respect to the soap duty that it was reduced one-half a few years ago, on the proposal of his noble Friend, Lord Spencer, who was then Chancellor of the Exchequer. The soap duty was then reduced to the rate which was paid during the reign of Queen Anne. The stamp duty on newspapers was kept up to the highest amount of duty ever imposed. He, therefore, would not add to the relief already given to the soap trade, but would give relief where it had not previously been afforded. The hon. Gentleman had alluded to the very great increase that would take place in the consumption of soap, if his proposition was carried. But he was prepared to show, that no very great increase would take place in the consumption of that article, if the resolution of the hon. Baronet was carried; but that a loss to the public revenue would be occasioned, of not less than 260,000*l.* a year. The hon. Baronet, in order to prove his statement, referred to the authority of the Commissioners appointed to inquire into the operation of the Excise laws, and which he had pointedly urged, had been appointed by the present Government, which, therefore, should attend to their recommendation. But he would ask the hon. Gentleman whether he was prepared to assent to carrying all the recommendations of the Commissioners into effect? and more especially with respect to the soap trade? For instance, would he propose, as they recommended that the soap duty should be extended to Ireland? The hon. Baronet called upon the House to vote for a proposition which, he said, was recommended by the Commissioners; but from fear of not obtaining the support of certain Irish Members to this proposition, he abstained from saying that he would support the other recommendation, that the soap-duty

should be extended to Ireland. He had, however, on this subject, in his possession, documents which he thought would be conclusive to the mind of even the hon. Member, who might be supposed wedded to his own proposition. They had already made a reduction of one-half of the soap duty—namely, from 3*d.* to 1½*d.* per lb. He would ask the House to consider what effect this reduction had had as regarded the increase in the consumption of soap, and then judge what would be the effect in making a further reduction. Since the duty had been reduced to 1½*d.* per lb., there had been an increase in the consumption of soap of about 10,000,000 lbs. To make out the case, then, which had been stated by the hon. Gentleman, he must show that although the reduction of 1½*d.* a lb. duty had produced an increased consumption of 10,000,000 lbs., that a reduction of a halfpenny a lb. would produce an increased consumption of 60,000,000 lbs. a year. He had already said that the soap duty had been reduced to the *minimum* which was paid when the tax was first imposed, namely by the 7th of Anne. In 1782, the tax was increased two-pence farthing a lb.; in 1816, it was increased to two-pence halfpenny; and in 1818, it was increased to three pence; and in 1834 it was reduced to three-halfpence a lb., the same amount of duty that was paid in the reign of Queen Anne. With respect to the impediments which the excise regulations threw in the way of the soap manufacturers, he had a few remarks to make. He should be sorry if his hon. Friend, the Member for Surrey, supposed that he thought the laws regulating the soap trade required no alteration. He admitted that they did, and he felt satisfied that if they could be altered, it would give great relief to the trade. These regulations were only justifiable on the score of affording security to the revenue, and if these restrictions could be removed without injury to the revenue, it would be the duty of Government to remove them. He hoped that, if not during the present session, at least at the commencement of the next session, he should be able to introduce a Bill to make certain alterations in the law as regarded the restrictions in this trade, so as to afford relief to the soap manufacturers. There was nothing, however, in the statement of the hon. Gentleman to justify the

reduction of the duty in the assumption that there would be an increase of consumption, and above all, when there was another and more pressing object which required the attention of the House. So much for soap—he would next proceed to the more material question before the House. He believed that they would then have heard little respecting the reduction of the soap duty, if it had not happened that both in that House and out of it there were gentlemen who were altogether opposed to the reduction of the duty on newspapers. The hon. Member for Surrey probably entertained that opinion, as he cheered the observation. He believed that the fact was, that the reduction of the soap duty had been started against that of the newspaper duty; and if the latter had not been proposed, they would not have heard a word from Gentlemen opposite respecting the former. The real question they had to ask was, whether the House was prepared to agree to a reduction of the stamp duty on newspapers? He asked for the deliberate judgment of the House on this subject—he asked them to weigh well the arguments which he should adduce on the subject, and he trusted that he should be able to induce each party to give up something by showing that the public interest required it. He had to contend against two classes of opponents. He did not bring forward his proposition as a means of getting popularity, for he had only met with vituperation and attack for having brought it forward, and with the strongest opposition from those who on former occasions originated motions similar to that which he now submitted to the House. The proposition he made did not originate with the view of gaining popularity, but was a grant and concession to public necessity and expediency. He thought that there would be no difficulty in showing that if they left the duty on newspapers as it was, they would run the risk of finding the opposition to that duty carried much further than at present. It might lead to a general violation of the law, and a general disposition to encourage those illegal publications. It also should be recollected, that allowing things to remain as they were would be a want of justice on the part of the Legislature towards those parties who paid the duty. He would address one argument on this part of the subject to both parties—to the

class that objected to any reduction in the tax of newspapers, and to those who demanded the abolition of the whole tax and who objected to any duty. First, then, to the hon. Gentlemen who objected to any reduction. He had already said that the amount of duty on newspapers had been in a gradual course of diminution since 1831. In that year the amount of duty was 483,000*l.*; in 1832 it was 473,000*l.*; in 1833 it was 445,000*l.*; in 1834 it was 441,000*l.*; and in 1835 there had been an increase in a trifling degree, for the duty was 455,000*l.* So that there had been a gradual reduction in the amount of duty for some years; and that under circumstances which he believed that any hon. Gentleman would admit warranted the supposition that there would have been an increase. He would ask whether the education of the people had diminished, their anxiety for information lessened? There could be no doubt as to the facts of the case. It was a matter of regret on one side, it was a subject of rejoicing on the other, that the thirst for political information had been greatly increased by the political changes which had recently been made. If something did not impede this species of knowledge, the amount of the tax, instead of showing a diminution, would exhibit a great increase. In this, as in other cases, the revenue had sustained a loss in consequence of the duty having been raised beyond the legitimate amount which should have been imposed. Gentlemen were aware that the stamp-duty was first imposed in 1712, and was at the time strongly opposed by some great authorities. The opponents to the newspaper-tax which he alluded to were not great Radicals or innovators, or in any way hostile to the institutions of the country. The great opponent of the tax was Mr. Addison, who then filled the office of Secretary of State. He anticipated what was soon realised—that the duty which it was proposed to impose, and which was comparatively a high one, would lead to a decay of this branch of literature. In a paper in *The Spectator*, of the date of the 1st of August, 1712, the day the tax came into operation, he makes the following observations:—

“This is the day on which many eminent authors will probably publish their last words. I am afraid that few of our weekly historians, who are men that, above all others, delight in

war, will be able to subsist under the weight of a stamp, and an approaching peace." * *

In short, the necessity of carrying a stamp and the improbability of notifying a bloody battle, will, I am afraid, both concur to the sinking of those thin folios which have every other day retailed to us the history of Europe for several years last past. A facetious friend of mine, who loves a pun, calls this present mortality among authors, "The fall of the leaf." There was still the same effect which Mr. Addison complained would flow from the tax. It might easily be shown that but for this tax there would be a much greater number of newspapers printed and sold, and Mr. Addison had shown in the first instance it had led to the same result. But did hon. Gentlemen entertain doubts as to whether the people were anxious for the species of knowledge diffused by newspapers? If hon. Gentlemen did, let them boldly own it. But the truth was, that they were afraid to trust the people with this species of information. But he would not be a party to withhold it from them. The hon. Member said, that the people had already the means of obtaining the species of knowledge conveyed in newspapers, and he said, let them go to the public-house or the coffee-shop, and they would see a great number of newspapers of all parties for a very trifling sum. The hon. Member had read a list of papers which were furnished to a coffee shop. There was *The Standard* for one party, and *The Morning Chronicle* for the other; and he heard *The Lancet* mentioned in the list of papers read. For his part, however, he would rather that the poor man should have the newspaper in his cottage than that he should be sent to the public house to read it. He knew that at present the newspaper was one of the great attractions to take the poor man from home to visit the public house. If, therefore, the adoption of this proposition tended to keep the poor man at home it would afford a great moral aid to the improvement of the people. He had the authority of Dr. Johnson for saying, that the diffusion of knowledge amongst the people by means of newspapers was one of the most efficient modes by which knowledge could be imparted. He believed, however, that there had been a great deal of exaggeration on this subject. He was of opinion, that newspapers were not absolutely necessary for the diffusion

of knowledge, and he had heard that it had been stated by parties out of doors, that the diffusion of all useful knowledge was confined to newspapers. This was an exaggeration as great as that on the other side, which said that no useful knowledge could be obtained from newspapers. Newspapers afforded the means of diffusing political knowledge, and that of a very important character, but he denied that they constituted the chief means. There was knowledge of a higher character than could be conveyed in this way. There was a definition of knowledge by one whose word would carry much greater influence and authority than he could command—he meant Lord Bacon—which showed that it was of a higher nature than could be conveyed by means of the columns of a newspaper:—"Knowledge," said Lord Bacon, "is not a couch whereupon to rest a searching and restless spirit; or a terrace, for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state for a proud mind to raise itself upon; or a fort or commanding ground for strife and contention; or a shop for profit or sale; but a rich storehouse for the glory of the Creator, and the relief of man's estate." Suppose that he were for a moment, for argument's sake, merely to assent to the proposition of hon. Members opposite—suppose that he were for argument's sake, to assume that the free circulation of political knowledge, by means of newspapers, was an evil, and that restrictions ought to be put on this extended promulgation of that species of knowledge;—assuming this, he would still ask hon. Members—looking at the present state of the law, and the practices which went on in spite of it—whether they thought it would be possible to keep up the exclusive circulation of what they were pleased to consider as the only sound political knowledge, by the means of high-priced newspapers. Certainly not. On the contrary, it was well known that in the metropolis, and through all the ramifications of trade throughout the country, an active agency was constantly and necessarily kept in operation for the purpose of violating the law, and of extending throughout the community, not newspapers such as he contemplated, paying a stamp duty to Government, but newspapers paying no stamp duty, got up, printed, published, and distributed upon an or-

ganized plan, by parties who set out with the express purpose of violating the law, and who in consequence of the cheapness of their commodity succeeded but too generally, in usurping the place of newspapers paying the stamp duty. He was far from being opposed to the principle of cheap newspapers; but he was decidedly opposed to illegal newspapers, and to all violations of the law. He was opposed to them, in the first place, because the parties who were engaged in such practices were, necessarily, not persons fit or qualified to diffuse sound instruction among the people; for no man of honest principles could lend himself to practices involving the direct violation of the laws of his country. It was, however, a matter of certainty, that to a very large extent indeed, cheap publications of that character were diffused throughout the country, confided to the management of persons who approached the subject with a full knowledge that they were violating the law, and subjecting themselves to fine and imprisonment; and, moreover, addressed to a market confined to a class of persons who were fully aware that the commodity purchased by them was an illegal one. This was a state of things which those who desired to keep up the character of the press must be most anxious to put an end to, but which was not to be put an end to, by retaining high-priced newspapers. He would just state to the House the extent to which this system had already gone. The total number of stamps taken out for English newspapers in the twelve months appeared from the returns to be thirty-six millions. Now, upon one single occasion, when the officers connected with the Stamp-office effected a seizure, they found, on the Thursday, an incomplete publication of an unstamped newspaper, which was to be given out on the Saturday, but which even on the Thursday, when incomplete, amounted to not fewer than forty thousand in number. Thus it appeared that one single unstamped newspaper had created for itself an annual circulation of upwards of two millions, being equal to one-eighteenth part of the whole circulation of all the stamped newspapers of the country. Such was the present condition of the unstamped press, and it was understood that the parties engaged in the traffic entertained every prospect of greatly extending the trade.

In reference to unstamped newspapers, he had been placed in a singularly unfortunate position, between the fires of two parties, one of which abused him for going too far, the other attacking him for not going far enough in his endeavours to repress this illegal traffic. Whenever the subject had been mooted he had been charged, and justly charged, if it were a charge, by Members on his own side of the House, with enforcing the law to the utmost extent against the violators of the Stamp Acts, and with having dealt out fine and imprisonment with too harsh a hand; while from the other side of the House he had been violently inveighed against for not enforcing the law to the utmost extent, and for not dealing out fine and imprisonment. He could only say, that it had been his endeavour by every possible means to assert the law and protect the honest trader, by putting in force all the enactments against the dishonest trader; but he had found it quite impossible effectually to put down the contraband trade. In addition to these he had had another party to deal with—a party most vigilant in their observation of the proceedings of Government—he alluded to the stamped press itself, who had every right to come to Government and say, “We pay all the duties imposed on us by the law, and thereby contribute largely to the financial resources of the country, and we therefore require of you that you equally enforce obedience to the law upon all our competitors.” With these parties he had been in constant communication; and upon the first occasion they had complained that the efforts of Government to check the evil had not been sufficiently strenuous, he had put to them to suggest any mode conformable to law, by which they conceived the proceedings of the unstamped press could be checked both in town and country, but nothing had been pointed out adequate to the emergency. Again, after exerting every means in their power to repress this illegal trade Government applied to the law-officers of the Crown, stating what had been done, and asking their directions as to any further proceedings and were informed by these functionaries that they had already resorted to all the means afforded by the existing law for preventing the publication of unstamped newspapers. The law-officers of the Crown at the same time stated that the existing law was

altogether ineffectual to the purpose of putting an end to the unstamped papers. One of the greatest difficulties to which they were exposed was as to the proof of the printing. The law certainly laid it down that the names of the printer and publisher should be affixed to every paper, but there was no guard against such names being forgeries or altogether fictitious, and this species of fraud was committed every day. Every law which bore upon the printing, the publishing, and the distributing of unstamped newspapers had been enforced with that strictness which Government considered due to the law and to the honest trader, but though many individuals offending against the law had been punished, and many seizures made of the illegal publications, the fraudulent system had not been materially checked. On the contrary, the system had been encouraged in consequence of the sympathy which the persons punished succeeded in creating throughout the country in their behalf. Mr. Cleave, for instance, had been, for repeated violations of the law, four times fined and twice imprisoned, and what was the consequence? Why, no sooner was it known that he had been amerced in the penalties laid down by the Act, than throughout the country subscriptions were set on foot for the purpose of paying them off. Thus, as was the case also with Mr. Hetherington, not only was the law violated, but the party violating it was made the object of general sympathy and support. There had been prosecutions for printing, prosecutions for publishing, prosecutions for selling in the shop, and prosecutions for selling in the street, but all these efforts had failed to effect the desired result. Convictions had been obtained, imprisonment had been inflicted, and fines imposed on the persons convicted, much individual suffering had been the result, but it had attracted public sympathy and gave men reward for violating the law. Within a few months not less than 110 persons had been convicted and punished for selling unstamped newspapers in shops, and 300 persons for selling them in the streets, but all without producing any practical removal of the evil; for no sooner was one man put in prison for these illegal practices, than another was readily found to supply his place. The hon. Member for Surrey had only to consult the records

of Kingston gaol to see how the evil had been felt in that part of the country, as well as everywhere else. Indeed, through the whole of the country, the circulation of unstamped newspapers was going rapidly forward, for the law, as it at present stood, was altogether inadequate to repress the practice. The question was, then, whether that state of things should be suffered to continue? Was there any man who would justify it, or say that newspapers ought not to be treated like other commodities, the high duties on which encouraged smuggling. A charge of remissness had been brought against Government by Members on the other side of the House; he might mention that a greater number of prosecutions had been brought forward by the present Government for violations of the law in this respect, than had been carried into effect during the time that the right hon. Member opposite, was at the head of the Administration. He did not mention this with any view to assume greater merit in this respect than was due to the former Administration, but merely in answer to those who asserted that it was the inefficient endeavours of the present Government to repress violations of the law which was the cause of the evil, and not the inefficiency of the law. But it might be said "We admit all this, we admit that the law is not sufficiently strong to meet the case; we admit that you have done all that lay in you for the purpose of enforcing the law; we admit the large accumulation of unstamped newspapers; but we tell you the remedy will not be found in the reduction of the duty, but in the increased severity of new enactments." He was not disposed to adopt that doctrine. He would not consent to take any steps towards increasing the severity of the law, in any case where he believed it would be altogether ineffectual to the purpose for which it was intended, and where he believed the same result would be obtained by other and better means. If they continued 100 per cent. duty upon newspapers, increased the provisions of the law, and added to the severity of its administration, he would fairly tell them, that with the system now existing—with the rapid power of printing—with the great anxiety on the part of the people to obtain the description of knowledge circulated in unstamped publications, they and their severe laws would not remove the evil complained of, so long.

as they continued by a high tax an inducement to violate the law. He did not mean to say he was content with the existing law; neither did he come to that House under the false pretence of asking for a reduction of the stamp-duty to 1*d.*, without having adequate means to propose to collect that 1*d.* This was a matter they would have to discuss when the Bill should be more immediately before the House. But he begged to tell hon. Gentlemen opposite, that there would be no provision inserted in that Bill by which the Press would be in the least degree fettered, though care was taken that, if Parliament agreed to reduce the duty as he proposed, full means should be given to Government of enforcing the duty which remained. Was it not their duty to protect the Press of the country, which paid so large an amount of contribution to the revenue, against the invasion of those parties who paid none, and continued to maintain this unequal and unjust advantage? He should like to know, if in a question of revenue of an ordinary character, it were stated, that the existence of such a high duty as that upon newspapers was most unjust, and that a diminution of it was absolutely necessary to protect existing interests and prevent a violation of the law, if such a statement would be controverted. He was sure no one would attempt to deny that such a duty ought to be repealed; and he thought it most expedient that the House should pronounce an opinion on the subject with reference to the threat on the one hand of the absolute necessity for a total repeal of the duty; and, on the other, to the threat of all the evil consequences that were to attend the opening of this branch of mercantile speculation, for so he considered it. He appeared there to argue against the maintenance of a stamp-duty of 4*d.*, and in justification of retaining a stamp-duty of 1*d.*; and he would now proceed to state the grounds upon which he made the latter proposition. In the first place he was maintaining the old duty—he was reducing it to the amount at which it stood so long back as the reign of Queen Anne; and the progress of it had been thus:—From the accession of George 3*rd*, in 1760, to 1776, it had been 1*d.*; from that period to 1789, 1½*d.*; up to 1797, 2*d.*; and from that up to 1815, 2½*d.*; in which year it was raised to its present amount, 4*d.* Now, he would say, that if his proposition were to be more

enlarged, it would be impracticable. He believed to the total repeal of the stamp-duty on newspapers the majority of that House would not consent, and therefore did he prefer making a proposition in which he had been led to hope he should be supported by a majority. But, besides that, he held they had a right to 1*d.* stamp, and that it would be essential for the best interests of the Press itself, inasmuch as it would afford to newspapers a free circulation by post. He would observe, in passing, that no proposition he had ever heard made for establishing a posting duty had appeared to him more desirable in itself, or more favourable to the Press, than that which he now made. But he would go further in reference to the present conjuncture of affairs, and here he would make an appeal to hon. Members who were so eager for the total abolition of the duty—he would go further, and say, that if he were to propose its entire abolition, he should give up his proposal for a reduction of the duty on paper, which he had made, not only with reference to newspapers, but literature in general. He considered it infinitely better to make a partial reduction upon the newspaper stamp-duty, and also to reduce the duty on paper, than to extend the whole amount to the reduction of the stamp-duty upon newspapers. With regard to the general argument, that this was a tax upon knowledge, would those who thought so deny that books were elements of knowledge as well as newspapers? Would they deny that he was doing justice to literature generally by making a reduction upon paper? They could not deny that; and he could tell them, that unless he was able to retain something upon newspapers, he would not be able to reduce the duty upon paper generally. Now, his hon. Friend, the Member for Middlesex, whom he did not see in his place, was one of those who objected to the 1*d.* stamp, and yet that hon. Gentleman was the very individual who, in 1825, brought forward a proposition for reducing the stamp-duty on newspapers, not to 1*d.*, but to 2*d.* On that occasion he entreated the attention of the then Chancellor of the Exchequer to his proposal, and in general terms said to that right hon. Gentleman, “that he would guarantee him against any loss to the revenue by a reduction of the duty from 4*d.* to 2*d.*; and that so anxious was he on the subject, he would almost become

personally responsible, if at the end of the year any loss had accrued." The Chancellor of the Exchequer of the day however said, that although he would be glad to accept of the hon. Member's guarantee, yet that, when they had to deal with 450,000*l.* of the public revenue he should wish to have a security of another description. The proposition of the hon. Member for Middlesex was accordingly resisted. On a later occasion—in the course of last Session—an hon. Friend of his, the hon. Member for Lincoln (Mr. Edward Lytton Bulwer), had brought forward a proposition, which he very powerfully supported by a speech which those who heard it would not soon forget—the arguments upon the subject being most powerfully stated. What was the proposition then moved by the hon. Member, seconded by the hon. Member for Middlesex, and cheered by so many Members of the House? That proposition was to reduce the duty to 1*d.*, allowing that penny for the circulation of the paper by the post. The proposition he (the Chancellor of the Exchequer) had, at the time, expressed his regret, that he could not accede to, by reason of the then state of the finances, but he had also stated, that he would take the earliest opportunity himself of bringing forward such a proposition. He trusted that the House would admit, that he had now redeemed his pledge. He had brought forward the distinct and specific proposition which the hon. Member for Lincoln had expressed his desire to see carried into effect. Yet now, because he took that course—because he had kept his word—because he had done that which the hon. Member had endeavoured to do, not only the hon. Member, but many of those hon. Members who had supported him on the occasion alluded to, had attacked him in a most undisguised, in a most unremitting, he would say, in a most cruel manner, had charged him with forgetting every promise, and disregard of the public interest, although he had not only done that which he was expected to do, but had proposed a considerable reduction of the duty on paper. He had done this, not, he might without offence say, because they had asked him to do it, but because he considered it just and right, and calculated to promote the public advantage; because he considered it due to the station he had the honour of filling; because, having pledged himself to the

principle last year, he felt it right to accupon his pledge this year, and that the financial circumstances of the country were such as to admit of the reduction. The change which had taken place in the political condition of the country made it essential to communicate to the people sound political knowledge and information. He would say, that the security of that House, living, as it did, in the affections of the people—of the Government, possessing, as it did, the confidence of the people—and of the Monarchy, reigning, as it did, and as he trusted it ever would, in the hearts of the people, depended upon the diffusion of sound political knowledge. They had already given the people a 10*l.* political franchise; they had given, with municipal institutions, new political rights to inhabitant householders, and would they, ought they, or could they, now withhold from the people the means of judging of the passing events of the day? He had now an authority, by the publication of the votes of that House, in his favour. That was a question which had been much discussed and argued against; and yet on a second occasion, after it was agreed to, it was thought right to carry the principle further, and publish the name and vote of every hon. Member on the minutes. All this implied, that it was good and safe that what was known there should also be known elsewhere, and that what concerned the public in the Government of the country, should be judged of by the public through the medium of the Press. Admitting, then, this principle to be just, would it not be better to communicate knowledge to the people through the medium of the stamped Press, which was responsible to the country and the King, than to trust to the construction that might be put on all public proceedings by those men who were not recognised by the law, and whose illegal publications were largely circulated because easily obtained? One penny duty was, he thought, no more than might fairly be charged for the advantage of a free circulation. It would equalise the whole of the Press, it would raise its character, and it would enable those parties who were ready and anxious to give religious instruction to the people to combine it with knowledge of a political nature. There had been many pressing applications made to him on the subject of giving religious and moral instruction to the people, and

in favour of his proposition. The hon. Member for Kent was aware of that. Persons who were desirous of diffusing knowledge of that description had hitherto been deterred by the enormous amount of stamp-duty. It was his fate to read much of the unstamped Press; indeed, some persons were kind enough frequently to send him packages of unstamped papers, with a view to prove to him the extent at which the smuggling had reached; and this he could say, that according as it had augmented in circulation, it had improved in quality. Since the first appearance of unstamped publications to the present moment their character had gradually altered, the reason of which was to be found in the fact of a wide circulation. A publication of limited circulation would be found to be supported by a particular class, for which it was prepared by exciting their passions and flattering their prejudices; but if they came to a largely circulated paper, they would find it must suit itself to the taste of the people, under restricted circumstances. He appealed to the hon. Members who had supported the proposition of the hon. Member for Lincoln, to assist him in carrying out that proposition. He did not think it would be just to repeal the whole amount of the duty, and he was anxious to make the relief as general as possible by also reducing the duty on paper. These were his grounds for reducing the stamp-duty to 1d., and for retaining that 1d. He hoped also he had shown, that the reduction of duty proposed by the hon. Member for Northamptonshire was not one which would lead to the good consequences which he anticipated. That a reduction on soap would give relief to the agricultural interests he was sure no Gentleman in his senses could conceive. As to an increase in the consumption of that article, he had reason, by experience of the past, to know that such would not be the result; and from the argument of the hon. Member for Surrey, that all Excise restrictions would be removed by the proposition, he entirely dissented, for there should be an Excise law to collect 1d., as well as collect to a larger amount. He therefore asked the friends of the Exchequer to protect the revenues of the State—the friends of the law to assist him in maintaining its authority, and preventing its violation—and the friends of the institutions of the country to put an end to such a state of things, as he had de-

scribed—not to allow the mode of communication to be through those who had been punished as the violators and evaders of the law, but through a legalised medium. Prosecutions and imprisonments were still going on day after day, bringing odium on the law itself, and he asked those who were desirous of protecting the due administration of justice to put an end to this system by supporting his proposition. The very offenders and criminals to whom he had alluded had become objects of universal sympathy. Subscriptions had been entered into, and the fines which were imposed had been paid by the contributions of the people; so that it was, in fact, a system which enlisted the sympathies of mankind against the law, and it behoved every good subject to endeavour to put an end to it. He was glad that he had an opportunity of defending his proposition, and it was his determination to adhere to it.

Mr. *Goulburn* said, he did not rise in a spirit of either personal or party opposition to his Majesty's Ministers, but simply to consider the abstract merits of the proposition before them: to discuss the question whether, having a specific amount of surplus revenue to dispose of, it was more consistent with the general interests of the country to apply that disposable revenue in reduction of the duty on soap, or in reduction of the duty on newspapers. To this question he should strictly confine himself, without entering into any discussion as to the proposed penny duty. The simple question was, whether they should not substitute for the right hon. Gentleman's proposition to reduce the stamp duty on newspapers, the hon. Gentleman's proposition to reduce that on soap. There was, perhaps, some little difficulty in explaining clearly why a preference should be given to the reduction of one duty instead of another, but there were certain principles which ought to govern the reduction, and these principles were so clear and so obviously just that few would venture to deny them. The first great principle was, that in effecting your reductions you should reduce that duty first, a diminution or repeal of which would effect the greatest proportion of benefit to the greatest extent—to consult the advantage of the whole community in preference to the advantage of a part. Another principle was this, that you should continue the burden as much as possible upon the luxuries and diminish it as much as possi-

ble upon the necessities of life. Looking at the question before them, and bearing in mind these two principles of legislation, he was prepared to say, that he must give his opinion in favour of the proposition of his hon. Friend near him. Before he proceeded to discuss the particular question before them, he would just advert to a point touched upon by the right hon. Gentleman opposite. The right hon. Gentleman had stated, that the revenue was competent to bear the charge of the reduction of the stamp duties on newspapers, but not competent to bear the charge of a reduction of the duties on soap, because, as he said, he did not anticipate from a reduction of the duty on soap that corresponding increased consumption of the article which was essential to make up for the loss derived to the revenue from the decreased duty. Now the Report of the Excise Commissioners gave quite a contrary opinion, for they distinctly stated that any additional decrease in the duty on soap would lead to a corresponding increase in the consumption of the article, putting Ireland out of the question. The hon. Member for Surrey had accurately stated, that the former reduction in the soap duties had not been sufficient to enable the fair dealer to cope with the contraband dealer, but this object would be fully effected by the additional reduction now proposed. The consumption of soap had only increased since that reduction, in what he would call the rural districts of England. In London it had decreased. The year before the reduction took place, the quantity of soap brought to charge in the metropolis was 3,290,000lbs. The quantity brought to charge the year after the reduction had so far diminished as to show a decrease of half a million. In Scotland, the year before the reduction took place, the quantity of soap brought to charge was 11,300,000lbs. The year after the reduction the quantity was only 10,400,000lbs: thus, in both cases, clearly showing, that the reduction had by no means been sufficient to defeat the smuggler. In the rural districts of England, where there were not the same facilities to the smuggler to obtain improved material, some slight increase had taken place. An additional reduction of the duty was absolutely necessary in order to put the fair trader on terms at least of equality with the fraudulent trader. When the right hon. Gentleman contended that the reduction of the duty did not in this instance increase the consumption he

should have taken the peculiar circumstances of the case into consideration. There was no occasion to go back to the time of Queen Anne for precedents. Since then everything connected with the manufacture had changed. It did not now require a bulky material in the shape of an alkali, which could not be brought into the premises without creating the suspicion of the neighbourhood and the vigilance of the excise officers. The improvements which had taken place in chemical science had given to the illicit manufacturer the means of introducing into his premises concentrated alkalies, in forms which were well calculated to elude suspicion, to evade the utmost vigilance, and to give the smuggler every possible facility of escaping detection. On the ground, therefore, of justice to the fair trader, and the maintenance of the integrity of the law, he thought the House would agree with him that a further reduction of the soap duty was a matter of the greatest importance. Now, with respect to the comparative merits of the two reductions proposed—the Chancellor of the Exchequer had contended, in the first place, that soap yielded an increasing duty and newspapers a decreasing one, and, therefore, according to a generally admitted rule in financial matters, the reduction should be made on the decreasing duty and not on the increasing one. With regard to the increasing duty on soap, it had already been shown that although there was a trifling increase on the whole, yet that in London, Scotland, and the large towns, there had been a decrease. With respect to the duty on newspapers, what had the right hon. Gentleman done? Why, he had taken as his standard the stamp duty of 1831, and with that he had compared the stamp duty of 1835. “The newspaper stamp duty of 1831,” said the right hon. Gentleman, “yielded a net revenue of 483,000*l.*, and of 1835, only 450,000*l.*; and therefore it was a decreasing duty.” But was the decrease such a continuing decrease as to justify this argument? If they looked to the average annual duty at successive periods of five years they would then come to a directly opposite conclusion. The average of the five years, ending 1825, was 398,000*l.*; of the five years ending 1830, 413,000*l.*; and of the five years ending 1835, 464,000*l.*; showing a continuing and a considerable increase of duty. But when the right hon. Gentleman selected the year 1831 as the period from which the

stamps had in some degree declined, did he not recollect the degree of political excitement which then prevailed in this country? Did he forget the anxiety of all men at that period to obtain the earliest information of the proceedings of that House—proceedings of the highest interest, and which continued during a far greater portion of this year than was ever known before? Did the right hon. Gentleman forget that events of the greatest importance were daily occurring on the Continent, events which excited the strongest feelings of anxiety in the breasts of men of all parties; and, when, consequently, the information afforded by the press was more eagerly sought after, and its circulation necessarily higher than at any other period; and was it fair to take this period of unusual excitement as a fair criterion on which to found an average. It was a great mistake to imagine that the newspaper duty was a decreasing one. Allowing for the extraordinary circulation of the time alluded to, it had ever since been an increasing duty. In the year 1834 the gross produce was 507,373*l.*, and in 1835 521,909*l.*, showing an increase, and not a decrease. This was a sufficient proof of the unfairness of taking an extraordinary year as an ordinary standard. They all remembered the year 1813, and the public anxiety to obtain the earliest information of the great events then transacting in the theatre of Europe. In that year the newspaper duty rose to a higher amount than it ever before attained. He was not now stating what was merely his own opinion, but he appealed to what had happened on former occasions, with respect to the stamp-duty on newspapers, in support of his argument. The history of the year 1813 must be well remembered—the House must know how the anxiety of the public was kept alive by the great events which occurred in Europe during that year. Now what was the fact in 1813? The newspaper stamp duty rose in that year to a height that it had never before attained. It amounted to 394,000*l.*; and what was the consequence? In the succeeding year, from that amount it fell down to 363,000*l.*—a reduction nearly equivalent to that which took place between 1831 and 1834, and greater than that which took place between 1831 and 1835. The right hon. Gentleman was not accurate in saying that the duty was a continually increasing duty. He trusted, he had satisfactorily accounted for the decrease up to the last year; it

was, at the present moment, an increasing duty. It was his firm opinion, that the newspaper stamp duty would go on gradually rising. His right hon. Friend said, that this was not an agricultural question, and he agreed with him, that it was not purely an agricultural question; but he agreed also with his hon. Friend near him, in so far as he said it was a question which affected the interest of every man engaged in agriculture on the one hand, however humble his station, and, on the other hand, that it also affected every man who was a manufacturer, however low or humble his station might be. The reduction of the duty on soap would affect every class of the community. Whatever the station of the parties, whether rich or poor, it would affect them all, but more particularly the poor, because to them it was not a source of comfort merely, it was essential to their health. And it affected not only those who had attained a certain age, but the benefit would be felt equally by the oldest and the youngest—it was as essential to infancy as to age, because it was necessary to health. Every reduction of the duty on soap contributed to the increase of the comfort, the health, and the enjoyment of every member of the community. Now, could they say the same of the newspaper stamp duty? Were not newspapers limited to a certain class? He found by the return of the number of stamps issued, that there were not more than about 300,000 persons who took in newspapers. The number, then, who took in newspapers, was the number who would be directly affected by the relief resulting from a reduction of the duty, and thus the relief would be limited to the 300,000. The soap duty, he had said, affected every member of the community; a reduction in that, therefore, instead of relieving only 300,000 persons, would give relief to fourteen millions of the population. He did not mean to say, that not more than 300,000 persons read newspapers—he only spoke of those who took them in, and he contended, that only they would be materially affected by the reduction. He knew very well, that every newspaper that was taken was read by a considerable number, and viewing the subject in that way, the relief would be equivalent to a twentieth part of the whole. The difference was between the twentieth part of a penny and 4*d.*, and 3*d.* His right hon. Friend said, the duty on soap had been

already reduced, and others must take their turn; therefore he now proposed to relieve the newspapers. It was true, that in 1833 there was repealed half the duty on soap, but was nothing done for newspapers on that occasion? Was not the duty on advertisements reduced in the same year from 3s. 6d. to 1s. 6d.? That was a great advantage to the newspaper proprietors. There was at that time a great deal of competition in advertisements in other channels, and the reduction enabled the proprietors of newspapers to reduce the price of advertisements, or to obtain more extended information than they obtained before the reduction of the duty. But the right hon. Gentleman told them, that in the present Session, for the further relief of the newspaper proprietors, he intended to repeal half the duty on paper, and the amount of that would be something considerable on every newspaper. Was that no relief? Bearing in mind the reduction of the duty on advertisements, he would ask, was the right hon. Gentleman justified in saying, that newspapers had had no indulgence shown to them? Had all the indulgence been shown to the manufacturers of soap? He viewed the two questions as standing equally before them, and he would ask the House, which duty ought they to repeal? He approved of the principle, that they should reduce first the taxes on the necessities of life; but newspapers, in his opinion, came more properly under the head of luxuries. His right hon. Friend said, he wished to see the newspaper in the poorest cottage, and he was himself one of those who would not withhold from the humbler classes the instruction which they might derive from newspapers. But did his right hon. Friend imagine, that the reduction of the price of the newspaper from 7d. to 5d. would have the effect he desired? When they bore in mind the amount of the labourer's wages, did they believe that he would afford even a weekly newspaper, though the price should be reduced to 4d. That class of individuals were in the habit of associating for the purpose of reading the newspapers in common. A newspaper was generally taken in by the master whom they served; having been used by him, it went to his servants, and from them it found its way to the labourers; and thus the information which newspapers afforded was diffused amongst the population. The effect,

then, of the reduction of the duty would be to relieve the master. If the newspaper were taken in at a public-house, the publican would gain the benefit, and no allowance would be made to the poor man, because the reduction was so small an amount that it would not be divisible. The greater part of the community, then, would derive no benefit from the reduction of the duty on newspapers. His right hon. Friend said, that his proposition would have the effect of putting an end to a species of smuggling. On this part of the subject he would appeal to the Report of the Excise Commissioners. "*Non meus hic sermo.*" Speaking of the reduction of the duty on soap, they said, they had no doubt it would materially reduce the smuggling that went on in that article. His right hon. Friend applied the principle to the reduction of the duty on newspaper stamps as a cure for the smuggling, but he must dispute that position. His right hon. Friend said, that there were parties who managed to undersell the daily press, by evading the stamp-duty, and he proposed to give some additional advantage to the daily press by reducing the amount of the duty. The duty, however, in this case, did not operate as it did in the case of spirits, where, if they repealed the duty, they put an end to the illicit dealing which resulted from the power of the smuggler to undersell the fair trader. He maintained that the power to undersell would continue even when his right hon. Friend had repealed his twopences on the stamps. What was the nature of the contest carried on with the daily press? It was the contest of men who went to no expense, against men who went to great expense, in providing the article which they offered to the public. The editor of a London journal went to an enormous expense to procure intelligence. He incurred a very great expense, if he might say so without being out of order, to obtain accurate reports of what occurred in this House. He went to a still greater expense for foreign intelligence; he had to establish foreign correspondents—expresses anticipating the arrival of the post brought him intelligence from abroad. These were amongst the expensive arrangements that were made to secure early information to meet the wishes of those who took in his paper. Such, then, constituted the real tax which the morning papers had to pay. Talk of

the twopenny stamp in comparison with these expenses, why, it was as nothing! And the man who edited the paper, taking the parts and information which his contemporary, who paid for them, had been to such an expense in purchasing, must ever come into the market on terms so advantageous, that as a set-off against them the amount of the stamp-duty was insignificant. When the duty was repealed would there not be the same attempts to get information, he might almost say, at no charge at all? The right hon. Gentleman had told them of the difficulty that had been experienced in the attempts which had been made to repress the unstamped newspapers. Would he be able to protect that press which paid for information, against that press which did not? Would he be able to prevent information obtained by *The Morning Chronicle* or *The Times*, at a great expense, from being made available by the publishers of the penny newspapers, while the others were published at 4d. or 5d.? and what would be the result if he could not prevent it? He would not say, that the daily newspapers would be ruined by the curtailment of their profits; but he would call the attention of the House to the more fatal consequences that would ensue to the general interests of the country. The editors of the present respectable papers, not able to compete with their antagonists, would be compelled to forego obtaining that information which was now so accurately given; the press generally would be reduced to this—they would no longer be able to give accurate information of what fell from hon. Members in this House, or of other events of great interest with the public. He feared that they would in this way lower the general tone of the press of the country, and prevent it from being the channel for the dissemination of useful information. He begged to warn the friends to the dissemination of knowledge amongst the people against lowering the tone of the press of this country. When he compared the daily press of this country with the newspapers of other countries that came before him, he confessed he was proud of its superiority. He saw that subjects were discussed in it on one side and the other with the greatest ability. Sometimes, it must be admitted, the daily papers yielded too much to the excitement which existed, but, generally speaking, they were distin-

guished by great judgment and temper. When he looked to the press of foreign countries, he found it occupied with long disquisitions on theatrical exhibitions and other things interesting to the people of those countries; but such matters possessed comparatively little interest for the people of England. When he looked at the newspapers of America, which were referred to as a model of what newspapers ought to be, he must confess he saw in the newspapers of England a superiority in the character, the style, and the manner of discussing political questions, which convinced him that if they had not the advantage of a low amount of duty, they had, nevertheless, some other advantages of a most important nature, which they derived from the amount of the duty, and their other press regulations. He was sorry, then, to find a measure introduced, such as, in his opinion, would tend materially to lower the character of the press, by causing the proprietors of the respectable portion to forego the expenses for information, which he believed to be essential to the proper instruction of the people through the medium of the newspapers. Looking at the two duties, he would say, that the repeal of the one would confer a great advantage on the mass of the people, whilst the other would confer only a limited benefit on a limited portion. The one would contribute to the health and add to the domestic enjoyments of the people, the other would give a small advantage to those who read newspapers. Under these circumstances, he had no hesitation in preferring the repeal of the duty on soap to the repeal of the duty on newspapers.

Mr. Charles Buller thought, that the right hon. Gentleman had shown very little acquaintance with the press of other countries. He was as little inclined as any man to give the palm of superiority to any other nation, but he should blush for our literature if he thought it as much inferior as he considered the daily press of this country was inferior to that of France. He would say that, at the present moment, there was no person of high political and literary character connected with the press of this country, who could at all compare in this respect with that distinguished writer M. Chateaubriand. The right hon. Gentleman opposite feared the character of the press of this country would be lowered, and he contended that there would

be the same piracy as before. He said, the question was not the amount of duty, but the expense of acquiring information. Why, was the right hon. Gentleman aware of the existence of evening papers in this country, and that those evening papers copied almost entirely their information from the morning papers? Those who now dealt illicitly, after the reduction of the duty would no longer have the sympathies of the whole country in their behalf. This was a question to which the House should give its best attention. They might enforce what stamp duty they pleased; but they would not be able to enforce it while the feelings and opinions of the people continued the same as at present. Many hon. Gentlemen, it appeared to him, supposed that those who were anxious for the abolition of the stamp duty on newspapers, were so because by that means they hoped they might be able with the greater facility to distribute political tracts amongst the people. Those who supposed so, did him and others very great injustice, for their object was not to circulate political tracts, not to circulate political opinions, but to circulate facts connected with knowledge. It was not to circulate the Whig, Radical, or Tory doctrines, but to put the people in possession of whatever occurred in that House, or in any other arena of politics. He believed that none had suffered more than hon. Gentlemen opposite from the ignorance of the people. Experience ought to have proved to them that it was not their interest to keep the people in darkness. The excitement of the people was owing frequently to the exaggerations of falsehoods, and which were only credible on account of the ignorance of the people. That ignorance was to be attributed to the people not having information afforded to them on cheaper terms. Now, when the people decided respecting the Reform question, there was a great deal of exaggeration prevailing as to the defects of the system. He granted it—it was quite true, that there was that exaggeration. One reason, for instance, for the people thinking that Reform was necessary was, that in one part of the country they believed that the Archbishop of Canterbury had 80,000*l.* a-year. In his own county it was believed that the Dowager of a Peer's family, who had not even received one farthing of the public money, had a pension of 12,000*l.* a-year. This was considered to be another reason for reform. These were the exaggerations that prevailed, and it was hon.

Gentlemen opposite who produced the state of things. Now he should say for himself and others, that Radicals or Reformers, or whatever else they might be, they knew the facts to be otherwise; they read the newspapers, and they knew how absurd such tales were. Those who opposed the circulation of cheap knowledge, acted most inconsistently; for they trusted the poor man with the franchise, and they would not give to him the knowledge of how he ought to exercise it. And yet they said those men were stupid, when their minds could be influenced and their actions decided by such arguments. Why, he said to such persons, "It is your own fault if they were wrong, and decided against you." He did not mean that hon. Gentlemen on the other side could gain much from the information of the people. They might depend upon it, that the power of public opinion would destroy all the abuses which those hon. Gentlemen sought to sustain. The question, then, was, whether these abuses should be removed by a well-instructed, moderate, and virtuous people; or whether they should be torn down by a fanatical and ill-instructed mob. The right hon. Gentleman stated, that newspapers were a mere luxury. He thought that when the right hon. Gentlemen said so, he connected them with all the agreeable associations connected with the breakfast-table. The question now he believed to be this—whether knowledge was a luxury or a necessary for the people? hon. Gentlemen opposite insisted it was a luxury; he, on the contrary, said there was nothing it was more necessary the people should have; and any Government would find to its cost how wrong it would act, when it sought to deprive the people of that knowledge which they deemed to be their dearest and most cherished acquisition. He wished now to say a few words upon another tax, between which and the stamp-tax there was a competition. He must say, that the right hon. Gentleman and other Members on that side of the House did him extreme injustice, if they supposed the right hon. the Chancellor of the Exchequer were about to take a portion from the soap tax that he should oppose that proposition. If that were the only question before the House he would vote for it; but the question was, which of the two taxes should be taken off? He never had been Chancellor of the Exchequer, and did not know how a gentleman in that situation felt. But, if he were

Chancellor of the Exchequer he should think that one great merit in a tax would be that he was able to get it. That single circumstance would be superior in his mind to many important questions. Another thing was, in which case was there the most smuggling? In which case would the alteration be the most beneficial? In the very first place, he did not see that there would be any great effect from the reduction of the soap duty. Taking the statement of the Chancellor of the Exchequer upon the Excise Report, it appeared that the number of pounds of soap used by each person was six and a half a year, so that the right hon. Gentleman's proposition to reduce the duty a-halfpenny a pound would be to give 3½d. a year to each individual in the country.

It was contended, however, that this reduction of one halfpenny would put down smuggling, though it appeared that the reduction of a penny halfpenny which had taken place already had not been successful in effecting that object. The reduction of this halfpenny, it was said, would effect wonders, which the reduction of the three halfpence had not been able to accomplish. "Take off this peculiar halfpenny," said the right hon. Gentleman opposite, in showman's phrase, "and you shall see what you shall see;" but, as he was not in the showman's box, he must be excused for not believing in the marvels. All that they had to judge of as to the effect of the reduction of three-halfpence which had already taken place—all they could judge of the effect of taking off the halfpenny—was by the words that had fallen from the right hon. Gentleman opposite. As it became expedient to turn out one Ministry or another some new plan was always proposed for the relief of the agricultural interest. They now proposed to take the tax off soap, but that would turn out for the benefit of the Russians. He supposed that Russia supplied one-third of the tallow that was consumed in this country, and that was always sufficient to regulate the market. Now if they took off this tax without imposing a tax on Russian tallow, they would be merely reducing the tax for the benefit of the Russians. He was told, upon good authority, that when the reduction on soap and candles took place, some time ago, the first evidence of the effect of it was in a letter from a Russian broker, advising his correspondent to keep back his tallow, for the effect of the reduction of the duty would be to cause a rise in the market. If a tax was to be taken off he

contended that it ought to be taken off for the benefit of the English agriculturist, and it should be taken off in such a way as that every class of agriculturists would have a participation in the advantage of the reduction. If the question was to be between the two classes of agriculturists, those who represented the tillage interest would have claims far beyond those who represented the pasture lands. He did not support the repeal of stamp duties from party or factious motives, but from a desire to promote morality and order amongst the people. Nothing was easier than to answer argument by laughter, and it was a species of discussion in which those on the opposite side were eminently felicitous. Let them come forward, and show that it was for the interest of a great nation like this to keep the people in ignorance, and, having shown this, then it would be incumbent on them to show how they could reverse the proceedings of past years, and again reduce the people to their former state of political thralldom.

Lord Sandon referred to the report of the Excise Commissioners respecting the reduction of the duty on soap, to show that it had not the effect ascribed to it by the hon. Member for Liskeard. In the course of the observations made by the right hon. the Chancellor of the Exchequer, not one word was said by that right hon. Gentleman of the manner in which his plan for equalising the duties on Irish newspapers was received, nor was the House told of the number of public meetings called in that country to exclaim against it. It was his opinion as to the soap duty, that its reduction would be beneficial to the country at large. By repealing that duty it would get rid of a great many vexatious Excise regulations. With respect to the press he felt bound to say this, that he was greatly surprised to hear the hon. and learned Gentleman say, that newspapers which were inferior in price to the English newspapers were superior to them in talent. One who had travelled recently in America did not concur with him in that opinion, for he declared that every vulgar fool who could call names, might set himself up as a newspaper editor:—"Our newspaper and periodical press is bad enough. Its sins against propriety cannot be justified, and ought not to be defended. But its violence is weakness, its liberty restraint, and even its atrocities are virtues, when compared with that system of brutal and

ferocious outrages which distinguishes the press in America. Newspapers are so cheap in the United States, that the generality even of the lowest order can afford to purchase them. They therefore depend for support on the most ignorant class of the people. Everything they contain must be accommodated to the taste and apprehension of men who labour daily for their bread, and are of course indifferent to refinement either of language or reasoning. With such readers, whoever 'peppers the highest is surest to please.' Strong words take place of strong arguments, and every vulgar booby who can call names and procure a set of types upon credit may set up as an editor, with a fair prospect of success. In England it is fortunately still different. Newspapers being expensive, the great body of their supporters are to be found among people of comparative wealth and intelligence, though they practically circulate among the poorer classes in abundance sufficient for all purposes of information. The public, whose taste they are obliged to consult, is, therefore, of a higher order; and the consequence of this arrangement is apparent in the vast superiority of talent they display, and in the wider range of knowledge and argument which they bring to bear on all questions of public interest. How long this may continue it is impossible to predict, but I trust the Chancellor of the Exchequer will weigh well the consequences before he ventures to take off, or even materially to diminish, the tax on newspapers. He may rely upon it, that bad as the state of the public press may be, it cannot be improved by any legislative measure. Remove the stamp duty, and the consequences will inevitably be, that there will be two sets of newspapers—one for the rich and educated, the other for the poor and ignorant. England, like America, will be inundated by productions, contemptible in point of talent, but not the less mischievous on that account. The check of enlightened opinion—the only efficient one—on the press will be annihilated, the standard of knowledge and morals will be lowered; and let it, above all, be remembered that this tax, if removed, can never after be imposed." Such was the testimony of the author of *Manners in America* as to the state of the American press, and no opinion would be more decisive. One argument used by the right hon. Gentleman for the

reduction of the newspaper stamp duties was, that the papers should be protected against smugglers. It was his opinion that the right hon. Gentleman would have to make the same struggle against the smuggler with the newspaper that cost 5*d.*, that he would have with a newspaper that cost 7*d.* This was, he considered, made as one of the many already made in the dangerous course of concession which Ministers were pursuing. The general feeling, he believed, was not at all so occupied upon this subject as some supposed it to be. It was like many others, in which petitions were procured, as they could be procured upon any other subject, they showed the anxiety of some individuals, but not the feelings of the people. He believed that the country would be more gratified if the manufacture of one of the first necessities of life were relieved, and the article itself could be procured at a cheaper rate. The manufacture of that article was now arrested by Excise regulations, and which regulations it was necessary to maintain against smugglers. The reduction of the duty would be followed by the removal of these oppressive Excise regulations, and the consequences would be, that they should not see the article sold at a cheaper rate, but the foundation would be laid for an export trade most advantageous to this country.

Mr. *Buckingham* observed, that a great portion of the crime which prevailed in the country originated in ignorance. The people had not information, and although they had a vast body of laws, the people were not informed of them. Another pregnant evil which resulted from the present system was, that it was in the beer-shop and the gin-shop only that the operative could obtain the perusal of a newspaper. With regard to the counter-proposition of the evening, he was not disposed to deny the advantages of having a cleanly population, but he thought it much more important that they should be instructed, for they would then soon find out the value of cleanliness themselves. As long as the present heavy tax was imposed upon newspapers, an enormous circulation was required before the publishers were repaid, and the consequence was, that they had to pander to all sorts of tastes in order to find sufficient readers; there was foreign news for one class, scandal for another, abuse for the third. The poorer classes of persons were per-

fectly astonished to see how the rich could tolerate the abuse and private scandal which loaded the periodical pages of the present day. With respect to the present proposal for the reduction of the newspaper stamp duty, he must be permitted to say, that for his own part he should rather prefer a graduated *ad valorem* duty, extending as low as a farthing on a penny paper, which of course should be proportionably smaller and lighter than one published at a shilling, and rated accordingly. Under such an arrangement as this, newspapers could be provided, adapted to the means of every class of society, and the postage would be paid upon them in proportion to their bulk and weight. Having thrown out this suggestion, he must admit, that under all circumstances, the proposition of the right hon. Chancellor of the Exchequer would, undoubtedly, lead to much good, and he should support it.

Mr. *Handley* wished to say a few words in explanation of the reasons which should induce him to vote against the proposition of the hon. Member for Northamptonshire (Sir C. Knightley). He begged to assure the Committee that he did not consider that proposition as conferring any boon upon the farmer, even if it were carried to the full extent recommended by that hon. Member. In saying this, he might, he thought, lay claim to sincerity, for he had always been a friend to the agricultural interest, and he had never allowed himself to be influenced by party or political considerations in delaying to bring forward any motion, which, in his opinion, would tend to its relief. Upon a former occasion the motion which he (Mr. Handley) had brought forward on this subject, was accompanied with a proposition for an increased duty on foreign tallow: but while it was his object, as he had frankly owned at the time, to confer relief upon the agricultural interest, he did not consider himself justified in taxing the whole community for the benefit of a particular interest without offering them some advantage as an equivalent: and he had therefore proposed the Repeal of the Soap Tax—a tax which he considered extremely objectionable. He was glad on that occasion, to hear his right hon. Friend, the Chancellor of the Exchequer, give him a promise that he would, as soon as possible, endeavour to relax those shackles, to which, of all manufacturers,

the soap manufacturer was peculiarly subjected. But the hon. Member for Northamptonshire appeared in his (Mr. Handley's) opinion, to have taken only, if he might use the expression, the husk of his (Mr. Handley's) proposition, and to have left the kernel behind: he had adopted that part of it only which offered compensation to the public for the relief to the agricultural interest contemplated by the other part of it, and then he called it "a boon to the farmer." Of the whole amount of tallow manufactured in this country, only 25,000 tons were used in the manufacture of soap. It might indeed be said, that the quantity would increase. It might be increased, but unquestionably not by the proposition of the hon. Member for Northamptonshire. He proposed to reduce the duty on hard soap to 1*d.*, and on soft soap to a 1½*d.* per lb. Did he not know, that into the composition of the latter description of soap, not one atom of tallow entered? Since the reduction effected by the right hon. Gentleman, the Chancellor of the Exchequer, in the duty on farm oils, they had formed the chief ingredient in the manufacture of the cheaper kind of soap. With reference to the tax upon newspapers, he (Mr. Handley) had unquestionably, upon a former occasion, said it was not the tax which he should have selected for reduction if the choice rested with him. He said so still. But, at the same time, he was bound to say, that his opinion on this point had been somewhat altered of late. The hon. Member for Northamptonshire had not shown that by reducing the duty on Soap, in the manner he proposed, he would remove any of those grievous restrictions of which the manufacturers of that article so much complained; and, on the whole, he (Mr. Handley) did not think, that for the sacrifice he proposed to make of the revenue, he had offered any equivalent either to the public or the Minister. He should vote for the original motion.

Mr. *Roebuck* rose, amidst loud cries of "Divide," "Divide," "Withdraw." The present question, said the hon. and learned Member, was not a question of revenue, but a question of party politics. It was a part of the politics of the party on the other side of the House to keep up that despotic rule, the fruits of which they had so long enjoyed. The party on his (the Ministerial) side of the House were anxious to free the people of this country from the

shackles which their ignorance had so long bound upon them. Gentlemen on the opposite side of the House did not care one farthing whether the revenue was diminished a few thousands or not; they only pretended to be the farmers' friend on this occasion, in order to keep up their influence over a certain class of the people, and at the same time to perpetuate the ignorance which had hitherto hung about them. An hon. Member on the opposite side of the House had said, there was no need to carry pernicious knowledge into the cottage. He (Mr. Roebuck) contended that knowledge could not be pernicious; he did not care what opinions might be circulated, if facts were also circulated. Gentlemen on the opposite side knew very well, that as soon as facts were generally and clearly understood, their power would be totally at an end. That was their object in coming forward on the present occasion, though masked under the paltry pretence of friendship to the farmer. The country was not to be deceived by such a shallow pretext, the only parties who were deceived were the hon. Gentlemen themselves, who fancied they could delude the people by such a proceeding. They however were easily seen through, added the hon. and learned Member. What was it pretended that the reduction of the duty on soap would do for the agriculturist? why simply by causing an increased demand for tallow, and consequently some increase in the demand for agricultural produce. But whom would this benefit, small as it was, go to?—not the agricultural labourer—not the farmer—but to the landowner, if to anybody. In opposing the reduction of the newspaper

x hon. Gentlemen on the opposite side had racked their brains for arguments, but why need they go to America, what had America to do with the case? He held, and he was prepared to show it by a comparison of the stamped newspapers with the unstamped, that the latter were the superior, both in respect of intelligence and of morality. Ay, superior—and he challenged hon. Gentlemen who cheered, to point out a single unstamped newspaper which contained a tenth of the scurrillity, the obscenity, and the downright immorality which was to be found in the stamped newspapers of the day. Had any hon. Member dared to bring down in his hand a copy of an unstamped newspaper to support their arguments as to the per-

nicious nature of its contents. No one had done so. On the other hand, he could refer them to an article in *The Times*, where it was stated, that a certain individual, whom it was pleased to style "the big beggarman," was going to be exhibited as a show. He should like to know, whether the hon. Gentlemen who cheered this did so to show their accordance in the sentiment which pervaded this article. He could go on with many instances of a like kind, but he need not trouble the House with them. The hon. Member for Finsbury had read a statement printed in reference to the late Mr. Ronayne, at which every one who heard it shuddered with horror and disgust. And yet people talked about deluging the country with the pernicious effusions of the press. What, deluge the country with *John Bulls* and *Ages* and other papers of the kind, taken exclusively by the higher and richer classes. Hon. Gentlemen might cry "Oh, oh!" as their only reply to his assertion—"oh, oh!" was very easily said, but he repeated it, and he challenged a denial of his assertion, that the higher classes delighted in printed obscenity—delighted also in scandal and personal abuse. They would not find these in the papers circulated in the pot-house; there was no filthy obscenity, no disgusting personal scandal in these, it was in the rich man's paper, in the parson's paper, in *The Age* and *The John Bull*, and these were the papers which pandered to the morbid appetites of the wealthier classes. They paid their sevenpence for it, and they wished to have a monopoly of it, and he was quite willing to allow them; and sure he was, that if the stamp duty were taken off newspapers to-morrow, there would be no increase in the obscenity circulated by means of the press. On the contrary, he maintained that the voice of the great body of the people would bear down the obscenity which already existed in it, and that the aristocracy would at last be ashamed to foster and encourage it. Again he denied the assertion, and he challenged hon. Members who put it forward to prove it, that immorality would be increased by throwing open the newspaper press; unless indeed it were immorality in their eyes to teach the people to understand their rights, to stand up for what they ought to demand, and to put down the aristocratical domination under which they had too long laboured.

Mr. *Kearsley* begged to assure the hon. and learned Member for Bath, that he was not one of those who cried out "oh!" during the speech of the hon. and learned Member. He (Mr. *Kearsley*) had really never noted anything that had fallen from the hon. and learned Member; he had never condescended to do so. He would, however, ask the noble Lord, the Home Secretary, and the right hon. the Chancellor of the Exchequer, with what pleasure they had just listened to the disgusting speech of the hon. and learned Member for Bath.

The *Chairman* (Mr. Bernal) was quite sure the hon. Member could not be aware of the word which had just fallen from him.

Mr. *Kearsley*: Sir, I am quite aware that I might have used language stronger than the circumstances required. I admit that the language was strong; but I must say, that a more disgusting speech I never heard.

The *Chairman*: I am really very sorry to call the hon. Member's attention again to the words which he made use of, but I must beg to repeat it, and in doing so I am in the hands of the Committee, to be corrected if I am wrong, that the language which fell from the hon. Member was such as was never permitted to be used in this House.

Mr. *Kearsley*: I am very sorry that the hon. Member for Bath having charged me with what is not true, I cannot characterize his speech by other terms. ["*Order! Chair!*"]

Mr. *Roebuck*: I trust the House will permit the debate to proceed, and make allowance for what must be looked upon as an infirmity of the hon. Member opposite.

Mr. *Paul Methuen*: I think it is due not only to this House but to the country, that the Chairman should declare whether the language of the hon. Gentleman opposite (Mr. *Kearsley*) is such as should be addressed to this House, or such as it is becoming in us to hear, without reprehension. I come here to do my duty to my constituents, and not for the purpose of listening to language which is unbecoming the dignity of this House.

Mr. *Kearsley*: Sir, when the hon. Member for North Wiltshire (Mr. *Paul Methuen*) thinks proper so precipitately to interrupt me, I am tempted to exclaim, "Paul! Paul! why persecutest thou me?" [The hon. Member left his seat, and walked

down to the floor of the House, where, after bowing twice, he made two efforts to retire, but being stopped at the bar, returned to his place.]

Mr. *Walter* felt it his duty to address the House on a subject upon which he could give some practical information.

Mr. *Hume*: I rise to order, Sir. I wish to ask you, Sir, as Chairman, whether the proceedings of this House are to be conducted in the disorderly manner in which they have been this evening. Again, Sir, as our Chairman, you have declared, (and we are prepared to support you in the opinion,) that the words used by the hon. Member for Wigan, are unbecoming of him in his present situation. The only course left you, then, Sir, as Chairman, is I apprehend, to call upon the hon. Member to retract the words; and in case of his refusing to do so, I think that you are called upon to put in force the authority vested in you as Chairman. I think a further apology is due from the hon. Member for his conduct as it regards the House; for since I have had a seat in Parliament I have never seen an hon. Member leave his place, and behave in the manner which the hon. Member has behaved this night. Sir, it is the duty of the Chairman, for the sake of preserving the dignity of our proceedings, to call upon the hon. Member to make that apology which, in my opinion, he is bound to give.

The *Chairman*: In answer to the appeal which has been made to me, I beg to observe, that the Chairman of a Committee has, when called upon, but one course to pursue with reference to such a question as the present, and that is, when an hon. Member misconducts or misbehaves himself, the Chairman is imperatively bound by his duty, if the hon. Member refuses to offer any explanation of, or apology for his conduct, to report the matter to the Speaker for the exercise of his superior authority. I hope I shall never be found wanting in the performance of that duty whenever I see the necessity of applying for the superior jurisdiction of the Speaker.

Mr. *H. Bulwer*: I think, Sir, under the circumstances of the present case, you are called upon to exert that authority which you possess of reporting these proceedings to the Speaker.

Mr. *Hume*: I move, Sir, that you report progress, and ask leave to sit again.

The *Chairman*: as the hon. Member for Middlesex has moved that I should report progress, and as he has made as the

ground of his motion, a complaint against an hon. Member, perhaps, he will be good enough to state specifically what it is.

Mr. *Hume*: I have no hesitation in saying, that my complaint refers to the observations which the hon. Member made use of with respect to my hon. Friend, the Member for Bath, and which you yourself strongly reprobated. I did not hear what the hon. Member said before he uttered the objectionable expression to which I refer; but I did hear him make use of the phrase "disgusting speech," as applied to the address of my hon. Friend. Every hon. Member near me can, I believe, say that he also heard it, and will further support me, I am sure, in the assertion, that the conduct of the hon. Member, in leaving his seat and coming to the floor of the House, and, in fact, behaving himself in a manner in which I have never yet seen any hon. Member behave in this House, calls for some apology.

The *Chancellor of the Exchequer*: I am sure, Sir, there must be but one feeling pervade all the Members of this House with regard to the mode of our conducting our discussions, and that is, that unless our opinions and views are expressed in proper and decorous language, we shall not only lose the respect of society at large, but a considerable interruption will also be afforded to the course of public business. The occurrence which has taken place stands thus: an observation has been made by the hon. Member for Wigan, and it is to him that I wish particularly to address myself, in reply to the speech delivered by the hon. Member for Bath, which was such as to call down upon him, in my mind justly, (and I believe in the opinion of the majority justly also,) your censure, Sir, and your statement, that his observation was unparliamentary and unbecoming. Undoubtedly, then, the only course left you, is to bring it under the consideration of the Speaker; that is, if you be driven to such an alternative. But when the hon. Gentleman opposite has heard from the Chairman of the Committee the contradicted opinion, which I may, therefore, take to be the opinion of the whole Committee, that his proceedings and observations have been unparliamentary, and open to your censure, Sir, I do trust the hon. Gentleman will do that which will save the House all further trouble on this question, that which I venture to say he will himself feel it his duty to do—namely, by submitting to the expressed

authority of the Chairman, to whom we are all bound to submit, and withdrawing the expression which he has used. I do hope that the excitement into which the hon. Member may have been betrayed by the previous course of the debate, will induce him to apologise to the Committee for any expressions which he might have used, and for the inadvertent and irregular proceedings into which he may have been led. Our course is a clear one; but I appeal to the hon. Member whether he will impose on the House the necessity of adopting it.

Mr. *Kearsley* said, if the expression which I used is not agreeable to the taste of the Committee, I beg leave to withdraw it. But I presume, Sir, I have a right to say, that I heard that speech with disgust.

The *Chairman*: Really, I must say that the repetition of these terms is a further trespass on the decorum which should be observed in the proceedings of this House.

Mr. *Kearsley*—Sir, all I can say is, that as I can't swim in the same water with the hon. Gentlemen opposite, they may construe the expression as they please.

Lord *Ebrington* rose, and said: The apology which the hon. Member has given is not one such as I conceive is due to the House, after the manner in which the decorum of its proceedings has been infringed upon. I must, therefore, Sir, unless the hon. Gentleman thinks proper to make a more satisfactory apology to the Committee, beg leave to move that you report progress, and report this matter to the Speaker.

Lord *J. Russell*: As the noble Lord, the Member for North Devonshire, has moved that the Chairman report progress, and that the expressions used by the hon. Member be reported to the House, I wish to state what was the manner in which I conceive the hon. Member received the opinion expressed by the Chairman. I understood him to have said, that he withdrew entirely the expression which was complained of. I must say, however, likewise, that I don't think it was mentioned by the Chairman that the conduct of the hon. Member, after what he said to the hon. Member for North Wiltshire, was disrespectful to the House. But the hon. Member so immediately withdrew the expression which has been complained of, that I should suppose he will not hesitate to express his regret if his conduct should be considered disrespectful to the House. I am sure it will be more satisfactory to the whole House, if the hon. Member will take some means of

that kind for explaining his conduct, than that so unpleasant a subject should be referred for decision to the Speaker.

Mr. *Kearsley* : I am extremely sorry if I have done anything unpleasant to the Committee, and I beg leave to withdraw the expression which I made. But when the hon. Member for North Wiltshire cries out at my mode of walking over the floor—I beg to assure the House again, that I had not the least possible intention of giving offence by my conduct on this occasion.

Mr. *Waller* said, that having, from former engagements, some practical knowledge upon the subject under discussion, he felt it his duty to give an opinion to the House. First, however, he might be excused for saying a word or two with reference to those classes of the people who were said to be the most interested in the decision of the House. With respect to those classes—namely, the working classes—he would not yield to any one in feeling for their interests, and in endeavours to support their rights and ameliorate their condition ; and if, on the present occasion, he might be thought to vote against them, he was sure it would be found in the result that his vote and opinion were not given against them, but against those who were endeavouring to mislead them. With respect to the removal of taxes generally, if the right hon. Gentleman who presided over the finances of the country could spare any one or more of the taxes, he thought he would better look to those which pressed upon the comforts and necessities of the people, rather than one which was said to press upon their knowledge. This, also, was very clear, that if they were disposed to give the people more political knowledge, they must also give them more time ; that is, they must to a degree exempt them from their daily avocations to read the daily press, as well as to put the productions into their hands. If he might be allowed to give his opinion, the cry that had been set up on this subject by no means merited that attention which had been paid to it. Petitions for the total repeal of what were called taxes on knowledge had been profusely transmitted to the country for signature, by societies in London ; but in the county which he had the honour to represent they were utterly disregarded. He recollected hearing a plan of Lord Althorp's when he was finance Minister, which it appeared might be practically useful to the public, without being very

detrimental to the Exchequer, and he thought that that plan ought to have been adopted in preference to the present plan of his Lordship's successor. But if he had had any doubt whatever upon the question, that doubt would have been removed by the Chancellor of the Exchequer's speech upon this subject. The right hon. Gentleman had told them frankly, that he repealed or gave up the greatest portion of this tax because he was unable to collect it. It was not, therefore, now so much matter of debate in that House whether the stamp duty upon newspapers should be partially repealed, as who was to repeal it—they, the Representatives of the people, by whom all taxes had been hitherto imposed and repealed ; or a blind authority existing they knew not where—a secret junta, who had been long encouraging the people to set the Government and laws at defiance. As to there being no means of stopping the audacious career of the vendors of unstamped publications, what was that but saying there was no Government capable of fulfilling its duty, which duty it was to render the law supreme, and to punish its violation ? If the contempt of the laws had been such as the right hon. Gentleman represented, the criminality of such contempt rested with the Administration of the country. If the Administration had had any head—if it had been anything but a Government of departments without head—such head or chief ought, on an occasion like that described, to have sent for his Majesty's law officers and the Chief Commissioner of Stamps, and said—Put a stop to these violations of the law, or quit your situations, of which you are incompetent to discharge the hitherto acknowledged constitutional functions. He again said, that he thought the plan suggested four or five years ago of a moderate reduction of duty ought to have taken place ; but for the Chancellor of the Exchequer to talk of a diminution now, when the law was trampled under foot, what was it but exciting the people by success to violate every other law which held the Monarchy together ? He would further beg leave to inquire what the right hon. Gentleman proposed to gain by thus making the law succumb to its violators ? Would he satisfy them by reducing the tax to 1d. ? He held in his hand a journal which represented their opinions, and therein he found an advertisement, from which he should read an extract :—“ It is now nearly six years since a few persons, desirous of instructing their brethren

ren, resolutely determined to break through such infamous and unjust laws, by publishing unstamped newspapers and periodicals. They have for this period been at war with powerful opponents, and their liberties, persons, and property have suffered much in the conflict. They have, however, succeeded in awakening the public voice in favour of cheap political knowledge and a free unstamped press. But, notwithstanding the numerous petitions that have been presented to Parliament on the subject, together with the strong manifestations of public opinion otherwise expressed, either through the intrigues of stamped newspaper monopolists, or the desire of Government to perpetuate ignorance, those odious laws are still continued. They now, however, having failed to crush the unstamped, seek jesuitically to undermine it. It is reported they now intend to retain a penny tax, and to enact more severe laws against the unstamped; this will only strengthen the monopoly of the press—make it, if possible, more servile and corrupt, and throw us more at the mercy of tyrants, by preventing us from reading or receiving any knowledge but such as the monopolists and Government choose. It then becomes your imperative duty to speak out for the total abolition of the tax, by rallying round the unstamped, before your principal channels of information be effectually cut off." This advertisement was signed by a Mr. Lovett, the secretary, and Dr. Birkbeck and Mr. Place, the treasurers of the society. This was the class of people whom the right hon. Gentleman sought to conciliate; and this was the degree to which he would conciliate them, that they were already become ten times more furious against the remaining penny than they were against the whole tax; and in this manner would his hands be strengthened to collect the penny, when he had shown the violators of the law that they had already forced him to give up the larger sum. He could tell the right hon. Gentleman, upon every principle of common sense, that by confessing himself unable to collect one portion of the tax, he had confessed himself unable to collect the last remaining portion. With respect to the details of the question, it might perhaps be difficult to weigh the motives which induced the Government to measure out its portion of knowledge to the country by inches—which inches came so limited in number as just to let out some papers into free circulation, and to confine others

at the barrier. The right hon. Gentleman had no doubt been obliged to widen his bounds, but he still adhered to the principle of measurement and limitation. He hoped the House would not think he was speaking for individuals only; he was contending for the principles of a free trade. Let hon. and intelligent Gentlemen consider, that in all cases an expensive machinery must be got together and established, on the just expectation, without which no enterprise could be entered upon, that the owners should be allowed to conduct their business in the way which their ingenuity might suggest and their funds supply the means; but here the Legislature suddenly stepped in, and rendered their efforts unavailing, by an unforeseen change in those fundamental rules, according to which their business had been conducted, and this under the affectation of liberality. Now, surely, the greatest liberality to the public would be, to interfere as little as possible with the internal workings of trade, to leave its operations unfettered, and, except everything was to be beaten down to the dead level of mediocrity, to suffer talent, and energy, and industry, to work their natural way. As to the pretence that a larger paper ought to pay an additional postage, and that the right hon. Gentleman imposed the additional tax on that account—this would have some weight if the paper were printed solely for the purpose of being transmitted by the post; but why tax the whole of the circulation, if but a part, and that a very small part, was sent into the country; and even of that small part, by far the greater portion was transmitted by the morning coaches, and not by the post? If he meant to tax for postage, let him tax at the Post-office; let him not tax that which never saw the post. He confessed that the comparison which the right hon. Gentleman had made of a public journal with any article capable of being smuggled, struck him as a very singular one. Upon the latter class of articles, such as tea and spirits for example, no doubt the higher the duty the greater was the temptation to import or fabricate the article secretly; but how was that to be done with a newspaper, the sole use and object of which was to be in the hands of all, friends or foes, and which bore upon the face of it, by the absence or presence of a stamp, the testimony whether it was legal or the contrary? The right hon. Gentleman, too, had spoken of monopolies; he probably best knew what the meaning of that word originally was,

and what, in common sense, must continue to be its meaning. Monopoly was a privilege granted exclusively by the Crown for particular persons or bodies to work one specific business, or deal in one specific article, and all others were prohibited from infringing upon this privilege. Now, was the trade of newspapers thus guarded? Were others besides those who had the chief business in this particular branch prohibited from entering into the same? If by the word monopolists was meant a class of persons who, through particular industry, talent, and attention to business, had risen to distinction in their peculiar profession, while that profession remained, and always had remained, open to all; and if it were meant, further, that that class of industrious and intelligent people, who by these qualities alone had had success, were now to be assailed, and if possible crushed, then he said, that instead of destroying a monopoly or monopolists, they would destroy or impair the fairest incitements to industry and exertion in the country; they would ruin, as far as in them lay, the hopes of the fair tradesman, and invade property in an unjustifiable and unprecedented manner. He begged leave, in conclusion, to state, that personally he was perfectly indifferent as to whatever course the right hon. Gentleman might adopt.

The Committee divided on the original question: Ayes 241; Noes 208;—Majority 33.

List of the AYES.—Not Official.

Adam, Sir Charles	Blunt, Sir Charles
Aglionby, Henry A.	Bodkin, John James
Ainsworth, Peter	Bowes, John
Andover, Lord Visct.	Bowring, Dr.
Angerstein, John	Brabazon, Sir Wm.
Anson, hon. Colonel	Brady, Dennis C.
Attwood, Thomas	Bridgeman, Hewitt
Bagshaw, John	Brocklehurst, John
Baines, Edward	Brodie, William B.
Baldwin, Dr.	Brotherton, Joseph
Ball, Nicholas	Browne, Robt. Dillon
Bannerman, Alex.	Buckingham, J. S.
Barclay, David	Buller, Charles
Baring, F. Thornhill	Buller, Edward
Baring, Francis	Bulwer, H. L.
Barnard, Ed. George	Bulwer, E. L.
Barron, Henry W.	Burdon, W. W.
Barry, G. Standish	Burton, Henry
Beauclerk, Major	Butler, hon. Pierce
Bellew, Richard M.	Buxton, T. F.
Bentinck, Lord Wm.	Byng, George
Bewes, Thomas	Callaghan, Daniel
Biddulph, Robert	Campbell, Sir John
Blackburn, J.	Cave, Robert Otway
Blake, M. Joseph	Cavendish, hon. G. H.
Blamire, William	Cayley, Edward S.

Chalmers, Patrick	Hume, Joseph
Chapman, Lowther	Humphery, John
Chetwynde, Captain	Hurst, Robert H.
Chichester, J. P. B.	Hutt, William
Childers, John W.	Ingham, Robert
Clay, William	Jephson, Chas. D. O.
Clements, Lord Visct.	Jervis, John
Clive, Edward B.	Johnstone, Sir John
Cockerell, Sir Charles	Johnston, Andrew
Codrington, Admiral	Kerrison, Sir Edwd.
Colborne, N. W. R.	King, Edwd. Bolton
Collier, John	Labouchere, rt. hon.
Conyngham, Lord A.	Henry
Cookes, Thomas H.	Laugton, Wm. Gore
Crawford, Wm. S.	Leader, John Temple
Crawford, William	Lefevre, Chas. Shaw
Crompton, Samuel	Lemon, Sir Charles
Curteis, Herbert B.	Lennard, Thomas B.
Curteis, Edward B.	Lennox, Lord George
Dalmeny, Lord	Lenuox, Lord A.
Dennison, J. Evelyn	Lister, Ellis Cunliffe
Donkin, Sir Rufane	Loch, James
Duncombe, Thomas	Lushington, Dr.
Dundas, hon. J. C.	Lushington, Charles
Dundas, hon. T.	Lynch, Andrew H.
Dundas, J. Deanes	Mackenzie, Stewart
Dunlop, John	Mangles, James
Ebrington, Lord Vis.	Marshall, William
Elphinstone, Howard	Marsland, Henry
Evans, George	Maul, hon. Fox
Ewart, William	Methuen, Paul
Fazakerley, John N.	Molesworth, Sir Wm.
Ferguson, Sir R.	Morpeth, Lord Visct.
Fergusson, Robert	Morrison, James
Fergusson, rt. hon. R.C.	Mostyn, hon. Edward
Fielden, John	Mullins, Fred. Wm.
Fitzroy, Lord Charles	Murray, right hon.
Fitzsimon, Chris.	John A.
Fitzsimon, Nicholas	Musgrave, Sir Richd.
Fort, John	Nagle, Sir Richd.
French, Fitzstephen	O'Brien, Cornelius
Gaskell, Daniel	O'Brien, W. Smith
Gordon, Robert	O'Connell, Daniel
Grattan, James	O'Connell, John
Grattan, Henry	O'Connell, M. J.
Grey, Sir George	O'Connell, Morgan
Grosvenor, Lord R.	O'Connor, Don
Grote, George	O'Ferral, Rich. More
Guest, Josiah John	Oliphant, Lawrence
Gully, John	O'Loghlen, Michael
Hall, Benjamin	Oswald, James
Harland, William C.	Paget, Frederick
Hawes, Benjamin	Palmer, General
Hawkins, John H.	Palmerston, Viscount
Hay, Sir Andrew L.	Parker, John
Hector, C. J.	Parnell, right hon.
Hindley, Charles	Sir Henry
Hobhouse, rt. hon. Sir	Parrott, Jasper
John	Pattison, James
Hodges, Thomas L.	Pease, Joseph
Hodges, T. Twisden	Pechell, Captain
Holland, Edward	Pelham, hon. C. A.
Horsman, Edward	Pendarves, E. W. W.
Howard, Ralph	Phillips, Mark
Howard, hon. Edw.	Phillips, C. March
Howard, Philip H.	Potter, Richard
Howick, Lord Visct.	Poulter, John Sayer

Poyntz, Wm. Stephen
 Pryme, George
 Ramsbottom, John
 Rice, rt. hon. T. S.
 Rippon, Cuthbert
 Robinson, George R.
 Roche, Wm.
 Roche, David
 Roebuck, John A.
 Rundle, John
 Russell, Lord John
 Russell, Lord
 Ruthven, Edward
 Sanford, Edward A.
 Scholefield, Joshua
 Scott, Sir Edward D.
 Seale, Colonel
 Seymour, Lord
 Sharpe, General
 Sheil, Richard
 Smith, John Abel
 Smith, R. Vernon
 Smith, Benjamin
 Steuart, Robert
 Strutt, Edward
 Stuart, Lord James
 Stuart, Villiers
 Surrey, Earl of
 Talbot, J. Hyacinth
 Talfourd, Mr. Serg.
 Tancred, Henry W.
 Thomson, right. hon.
 C. P.
 Thompson, Paul B.
 Thomson, Mr. Ald.

Thompson, Colonel
 Thornely, Thomas
 Tooke, William
 Townley, Richard G.
 Trelawney, Sir W.
 Tulk, Charles A.
 Verney, Sir Harry
 Vernon, G. H.
 Villiers, Charles P.
 Vivian, John Henry
 Wakley, Thomas
 Walker, Richard
 Wallace, Robert
 Warburton, Henry
 Ward, Henry George
 Wason, Rigby
 Wemyss, Captain
 Westenra, hon. H. R.
 Westenra, hon. J. C.
 Wilde, Mr. Sergeant
 Wilkins, Walter
 Williams, William
 Williams, W. Addams
 Williams, Sir J.
 Winnington, H. J.
 Wood, Charles
 Wood, Alderman
 Woulfe, Mr. Sergeant
 Wrightson, W. B.
 Wrottesley, Sir John
 Wyse, Thomas
 Young, George Fred.

TELLER.

Stanley, Edward John

The several resolutions were agreed to, and the House resumed.

EXCISE LICENCES (IRELAND.)] On the motion of Lord *Morpeth* the Excise Licences (Ireland) Bill was read a third time.

Mr. *Shaw* then moved, by way of rider, a clause to prohibit grocers from selling spirits by retail for consumption on their premises; but to enable them to sell spirits in quantities exceeding two quarts, to be consumed elsewhere.

Agreed to, and clause added.

Mr. *Shaw* moved a proviso to the 3rd Clause, to prevent retailers from selling spirits on Sundays.

Lord *Morpeth* saw no reason for departing from the understanding already announced, and should therefore oppose the motion. He feared it was out of the power of Parliament to prevent the drinking of spirits on Sundays; and the consequences of prohibiting the sale of the article at houses over which the magistrates had control, would be to send the consumer to much worse places.

The House divided on the proviso—
 Ayes 88; Noes 149—Majority 61.

Proviso negatived. Bill passed.

List of the AYES.

Agnew, Sir A.	Hughes, W. H.
Alsager, Captain	Inglis, Sir R. H.
Arbuthnot, hon. H.	Irton, S.
Archdall, M.	Jones, W.
Ashley, Lord	Knight, H. G.
Attwood, M.	Lefroy, A.
Bagot, hon. W.	Lefroy, rt. hon. T.
Balfour, T.	Lincoln, Earl of
Bateson, Sir R.	Lushington, rt. hon. S.R.
Bethell, R.	Mackinnon, W. A.
Blackburne, I.	Maclean, D.
Brotherton J.	Neeld, Joseph
Brownrigg, S.	Neeld, J.
Bruen, Colonel	Nicholl, Dr.
Bruen, F.	Packe, C. W.
Buckingham, J. S.	Palmer, G.
Calcraft, J. H.	Pease, J.
Cavendish, hon. G. H.	Peel, rt. hon. Sir R.
Chisholm, A. W.	Pigot, R.
Clerk, Sir G.	Plumptre, J. P.
Corry, right hon. H.	Præd, W. M.
Duffield, T.	Pringle, A.
Dunlop, J.	Rae, rt. hon. Sir W.
Egerton, W. T.	Ross, C.
Egerton, Lord F.	Rushbrooke, Col.
Elley, Sir J.	Scarlett, hon. R.
Estcourt, T.	Sheppard, T.
Estcourt, T.	Sibthorp, Colonel
Fleetwood, P. H.	Smyth, Sir H.
Forbes, W.	Stanley, Lord
Forster, C. S.	Sturt, H. C.
Gaskell, James Milnes	Tooke, W.
Gladstone, Thos.	Trevor, hon. A.
Goulburn, rt. hon. H.	Trevor, hon. G. R.
Goulburn, Mr. Sergeant	Vere, Sir C. B.
Graham, rt. hon. Sir J.	Vesey, hon. T.
Hale, R. B.	Vivian, J. E.
Halse, J.	West, J. B.
Hamilton, G. A.	Wilbraham, hon. B.
Hardy, J.	Young, G. F.
Hawkes, T.	Young, Sir W.
Hay, Sir J.	TELLERS.
Herries, rt. hon. J. C.	Plunkett, Mr.
Hope, J.	Shaw, Mr. F.

List of the NOES.

Adam, Sir C.	Bodkin, J. J.
Aghionby, H. A.	Bowes, J.
Ainsworth, P.	Bowring, Dr.
Alston, R.	Brady, D. C.
Angerstein, J.	Bridgeman, H.
Baldwin, Dr.	Brodie, W. B.
Ball, N.	Buller, C.
Bannerman, A.	Bulwer, H. L.
Baring, F. Thornhill.	Byng, G.
Barron, H. W.	Callaghan, D.
Bellew, R. M.	Chalmers, P.
Berkeley, hon. F.	Chapman, L.
Bernal, R.	Childers, J. W.
Bewes, T.	Clive, E. B.
Blackburne, J.	Codrington, Admiral
Blake, M. J.	Colborne, N. W. R.
Blamire, W.	Collier, J.
Blunt, Sir C.	Crawford, W. S.

Curteis, H. B.	O'Connell, M.
Dalmeny, Lord	Oliphant, L.
Denison, J. E.	O'Loghlin, M.
Dillwyn, L. W.	Oswald, J.
Dunbar, G.	Paget, F.
Dundas, hon. T.	Palmerston, Lord Vis.
Dundas, J. Deans	Parker, J.
Elphinstone, H.	Parnell, rt. hn. Sir H.
Elwes, J. P.	Pattison, J.
Evans, G.	Pechell, Capt.
Fergusson, rt. hn. R. C.	Philips, Mark
Fielden, J.	Phillips, C. M.
Fitzroy, Lord C.	Potter, R.
Fitzsimon, N.	Poyntz, W. S.
Gaskell, D.	Pryme, G.
Gordon, R.	Ramsbottom, J.
Grattan, J.	Rice, rt. hon. T. S.
Grattan, H.	Robarts, A. W.
Grey, Sir G.	Roche, D.
Hall, B.	Roebuck, J. A.
Handley, H.	Rundle, J.
Harland, W. C.	Russell, Lord J.
Hawkins, J. H.	Ruthven, E.
Hay, Sir A. L.	Scott, Sir E. D.
Hayes, Sir E. S.	Scott, J. W.
Hector, C. J.	Sheil, R. L.
Henniker, Lord	Smith, R. V.
Hodges, T. L.	Stanley, E. J.
Horsman, E.	Strutt, E.
Howard, P. H.	Stuart, Lord Dudley
Hume, J.	Stuart, Lord J.
Hurst, R. H.	Talbot, C. R. Mansell
Hutt, W.	Talbot, J. H.
Jephson, C. D. O.	Thomson, rt. hn. C. P.
Jervis, J.	Thompson, Col.
Labouchere, rt. hn. H.	Thornely, T.
Leader, J. T.	Townley, R. G.
Lee, J. L.	Trelawney, Sir W.
Lees, J. F.	Wakley, T.
Lefevre, C. S.	Wallace, R.
Lemon, Sir C.	Warburton, H.
Lennox, Lord George	Ward, H. G.
Lennox, Lord A.	Wason, R.
Loch, J.	Wemyss, Captain
Mackenzie, S.	Westenra, hon. H. R.
M'Namara, Major	Wigney, I. N.
Mangles, J.	Wilbraham, G.
Marshall, W.	Wilde, Mr. Sergeant
Maule, hon. F.	Williams, W.
Molesworth, Sir W.	Williams, Sir J.
Morpeth, Lord Vis.	Wood, C.
Mostyn, hon. E.	Wood, Mr. Alderman
Mullins, F. W.	Wrightson, W. B.
Murray, rt. hon. J. A.	Wyse, T.
O'Brien, C.	
O'Brien, W. S.	
O'Connell, D.	
O'Connell, M. J.	

TELLERS.

O'Ferrall, M.
Steuart, R.

HOUSE OF LORDS,

Tuesday, June 21, 1836.

MINUTES.] Bills. Received the Royal Assent:—Bishopric of Durham; Ecclesiastical Leases; Postage Duties; Insolvent Debtors' (Ireland); London and Dover; Eastern Railway and Salmon Fisheries.—Read a first time:—Church Discipline.—Read a second time:—Sale of Bread. Read a third time:—Bankrupts' Funds.

Petitions presented. By the Earl of HADDINGTON, from the University of St. Andrew's, against the Universities' (Scotland) Bill.—By the Earl of MANAFIELD, from Ipswich, against Attacks on the House of Lords.—By Lord DUNNAN, from Stockport, in favour of Mr. BUCKINGHAM'S Claims.

HOUSE OF COMMONS,

Tuesday, June 21, 1836.

MINUTES.] Bills. Read a first time:—Insolvent Debtors' Bill.

Petitions presented. By Dr. BOWRING, from Kilmarnock, for a Reform in the House of Lords.—By several Hon. MEMBERS, from various Places, praying the House to adhere to the Irish Municipal Reform Bill, as originally passed by them.—By Dr. BOWRING, from Kilmarnock; and by the ATTORNEY-GENERAL, from Rate-payers of Edinburgh, against the Municipal Corporations' (Scotland) Bill.—By Mr. S. CRAWFORD, from Dromin and Richardstown, for Abolition of Tithes, and to adhere to Municipal Reform Bill (Ireland) as originally passed by them.—By Lord HENRIKSEN, from Suffolk, for Amendment of Poor-Law Amendment Act.—By the ATTORNEY-GENERAL, from Huntly, in favour of Royal Burghs (Scotland) Bill.

MEDICAL PRACTITIONERS—POOR-LAW BILL.] Mr. Wakley presented a petition, signed by forty medical practitioners, complaining of the contracts entered into for attending the poor-houses in the neighbourhood of Gloucester. The petitioners alleged, that instead of the practice being beneficial, it was attended with the most ruinous and cruel consequences to the poor, who were farmed out to the lowest bidder. The hon. Member stated, that when the subject was brought before the House, he would take the opportunity to express his sentiments on the abominable system, and he trusted that hon. Members would express themselves in such terms as would tend to its total abolition.

Mr. Hume hoped his hon. Friend would abstain from further observations at present, and that when the Poor-law Amendment Bill was brought before the House to have some defects in it corrected, that the hon. Member would not lose sight of the subject of which the petitioners complained. The system of farming, every one must admit, was highly objectionable, and required to be done away with; but the time to animadvert on it was, when it came in a substantial form before them.

Mr. Wakley was desirous of stating one fact of a particular nature.

The Speaker: I call the attention of the hon. Member to the fact, that he has already declared that this matter will be brought under the consideration of the House in a substantive form. Now, if the hon. Gentleman is about to enter into a statement of facts, it is to be presumed that other hon. Members may wish to address the House upon those facts; and that the

House will thus be involved in a protracted discussion, which can only tend to delay the progress of business.

Mr. *Wakley* was desirous of knowing by what rule the presentation of petitions to that House was regulated. It was only a few evenings ago that a petition was presented by an hon. Member from three officers of the East-India Company, praying for compensation, which led to a debate of an hour's duration, and he (Mr. *Wakley*) was prevented from mentioning a particular fact that would scarcely occupy a minute.

The *Speaker*: The hon. Member must be perfectly aware that the petition to which he has alluded, which was presented by the hon. Member for Tynemouth, had immediate relation to a case of personal feelings and supposed injury. The hon. Member for Finsbury will find, moreover, that in that instance, the hon. Gentleman who presented the petition gave a previous notice of his intention to do so; and thus the matter was brought before the House. The hon. Member for Finsbury has stated, that this subject will be brought before the House; and I again say, if he is about to state a variety of facts, then all other Members who may wish to take part in this discussion, will be at liberty to do so, to the great inconvenience of others who are waiting to present petitions:

Petition to lie on the table.

POOR AND CORN LAWS.] Colonel *Thompson* presented a petition from the Radical Association of Hull, signed by 1,400 persons, complaining of the Poor-law Bill and the Corn-laws, and of the burthens thrown on the industrious and poorer classes, who were taxed for the little luxuries they could consume, twenty times more than the rich. On the last point he should be glad to accede to an arithmetical correction; for after having paid considerable attention to the subject, he was unable to state any instance in which the disproportion between the poor and rich was more than twelve to one. They prayed also for the repeal of those clauses in the Poor-law Act that pressed harshly on the poor—that one-third of the tithes should be appropriated to their support, and that those charitable bequests which had been hitherto roguishly absorbed by the clerical and lay aristocracy, should be appropriated to their proper uses. The hon. Member said, that the petition was certainly expressed in strong language, and the warmth which animated the petitioners had induced them to use one word, for

which, if he had been consulted as a critic, he should certainly have recommended the substitution of one less cacophonous.

The *Speaker*: The hon. Member, in presenting this petition, did state, and he stated it most correctly, that there were expressions in it which were exceptionable. The House, I am sure, is, and ever has been, at all times most ready to receive petitions from any quarter; but it is, I contend, a very grave question for the House to consider, whether they will receive a petition which contains a charge of so gross a nature against any class in the country. I am sure, however, that on reflection the hon. Member will himself see that the House cannot, consistently with a sense of its own dignity, allow language to be addressed to any body of persons, which it would not allow to be addressed to itself.

Colonel *Thompson* said, there were two points which he conceived to be of duty. One was, that he should submit the petition of his constituents; the other that he should not disguise from the House the strength of any of its expressions. He submitted that the word objected to was used in a general sense, and that it would be better to allow the people to express their complaints as they felt them.

Mr. *Williams Wynn* rose to order. He agreed that it was desirable that the people should have the fullest opportunity to state their complaints to that House, but then they should do so in decent and becoming language. He would, therefore, suggest to the hon. and gallant Member to withdraw the petition, and have the obnoxious terms modified; and he was confident that the petitions, on the recommendation of the hon. and gallant Member, would have no objection to do so. Such offensive terms had better be avoided in petitions, and the absence of them would enforce more respect for the prayers of the petitioners.

Mr. *Henry Grattan* remarked that the allusion of the petitioners to charitable bequests had no reference to, but was totally distinct from tithes. The Corporation of Dublin, according to the Commissioners' Report, had a charitable bequest made to them, which he could aver was "roguishly" applied.

Mr. *Hume* was able to prove to the right hon. Gentleman (Mr. *Wynn*), from reports on the Table, that charitable bequests had been "roguishly misapplied." A case was proved in Court this Session where in-

dividuals had roguishly misapplied charitable bequests, and it was therefore very questionable whether the terms used in the petition were misapplied.

Mr. *Williams Wynn*, said, that the terms used in the petition were "roguishly applied to the clerical and lay aristocracy," which was alluding most pointedly, and in a way that could not be well mistaken, to a particular class of persons.

Mr. *Ewart* said, that petitions had been frequently presented by hon. Members opposite, containing the terms "tyrannical and oppressive," as applied to hon. Friends at his side of the House, and he (Mr. *Ewart*) could not perceive any great distinction between them. He did not think that the hon. Gentleman would rise and say that charitable funds had not been roguishly misapplied. He had no doubt that the allegations made by the petitioners could be fully sustained; and impressed with that feeling, he thought it more desirable to induce them to speak out rather than to take exception to the phrases in which they conveyed their just and well-founded complaints to the House.

Mr. *Goulburn* was of opinion that it would be extremely desirous for all parties coming before the House with their prayers to have their language couched in a decent and proper manner. He maintained it was not correct of the petitioners to impute roguishness to a particular class of individuals because certain individuals belonging to it might have done wrong. The hon. Member who had just sat down no doubt would consider it unjust if a crime having been committed by certain parties in Liverpool, the entire community in that town were to be stigmatised and disgraced.

Mr. *Haves* said, that they would be unworthy to be considered as the Representatives of a free people, if they objected to receive the petition. What did the Commissioners of corporate inquiry say, on the subject of charitable bequests throughout the country? They were not over-choice of the phraseology which they used on the occasion, the phraseology used by the petitioners was somewhat strong, but it was only what they deemed necessary to convey a proper notion of their detestation of those enactments of which they complained. He for one would declare that charitable trusts had been grossly misapplied.

Sir *James Graham* said, that very strong language might be used in a petition without its being objectionable: but he was sure the House would see the necessity and propriety for putting some term, for

fixing some limit, as well to the language used within the walls of that House as to that contained in the petitions addressed to it. He had been at an early period acquainted with the constituents of the gallant Member, and he was sure if the petition was withdrawn, and if they were given to understand that the highest authority in that House objected to one expression in it, they would at once expunge it. He hoped the gallant Colonel would take that course, as if he took the sense of the House on the petition in its present shape, he must vote against its reception.

Mr. *Roebuck* concurred in offering the same suggestion to the gallant Member for Hull. He thought "dishonestly" was a term that might have been employed.

Dr. *Bowring* suggested that the Speaker should state his opinion as to whether the language was unparliamentary or not.

The *Speaker*: Then I can have no hesitation in declaring that the hon. Member would exercise a sound discretion in withdrawing the petition for the present. The House will only act wisely and consistently with that character which it should maintain, by always enforcing a proper spirit of decorum, not merely on all occasions within its own walls, but in all documents and petitions that are addressed to it.

Colonel *Thompson* said, that he had waited for nothing but a suggestion from the Chair. He would therefore, withdraw the Petition.

Petition withdrawn.

HOUSES OF PARLIAMENT.] Mr. *Hume* presented a petition from the architects who had competed for the prizes offered by the Legislature for designs for the two Houses of Parliament, complaining of the conduct of the Commissioners in making their decision, and praying to be heard by counsel at the bar of the House on the subject. His own private opinion was, that such a power was not likely to be given to the petitioners. He certainly agreed with them in opinion, that the Commissioners should have laid down a certain rule as to the extent of the buildings. As soon as the Report of the Committee was laid on the table of the House, he should feel it his duty to call the attention of the House specially to the subject, and to recommend a plan very different from that of the Commissioners for erecting as soon as possible convenient and suitable buildings for both Houses of Parliament.

Mr. *Hanbury Tracy* said, that having been a member of the Commission, he wished to make a few observations in reference to this petition. He did not think that the petitioners pursued a wise or judicious course in presenting such a petition, and certainly, if they wished to prevent all future chance of general competition on subjects like this, they had done that which was best calculated to carry such a wish into effect. It was true, that the petitioners did not attack the moral character of the Commissioners, they only impeached their want of judgment in the selection they had made. Reports, however, had been put into circulation of the most unfair nature towards the Commissioners. They were represented as having been guided in their selection of Mr. Barry's plan, not by the honourable motives that should influence honourable men in the situation they were placed, but by some particular bias for that individual. Now, the fact was, that he never had the pleasure of seeing Mr. Barry until he had the pleasure of mentioning to him that he was the successful candidate. No Commission had ever more zealously endeavoured to do its duty as far as its judgment would allow it. Every means had been used to prevent favouritism, or the remotest chance of favouritism. He had himself proposed measures for that purpose in the Committee, before the Commission was named; and with regard to his fellow-Commissioners, there was only one of them with whom he was acquainted, until they had entered on their duties. The question of selection did not rest alone with the Commissioners. Their award had to be sanctioned by the King, and then by both Houses of Parliament. Not only had the two Houses of Parliament unanimously affirmed the judgment of the Commissioners, but he would challenge the hon. Gentleman and the petitioners to show that it had not met with the unanimous approval of the public. He was wrong in saying, that that House had been unanimous on the subject; undoubtedly, one Gentleman in the Committee had dissented from the award of the Commissioners, on the ground that the areas in the plan were neither squares nor parallelograms, and that the tower of 200 feet was calculated to throw a shade over the building. He might have expected that the hon. Member for Middlesex should have given him notice of this petition, but that courtesy was not observed towards him. He would, however, pass over that

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topic, go through the charges in the petition in detail, and reply to them.

Mr. *Wakley* rose to order. He begged to remind the Speaker that he (Mr. Wakley) had been interrupted, and prevented from making a statement regarding the poor in certain districts in the country, because the subject was afterwards to come before the House in the shape of a motion, and he submitted, that as the hon. Member for Middlesex had already given notice of a motion on this matter, the hon. Member should reserve his observations for that occasion.

The *Speaker* said, he was not aware that any notice had been given on the subject.

Mr. *Hume* said, he had given notice that he would bring the subject forward as soon as the papers on the table of the House were printed.

The *Speaker* suggested, that under such circumstances the hon. Member had better reserve his statement for that occasion.

Mr. *Hanbury Tracy* said, he should bow to the decision of the Chair.

Mr. *Hume* said, he was aware that a copy of the petition had been transmitted to the hon. Member, and as his (Mr. Hume's) notice for presenting it was on the printed votes, he had not supposed it necessary to give the hon. Member a particular notice on the subject.

Petition to lie on the table.

TURNPIKE TRUSTS.] Sir *John Beckett* said, that great anxiety existed in all parts of the kingdom on the subject of a Bill introduced by the Under Secretary for the Home Department, for the consolidation of turnpike trusts. Members were in the daily habit of receiving communications, all of which deprecated the measure. He wished to know what course the hon. Member intended to take upon the subject.

Mr. *Fox Maule* replied, that in consequence of the great anxiety said to prevail respecting the Bill, he had felt it his duty to consider whether he could persevere in it during the present Session. Looking at the position of the measure, and the state of public business, he thought it better at once to state, that it was not his intention to proceed further with it this year. Deeply impressed as he had been, and still was, with the great advantages that would result from passing the Bill, it was not without great regret that he parted with it, and he only did so with the full intention of renewing the motion next Session. The right hon. Baronet had alluded to the op-

position which had lately made its appearance, and he (Mr. Fox Maule) begged it might be distinctly understood, that he withdrew the Bill on no account in consequence of that opposition. He believed, that the opposition originated in self-interested motives, and proceeded very much from individuals who had long been enjoying the fruits of jobbing, and deriving profit from a bad system of management with respect to turnpike trusts. He hoped that they would continue to enjoy those fruits only one Session longer. He was convinced that the moment the House came to examine the provisions of the Bill it would unanimously adopt it, and pass it into a law,

Sir John Beckett observed, that he had received many communications on the subject from persons incapable of what the hon. Member termed jobbing.

Mr. Fox Maule wished merely to add, that he too had received numerous communications, stating that many petitions had been got up by the influence of clerks and treasurers of various trusts; and that gentlemen, who, he was sure, were incapable of anything like jobbing, had been induced to sign representations against particular clauses of the Bill.

Lord Francis Egerton begged to enter his protest against the uncalled-for and unfounded imputation thrown out by the hon. Member. He had uniformly told petitioners from the part of the country he represented, to wait until the Bill came out of the Committee before they remonstrated against it; but he did not expect to have to tell them also that they had been made the objects of so sweeping and so unmerited an attack.

Mr. Heathcote also warmly repelled the accusation as regarded parties from whom he had presented petitions, and who were incapable of the practices imputed by the hon. Member for Perthshire. Some of the petitioners were most respectable country gentlemen and yeomen.

Subject dropped.

TEA DUTIES.] Mr. Grote said, that he had a question to put to the Chancellor of the Exchequer on the subject of the Tea Duties. The House was aware, that on the 1st of July next, the duty on tea was to be raised from 1s. 6d. to 2s. 1d. a pound. Now, the stock of bohea tea unsold was at present very large, and it would be a great inconvenience to the

holders to have to provide for the immediate payment of so large a sum. In consequence of the representations which he had made to the right hon. Gentleman on behalf of his constituents, the right hon. Gentleman had been pleased to grant time for the payment of this duty. He was therefore induced to call upon the right hon. Gentleman, who, though he had not granted all that was asked, had, at any rate, granted some part of it, to state distinctly to the House what indulgence he intended to grant to the holders of the stock in hand.

The Chancellor of the Exchequer: Those hon. Members who were acquainted with this subject, and who had heard the reply which he had given to this question on a former occasion, would anticipate the reply which he intended to give it now. His reply was, that however distressing it might be, that the parties holding large stocks of bohea tea should suffer—and no man could regret that they would suffer, more than he did—the departure from the provisions of an Act of Parliament, which the parties themselves had called for, would be a precedent full of inconvenience to the large mercantile community of which those individuals formed a part. If such a precedent were established, no man would know on what he had to depend. If a law made at one time could be altered at another, because the parties on whom it operated found it difficult to meet the payment of the duties which it imposed, there would be no end to the applications which would be made to him for such alterations in our fiscal statutes. He was therefore prepared now, as he was formerly, to give an unqualified negative to the proposition for affording to the holders of the stock of bohea now unsold an indefinite time for the payment of the duties on it. The House would recollect that their application was one of a very peculiar kind. It was to give them the full benefit of the late Act, so far as regarded the remission of duty, and to free them from the obligations of it, so far as regarded the duties that were raised. He would, however, inform the House of the determination to which the Treasury had come upon one part of this subject. It so happened that the alteration of the law had been made with the cognizance and at the suggestion of the parties now applying for relief. That alteration would make the payment of a considerable sum

necessary to all who were not prepared to pay the new duty of 2s. 1d. per pound. He was aware that it would afford great facilities to the parties to postpone the payment of the new duties to a period after the 1st of July; and to afford those facilities a special Treasury minute had been issued, authorising all persons entering tea for home consumption previous to the 1st of July to take a time not exceeding thirty-one days for the payment of the duties to which they then became liable. There was no doubt that there were a great many precedents for granting them such a privilege. There were, however, some other points connected with this subject, which could not be settled without coming before the House; and the Treasury minute therefore contained a direction that a copy of it should be forthwith laid on the table of the House of Commons. The advantage which would be derived from the extension of this period to individuals residing in the city of London, would be extended to individuals in all parts of the united kingdom; for it would be open to great objection, if this indulgence had been limited to the city of London, and not extended to such places as Liverpool, Glasgow, Edinburgh, and Dublin. He hoped that he had given a distinct answer to the question of the hon. Member for the city of London; and he had now only to observe, that the Treasury minute to which he had alluded, would be laid that evening on the table of the House.

Mr. Robinson said, that so far as the Government had conceded the postponement of the payment of this money for a month, it had acted wisely; and so far as it had refused to remit the lower duties, it had performed its duty to the public.

Mr. Stewart Marjoribanks was understood to say, that the tea trade were not satisfied with the conduct of the Chancellor of the Exchequer, and could not thank him for the boon which he professed that he conferred upon it.

Viscount Sandon did not wish to create a discussion, when, strictly speaking, there was no question before the House. He only rose to protest, on the part of his constituents, against being exposed to other more serious losses by any further changes in the duties on tea.

The Chancellor of the Exchequer said, he had no power to prevent agitation of this question more than of any other; but

he had no intention whatever of introducing any further changes in the duties on tea.

Sir R. Peel was very anxious to know when the Treasury minute would be laid on the table. Undoubtedly, even in the present state of information which they possessed on the subject, there seemed some peculiarity in this case. The law fixed the 1st of July for the payment of the high duty; and the Treasury minute extended the period, obviously admitting the existence of some peculiarity in the circumstances of the parties. He did not wish to provoke a debate on the present occasion, but he must say, the question had not been very fairly stated in the conversation which had already taken place. The parties, said the right hon. Gentleman (Mr. T. Rice), had full notice of the law. It ought to be recollected that orders for tea had been given before the law passed. The Bill was brought in late last Session; it did not become law till August, and then provided that on the 1st of July following a high rate of duty should be paid on certain teas. The orders having been given before the passing of the Act, and there being no power since the 1st of July last to order tea from China, the large stock at present on hand must have arisen under the impression that the old duty would be continued. Some of the parties, no doubt, had acceded to the passing of this Act, but others could not be bound by their acquiescence. On the whole, however, he was not prepared to say that the right hon. Gentleman had not done well in acting as he had. The special circumstances of the case deserved favourable attention, at least, to the extent granted by Government.

The Chancellor of the Exchequer said, the Treasury minute would be laid on the table in the course of the evening, when he should be most willing and happy to give any explanation which might be required of the principles by which he had been guided in this particular case. He trusted he should be enabled to justify the course he had adopted, and to show, however desirous Government might have been, and they were really most desirous to give any relief to the parties, which might be consistent with the maintenance of the general principles that should regulate the financial and commercial transactions of the country, they could not have gone further than they had already done. Before the question had been asked, he felt the matter to be one which it was fitting should be taken into favourable consideration, and he had

therefore given directions as to the Treasury minute to the effect he had stated.

PAPER DUTIES.] Sir *George Clerk* wished to ask a question of the right hon. Gentleman (Mr. Rice) relative to the duty on paper. The House was aware, that in consequence of the declaration of the Chancellor of the Exchequer that he would not allow any drawback on paper in stock after the 10th of October, the trade had been almost entirely suspended. He trusted, however, the result of the notice given by the hon. Member for Middlesex would relieve the paper manufacturers from the embarrassment under which they at present suffered. He understood the Chancellor of the Exchequer intended to propose, by way of palliation, that after a time to be fixed paper should be allowed to be taken from the mills, and remain in bond under certain regulations, without payment of the duty. He wished to know at what time the right hon. Gentleman meant to permit paper, under any and what regulations, to be carried out of the mills without payment of duty; because the premises of manufacturers being in many instances extremely limited, they would be unable to keep a large stock, or be exposed to very great inconvenience, if the trade were not brought to a complete stand-still.

The *Chancellor of the Exchequer* did not mean to take the course which had just been suggested—the plan he meant to adopt was of another description, but intended to effect the same object, namely, the relief of the trade from that stagnation to which they had incidently become liable in consequence of the reduction of the duty. The course he meant to take was this: with respect to stained paper, he proposed the duty should cease on the 5th of July, and with respect to first class paper and milled boards, the reduction of duty should not take place till the 10th of October; but in the mean time, in order to relieve owners of paper mills from the necessity of having their premises burdened with too large a stock, it was proposed to allow them to pass paper into the stocks of the stationers, their customers, under the direction of the Board of Excise, the duty having been paid before it was issued from the mills; and any stock of that paper remaining unconsumed on the 10th of October, in the hands of the stationers, would entitle them to a return equal to the excess of duty on that denomination of

paper. This would enable the owners of mills to continue their works, and the stationers to keep up their stocks and purchases, and on the 10th of October entitle them to the difference between the high and low duty on the amount of their stocks. He had adopted this plan at the suggestion of some of the parties; and finding he could without prejudice to the revenue, he was extremely glad to be enabled to relieve the paper-makers.

COUNTY BOARDS.] Mr. *Hume* : * I rise, Sir, for the two-fold purpose—first, of calling the attention of the House to the petitions I lately presented from the parish of Mary-le-bone, and from the counties of Stafford and Chester, praying for an alteration in the present mode of assessing, levying and controlling the expenditure of the county-rates; and secondly, to move for leave to bring in a Bill in conformity with the prayers of those petitions, and in pursuance of the notice which I have already given. The object of the Bill is to separate the judicial from the financial affairs of the counties of England and Wales, and to authorize the rate-payers of counties to elect a certain number of representatives to form a County Board for the assessment, levying, and administration of the county-rates, and to perform those duties having reference to the financial expenditure of the counties, now executed by the Magistrates in Quarter-Sessions. At present there is not that sufficient check on the management of the county-rates which there ought to be, and which the rate-payers have a right to demand. This is owing to the inherent defects of the present system—the principle of which is, that those Magistrates who levy and direct the expenditure of the rates are independent of those who pay them. A Commission has been employed in investigating the expenditure of the county-rates, but their inquiries have been confined principally to prosecutions and the expense attendant on them, which have hitherto been defrayed from the county-rates. What I complain of is, that there is no responsibility, attached to any of the Magistrates who have the power of assessing and expending the rates—that there is not that wholesome check and control over the taxes in counties which has been lately extended to the Municipal Institutions of the country. A majority of this House

* From a corrected Report.

and of the country has approved of the Bill for allowing the inhabitants of corporate towns and cities to elect persons to control the municipal taxation, and also to recommend Magistrates for their respective cities and towns, and I ask the same privilege for counties. The House is aware that the present mode of managing the county-rates has been investigated before a Committee up-stairs; and the Report of that Committee shews to what extent abuses prevail in the present system. With a view of illustrating the extent of the want of control by the county rate-payers as compared with the municipal rate-payers, I shall read the following statement:

Statement of the Population in the Cities and Boroughs of Great Britain, which send Members to Parliament, the greater number of which recommend their own Magistrates through their Councillors.

	No. of Cities and Boroughs.	Population at the Census of 1831.	No. of Electors enrolled 1832.
England . .	185	4,754,742	274,649
Wales . .	14	196,311	11,319
Scotland .	76	865,007	31,322
Great Britain	275	5,816,060	317,290

Also a Statement of the Population of the Counties where the Magistrates are appointed by the Lord-Lieutenants, the people having no choice or control.

	No. of Counties.	Population at the Census of 1831.	No. of Electors enrolled 1832.
England . .	40	8,336,263	344,564
Wales . .	12	609,871	25,815
Scotland .	30	1,500,107	33,115
Great Britain	82	10,446,241	403,494

Total population of Great Britain, 16,262,301; number of electors, 720,784; number of county magistrates, 18,984. If the population of the five metropolitan boroughs in which there are no councils or magistrates elected by them 1,118,725, be deducted from the aggregate of represented cities and boroughs amounting to 5,816,060, there will be only 4,697,335 actually with magistrates of their own recommendation. And if the population of the five boroughs be added to the county population of 10,446,241, the total will be 11,564,966—namey, the proportion in cities and boroughs, 28,88-100; [proportion in counties, 71, 12-100.

It appears, then, that, in round numbers, there are 11,500,000 inhabitants of counties who have no share in the management of, or control over, the expenditure of county-rates, nor the right to appoint the county officers, or to recommend their magistrates. The chief object I have in view in bringing forward the present measure is, instead of the irresponsibility which now exists, to give to the rate-payers of counties the same power and control over their local or municipal taxes as is possessed by the inhabitants of corporate towns and cities. I wish to show how unjust it is to have individuals acting as magistrates, who, being named by the Lord-Lieutenant, without any choice on the part of the people, have ample power to take from the pockets of the people any sum for any expenditure they may think proper. It appears, by the evidence given before the Committee on County-Rates in the last Session, that there is no fixed general principle for assessing the rates in counties; that the assessment varies in each county, and very often there are different modes of assessment pursued in the same county. By the Report of that Committee, the valuation on which the rates are collected was made in eighteen counties on the amount of the Property-tax as it was in 1814; in twenty counties the rates are laid on the actual value, or some proportion thereof; in thirteen counties it is not known on what principle the collection is made; and in one county it is agreeable to 12th Geo. 3rd. Under these circumstances, it is difficult to say on what principle the present system rests. It happens in some counties, that large masses of property are never assessed for the purpose of local taxation; and while the owners of such property derive equal benefits with the rate-payers from the application of the county-rates, yet they do not contribute anything towards them. It is, therefore, utterly impossible that justice can be done, whilst inequality in the valuation and assessment prevails to such a degree in separate parishes and in towns. To illustrate this as regards parishes, I would submit a statement of the present assessment of the county of Middlesex. The right hon. Baronet (Sir R. Peel), in introducing his Bill for the establishment of the metropolitan police, was obliged to assume a certain sum for levying the rates in each parish for the support of the police force. I shall read from a parliamentary

paper some of the valuations on which the police-rate is levied in the parishes in and about the metropolis. The parishes of Acton contribute on two-thirds of rack-rent; Barnes, on the net value; Battersea, on the full, or rack-rent; Christ Church, Surrey, on two-thirds of ditto; Clerkenwell, on something less than rack-rent; Fulham, on five-sixths of assessment; Greenwich, on four-fifths of rack-rent; Mile-end Old Town, on three-fourths of assessment; Paddington, on four-fifths of ditto; Penge on 2s. 6d. per l. on assessment; Poplar, on seven-tenths of rack-rent; Putney, on between three-quarters and seven-eighths of rack-rent; Ratcliff, seven-eighths of rack-rent; St. Anne, Limehouse, on two-thirds small, and four-fifths large houses; St. Anne, Westminster, on four-fifths; and St. Mary, Stratford, Bow, on seven-eighths. Sir, if it had been desirable to devise the greatest possible variety of assessments, the ingenuity of man could not have effected that object to a greater extent than appears from this document to exist in this and the neighbouring county. Inequality also exists in many other counties, though perhaps not to the same extent. Other counties have been called upon to give returns of the mode upon which each of them proceeds in its assessments, but they have not been made, and I cannot, therefore, give further examples. The Police Report states this :—

It appears that the assessment on which the county-rate is founded was made, from time to time, by the parish authorities of the respective parishes; that different parishes made the returns in different ways; that in some, the rating empty houses was objected to, and,

in consequence, omitted in the Return to the county; and that, in fact, no clear and general rule prevailed. It is obvious, therefore, that some regulation is required, founded upon some clearly-defined general principle; and some fresh control is required over the alterations which are sometimes made in the Return for the County-rate.*

In the Report of Committee on County Rates, Mr. Hinxman states :—

This regulation of valuation becomes necessary from parishes being rated to the poor-rates in very unequal proportions of value; for though it is the duty, interest, and business, of every parish to include all rateable property, and preserve as nearly as possible an equal rate, yet it does not matter to a parish whether its rate is assessed at a high or low value. Hence it may happen that the parish of A. is rated only at one-half its value, that of B. at two-thirds, that of C. at three-fourths, and so on; and, therefore, to found an equal County-rate, all these different proportions of value must be equalized upon one scale, and by this means the County-rate is rendered equal; and it is so easy and simple a mode, that to revise all County-rates, every seven or ten years, would cost a county so trifling a sum, that it is presumed the beneficial effect in rendering a county-rate fair, just, and impartial to all the contributors to it, would amply compensate for entailing upon parishes such cost of revision and equalization.

Now, Sir, I think I have succeeded in proving the great inequality that exists in the assessment of parishes; and I shall next call the attention of the House to the great variety there has been in the amount of the valuation. By Act 55th Geo. 3rd, for equalizing county-rates, a Return was ordered. I extract some items from that Return, as follows. In Lancashire the difference was great, viz :—

	1814. £.	and	1829. £.
In Liverpool the valuation was .	584,687		751,126
In Cheetham	8,529	"	24,090
In Preston	34,936	"	80,984
In Bolton District	169,673	"	320,467
<hr/>			
In Lonsdale, South Side . .	172,541	"	159,363
Ditto North Side	105,655	"	123,000

Shewing that valuations, from time to time, are necessary, if we expect or intend that all kinds of property should contribute equally to the county-rates; and, as another example of the inequality in the valuation of land, and of mills and factories, &c., I find that, in Warwickshire, land pays 107,143l., whilst the mills and factories pay only 2,703l.; and, in Leicester-

shire, land pays 108,330l. while mills and factories pay but 783l. I think these examples show that a valuation should be made from time to time, and upon some known and fixed principle, in order that injustice may not be done in the assessments. There is not

* Since October, 1833, one uniform plan has been adopted, omitting unoccupied property.

only a great difference in the mode in which these county-rates are raised, but instances have been given of large, populous, and rich places, where no county rates are at all paid. I shall quote an instance given by Mr. Portman formerly a Member of this House. In speaking of the inequality, he says "the town of Weymouth, possessing so much wealth, does not pay 6d. to the county-rate of Dorset—having come into existence since the last valuation for county-rates was made." A stronger case could not be given to show the necessity of an alteration. He further says, that there have been, of late years, forty inclosure Bills passed for inclosures in the county of Dorset, and that these new lands paid no county-rate.

Many places claim, in the same way, exemption from county-rate.

The county-rates have increased to an enormous extent within the last few years. As a proof of this I would refer the House to a statement made in the Appendix of the Report of a Committee of the House of Lords on the subject in 1834. In that Report there is a comparative statement showing the increase which has taken place in a number of items of county expenditure, between the years 1792 and 1832 to be so very large, that I am sure hon. Members will see the necessity of putting some limits to the expenditure. It is as follows:—

A Summary of the Expenditure of the County Rates in England and Wales, in 1792 and 1832, or for such year as could be obtained nearest to such period, under the several heads, with the increase and decrease of each.

HEADS OF CHARGES.	Expenditure.		Net Increase.	Total Increase per Cent.	Increase per Cent.	
	1792.	1832.			In England.	In Wales.
1. Bridges, &c. - - -	£ 42,237	£ 74,501	£ 32,264	£ 76	69	144
2. Gaols, Houses of Correction, &c. - - -	92,319	177,345	84,926	92	90	156
3. Prisoners, Maintenance of* - - -	45,785	127,297	81,512	178	170	341
4. Prosecutions - - -	34,218	157,119	122,901	359	349	671
5. Constables - - -	659	26,688	26,029	4,338	4,326	1,100
6. Professional - - -	8,990	31,103	22,113	248	249	241
7. Salaries - - -	16,315	51,401	35,086	215	205	566
8. Vagrants - - -	16,807	28,723	11,916	70	77	94
9. Lieutenancy & Militia	16,976	2,116	14,860	decre. of ..	decre. of ..	decre. of ..
10. Coroners - - -	8,153	15,254	7,101	87	86	106
11. Incidental - - -	17,456	32,931	15,475	88	97	5
12. Miscellaneous, Printing, &c. - - -	15,891	59,062	43,173			
Total - - - £	315,806	783,442	482,495	148		

Increase £482,495
Militia, deduct 14,860

£467,635 Increase 148 per cent.

* Expended thus:—

	In 1792.	In 1832.	Increase per Cent.
Maintenance before and after conviction	£40,627	£87,798	218
Conveyance of prisoners	4,865	25,201	525
„ of transports for embarkation	653	14,298	2,383
	£45,785	£127,297	

I shall now proceed to examine some of the items in this table. With reference to County Lunatic Asylums, I cannot help observing that, after the excellent mode in which the Poor-Law Bill has worked, it would be better to place these asylums under the control of the Commissioners of Poor-laws, than leave them to the management at Quarter-Sessions. I think, also, that every prison in the country should be placed under the control of the Crown, and under one uniform system of management, and that the expenses of the prisons should be defrayed by the public at large, and not out of the county-rates. By such arrangement the expense of the county would be materially diminished, and a much better system than prevails at present would be adopted. I would, however, state, that the counties should pay the expense of apprehending, keeping, and bringing the prisoner to trial, but that

when tried, they should be under the management and at the expense of the Crown. It would be highly useful to establish local courts for the trial of offenders, by which great expense and trouble would be saved. The expense of trying a person at the Assizes, on the average of thirteen counties, has been 24*l.* 7*s.* while the average at the sessions, in the same counties, is only 8*l.* 5*s.* 3*d.* The establishment of local courts sitting periodically, would not only save the difference of this expenditure, but would also effect a material saving in the sustenance of the prisoners for months before they could be brought to trial. I shall now submit to the House the whole of the statement just alluded to, of the relative expense charged on the county rates, for prosecutions at Assizes, and for prosecutions at Sessions in the year 1832, in thirteen counties in England and Wales, taken at random. The statement runs thus :—

COUNTY.	ASSIZES, 1832.						SESSIONS, 1832.							
	No. Tried.	Expense.			Expense per Head.			No. Tried.	Expense.			Expense per Head.		
		£.	s.	d.	£.	s.	d.		£.	s.	d.	£.	s.	d.
Derby	43	823	19	0	19	3	2	80	809	1	5	10	2	3
Hants	104	1942	1	0	18	13	5	166	894	18	4	5	7	9
Lancashire ..	126	5044	16	3	40	0	1	2587	20612	0	0	7	19	4
Leicester	80	1833	1	4	22	18	3	101	954	17	10	9	9	1
Norfolk	95	1945	9	3	20	9	7	244	1701	3	5	6	15	4
Rutland	4	53	4	3	13	8	4	6	25	4	0	4	6	0
Shropshire ..	81	1663	4	4	20	18	8	110	1204	9	6	10	19	0
Wiltshire	128	1677	8	2	13	2	1	142	583	0	3	4	2	1
Cheshire	101	3707	6	5	32	14	10	382	4421	15	2	11	11	6
Bucks	71	1310	13	6	19	17	3	94	864	8	6	8	2	7
Anglesey	6	666	18	9	111	3	1½	2	36	5	7	18	2	9½
Denbigh	11	553	0	9	50	5	6	22	240	12	1	10	18	8½
Radnor.....	14	284	5	9	20	6	7½	8	50	18	2	7	9	9
Average of 13 } counties .. }	67 6-13	1654	6	0	24	17	0	303 7-13	2508	5	9	8	5	3

I find that many of the witnesses before the Lords' Committee agree in opinion with me in that respect. In the Lords' Report, page 73, Lord Wharnccliffe is asked—

“What may be the probable effect of throwing the expense of prisons on the general fund of the country?—I should rather prefer the prisons being in the hands of some responsible officer of Government than in the hands of the magistrates. I think it would not be desirable to put all the expense of bringing the prosecution and the management of it on the country, but that, after he is convicted, the prisoner should be handed over to the Government, to be dealt with according to his sentence. I

would introduce a more uniform mode of prison discipline than there is now.

“Would you propose the management of the prisons to be under the control of Government?—Yes; but I give that merely as opinion.

From this statement, the House will at once perceive how superior would be the advantage, and how great the saving, of trying all cases before local courts, sitting periodically, instead of keeping them for three, five, or six months, for the assizes. The statement of expenditure under the three great heads of bridges, gaols, and prosecutions, in five counties, taken at random, in 1792 and 1832, stands respectively thus:

COUNTIES.	Bridges.		Gaols.		Prosecutions.	
	1792	1832	1792	1832	1792	1832
	£.	£.	£.	£.	£.	£.
Berks	7	605	448	5015	109	1300
Surrey	370	290	1931	15402	217	3165
Stafford	298	5668	2601	7108	102	6006
Devon	1712	2110	3221	3603	153	2975
Suffolk	613	302	648	2973	9	3258
Total expenditure in five } counties }	3000	8975	8849	34101	590	16704
Showing an increase per cent.		199		284		2371

Again, of late years, the expense of county officers of all descriptions has been very much increased. The increase per cent. in the salaries of various county offi-

cers, from 1792 to 1832, in five counties taken at random, will appear from this Table:—

COUNTIES.	Trea- surers.	Chap- lains.	Surgeons.	Sur- veyors.	Gaols.	Governors of H. of Correction.
Cornwall	355	50	—	185	1027	—
Devon	614	21	43	375	350	166
Hants	174	48	—	114	113	211
Leicester	56	—	—	47	79	84
Somerset	454	2	97	—	—	—

My own opinion is, that the duties of treasurer in particular might be most efficiently fulfilled by any banker in the county, and thus the whole expense of that officer be saved. The evil is aggravated still more by the practice which I have so often condemned—namely, that of paying officers by means of fees, whilst, in the view I take, the officers ought, in all cases, to be remunerated by a fixed salary. I hope I shall not tire the House by referring to one or two authorities on this subject. The county-rates in England and Wales have much increased; in 1792 they were 815,805*l.*, in 1832, 783,441*l.* In 1792, the county rates of Middlesex amounted to 39,832*l.*, and in 1832 they had increased to the enormous sum of 77,772*l.* In the parish of Mary-le-bone, the county-rates have been 9,654*l.* annually on the average of the five years, 1830, 1831, 1832, 1833, and 1834. There have been large increases in the same period in the county rates of Leicester, Essex, and Nottingham. The Duke of Richmond in February, 1834, said—

“Before moving for the appointment of a Select Committee to inquire into the subject of county-rates, I wish to trouble the House with a few words. Your Lordships are doubtless aware, that within the last few years, the county-rates of England have greatly increased, not only in consequence of the provisions of various Acts which have been passed from time to

time, but very possibly from other causes, into which, I think, at the present moment, your Lordships will not deem it desirable for me to enter. His Majesty's Government have for some time past turned their attention to this subject. It appears that during the past year another increase to a considerable amount has taken place in the local taxation of England and Wales; and under these circumstances it appears very desirable that a Committee of your Lordships' House should be appointed.”

I have here the testimony of several other persons to the same effect; but I shall trouble the House only with Mr. Robinson's opinion. He says, pages 142 to 145, that—

“The great evil in the county-rate revenue department, is the irresponsibility of those who disburse the money of the rate-payers. . . . A better control, by a smaller and more responsible body than the court of Quarter-Sessions. Accounts should be paid quarterly, and regularly audited, &c.”

Now, Sir, it is upon that very principle I make my proposition to the House, with this difference, that I propose the appointment of responsible officers by the rate-payers. I am sure no hon. Member can look at the statistics I have read, and not admit that great abuses arise from the present system, which I am convinced cannot be removed except by a complete alteration in the law. I therefore submit

that the judicial and financial affairs of every county should be separated. The financial affairs should be committed to the management of a County Board, composed of a certain number of persons elected by the rate-payers of the county or their representatives; the existence of such Boards being limited, say to three years. This Board should, immediately upon their powers and election being verified by the Sheriff, proceed to elect a chairman, and then to appoint the county officers. The county magistrates should be permitted to exercise no interference whatever in levying or expending the rates. Every county might be divided into districts, and each district might select a certain number of members for the County Board. I would propose that the County Board, so selected by the rate-payers, shall recommend to his Majesty a number of persons to be elected magistrates for provincial and police matters, as in the Municipal Corporations. The judicial business of the county might, for the present, be left to the Lord-Lieutenant, and the justices of the county appointed by him. The adoption of such a plan as I suggest, would produce the good effect of dealing out equal justice to the county constituency, with that which has been dealt out by the Municipal Bill to the town constituencies. Lord Wharncliffe says that—

“All the financial business of the county (West Riding of the county of York) is done at one time of the year, and upon one day in the year. I do not mean to say, that if the business to be done is of great extent, it may not be carried on to another day, but that the business is advertised, and always begins at a certain hour on a certain day at the Easter Sessions, that day is the Wednesday in the sessions week. The first step that is taken after the meeting of the Court on the Monday at Pomfret, is the appointment of a finance committee. The finance committee proceed immediately to call upon the treasurer for his accounts; and his accounts are audited and prepared for us on the Wednesday. Notes are taken by the committee of any charges they may think improper to be brought before the whole body of magistrates to be inquired into.”

Sir William Cosway, a magistrate, says :—

“In the county of Kent, we have no committee of accounts; the whole is submitted annually to the body of magistrates. I think it would be infinitely better if a committee were appointed—say three, or, at the utmost, five; I believe three would be better, because, with so large a body, there is not anything like

individual responsibility; and, according to the old doctrine, what is everybody's business is nobody's business. Those three gentlemen would be aware that the eyes of the county were upon them; and if there were found to be any excess or abuse of expenditure, that would come home to them. The habit in Kent is, that some time in June, the commission day of the summer assizes, a week before certain gentlemen do meet at Maidstone, but it is more as auditors of accounts than comptrollers or superintendents of expenditure.”

Mr. M. H. Courts, in a letter of 17th April, 1836, says :—

“Under the order of the Court of Quarter-Sessions for the county of Berks, in 1825, the treasurer has, since that period, published in the county papers, quarterly abstracts of his receipts and disbursements; but in such publications, which have superseded the annual abstract required by 55th George 3rd, cap. 51, the treasurer has rarely made any entry of balances of cash in his hands, so that the rate-payers have had no opportunity of determining for themselves the fitness of the assessments made upon them, nor the accuracy with which such detailed accounts have been presented to them.”

Sir Thomas Fremantle, in a speech on county-rates, August 10th, 1836, on the vote moved for Government paying half the expenses of criminal proceedings, said :—

“I am one of those who deny that the magistrates look after the local expenses of counties to the extent they ought to do. They do a great deal I allow, but still not so much as I wish. A public officer ought to be sent down to superintend the management of the county funds, and the arrangement would introduce great economy, and an uniform system into the counties.”

As the plan I propose gives a sufficient control over the finances, and also an appeal to the Secretary of State, if the representatives of the County Board should exceed their power, and likewise will establish a complete representative system, I am at a loss to know upon what grounds any Gentleman can oppose it. But, Sir, I may be asked how I intend to conduct the affairs of this Financial Board during the intervals of its sittings? I propose that the Board, when assembled, should appoint an exclusive Committee, who shall be held responsible for the administration of the financial and police affairs of the county, and the members of which I would pay for their time and trouble, if necessary. It may be said that the Poor-law Unions would answer the purpose, but to that I am opposed for several reasons—

first, because the Poor-law Unions ought to be an inferior Board, and subservient to this Board, which should be paramount in the county; secondly, because the unions are formed from different counties; and I have yet a stronger objection in the fact, that the guardians of the poor are elected by a plurality of votes:—a variable qualification at the will of the Poor-law Commissioners, who are appointed by the Crown, and thus county affairs may be influenced by the Poor-law Commissioners and by the Crown. Besides, unions are not yet established over half the country; and my wish is to extend the operations of the now proposed measure over the whole country at once. The country is anxious for the change, and I trust that there will be no opposition to its being carried into effect. I therefore move for leave to bring in a Bill "To separate the financial from the judicial affairs of the counties in England and Wales, and to authorise the rate-payers in counties to choose representatives to form a County Board for the assessment, levying, and administration of the county-rates and financial affairs of counties in England and Wales.

Mr. Wyse could not but congratulate his hon. Friend, the Member for Middlesex, on his having brought forward such a measure as that which he had just moved for leave to introduce, which appeared to be in some measure founded upon the Irish Grand Jury Bill. It would be remembered that when some time ago a similar measure was introduced, it was said it could not be carried into effect. Since then the Municipal Corporation Acts had demonstrated the sense which the Legislature had of the importance of giving to the borough rate-payers control over their local affairs. And he rejoiced at seeing this measure introduced, as it seemed to be the first step towards extending that principle to the counties. He trusted that when it had been found applicable to England, it would not be long ere it was extended to Ireland also.

Mr. Eardley Wilmot: Sir, I do not object in the slightest degree to the proposition of the hon. Member for Middlesex, as it goes to exonerate the county magistrates from a portion of the onerous and painful duties which they now have to perform. With respect to the inequality of the rates in various counties, on which the hon. Member has dwelt at some length, I must observe that it does not appear to

me to be applicable to the present question; because the magistrates at present have no control over that subject. With respect to the salaries, &c. and the other branches of county expenditure referred to, all these have been considered before the County Rates Committee; and to the abuses at present existing, all the remedies suggested by the hon. Member have been proposed. But what I wish principally to observe is this; that I do not think the hon. Member has gone far enough; for I fear much that if you take away from the magistrates their financial control, you will find considerable difficulty in getting them to attend to their judicial duties. In my own county I can speak from experience, for on the first day of the Sessions, when financial matters are to be settled, there are usually from thirty to forty magistrates present; but on the next and following days, though perhaps there may be 150 prisoners to try, I can often with difficulty obtain the presence of a second magistrate; and if I refer in any case of difficulty to any magistrate present for his opinion, the answer usually got is, "Decide it yourself; you know much more about it than I do." I think, therefore, the Bill of the hon. Gentleman should be carried further, and that, as he has in what he now proposes copied the measure of municipal reform, he should copy it to the extent of appointing a County Recorder, to be nominated and paid by the Crown, who shall be a Barrister of not less than ten years' standing, and who shall preside at Quarter Sessions, and at other intermediate Sessions, for the trial of offences. And I think that he should not only sit at Quarter Sessions, but should sit in various parts of the county. For the fact is, that if you separate the financial and the judicial functions, you will find great difficulty in getting the magistrates to attend to the onerous and invidious duty of punishment only. With respect to what the hon. Member has suggested as to the appointing of county magistrates, by recommendation from the County Board, there can be no objection to that, if the persons so recommended are from their property, education, and other circumstances, fit to be elected to the magisterial office. If, as I understand, this Bill provides no qualification whatever, I confess I see great difficulty in effecting that object. At the same time I must protest against any charge being expressed against the county magistrates; for I do not think that under

the present system justice could be administered better; though I think it may be administered much cheaper. I can only say for my own part I court the most perfect responsibility; and I think this Bill ought to be introduced, that it may be brought into such a shape as may give universal satisfaction.

The question carried: Bill to be brought in.

PLEADINGS.] Mr. Pryme begged to call the attention of the House to the Act of 1833, for the amendment of the law which referred it to the Judges to make certain rules relative to Pleading, subject to the approbation of that House. The most important perhaps of these rules was that which called on all parties to plead specifically and distinctly, and to put their defence plainly upon record. Notwithstanding this salutary provision there had been a clause inserted in many Acts that had passed, such as Acts relating to fisheries, omnibuses, and many others, for the purpose of allowing parties to plead the general issue, and yet give special matter in evidence. The plain English of such a clause was, that the defendant was to be enabled to take advantage of the plaintiff by surprise, that he was not to let him know his case till the hour of trial, and then he was to be permitted to bring forward evidence of which he was not aware, and which, had he been aware of it, he would have been prepared with evidence to rebut; and by these means the defendant was, perhaps, enabled to snap a verdict contrary to the real merits of the case. He had just heard that the hon. and learned Member for Exeter (Sir W. Follett) had it in contemplation to propose a Bill to remedy this evil. Had he been aware of the fact sooner, he would have taken an opportunity of conferring with that hon. and learned Gentleman; but at present he would content himself with moving, "That it is contrary to the spirit and intention of the Statute 3rd and 4th Wm. 4th, chap. 42, sect. 11, and to the rules of the Judges founded thereon, to introduce into Bills a clause enabling persons sued for any act under the same, to plead the general issue, and to give the special matter in evidence."

The *Solicitor-General* expressed his entire concurrence in all that had fallen from the hon. and learned Gentleman, and he believed that he would receive the thanks of the profession and of the public at large for having brought it forward. There was

indeed some feeling amongst the public, against what was called special pleading, but it was only amongst those who did not understand that the whole object of it was, that the plaintiff should distinctly state his ground of complaint, that the defendant should as distinctly state what he had to allege to the contrary, how much of the complaint he admitted, and how much he denied, so that both parties should know what was the real question to go before a Jury, and be prepared with evidence accordingly. At the same time he must say, that the evil which the hon. Member proposed to meet was one which this House always had the power to meet. The Resolution he proposed only went to affirm that the House would in future meet it; and he thought that having brought the subject before the House, and the feeling of the House being evidently most strongly against the custom which he wished to put an end to; and as the Resolution would only hamper the House, and might produce great inconvenience, the hon. Member would feel it unnecessary to press it. He (the *Solicitor-General*) was quite sure that in future they would have all their eyes about them, and endeavour to prevent the continuance of the practice.

Mr. Pryme: After what my hon. and learned Friend, the *Solicitor-General*, has said, I beg to withdraw my motion. My only object in bringing it forward was to give the House an opportunity of expressing their opinion upon the subject.

Motion withdrawn.

REGISTRATION OF VOTERS.] On the Motion of Lord John Russell, the House resolved itself into a Committee on the Registration of Voters' Bill.

On the 68th Clause, "as to putting questions at the poll,"

Mr. Maclean rose to propose a motion of which he had given notice, "that the 3rd section of the clause relating to the question of qualification, be restored to the Bill." The object of the Reform Bill was not only to secure the representation of numbers, but of property also; but by the present state of the law many an honest voter was deprived of his franchise, although possessed of the requisite qualification, while others, who since their first registration had parted with their property, were enabled still to vote. It was also pretty well known that property was often conferred upon parties at the time of registration in order to make a vote for those who

so transferred it. It was not to be expected that Members of Parliament would go to the expense of keeping up a machinery for the purpose of finding out and cancelling bad votes, but the law should be so constructed as to have that effect as far as it was practicable. He conceived that such would be the effect of a third question which he wished to have incorporated with the Bill. This protection against fraudulent voting, he admitted, was required more in counties than in boroughs and towns, because in the latter the overseers of the several parishes and other local officers were on the spot for the purpose of testing the qualification of the vote. The only questions now proposed by the Bill to be put to the party presenting himself at the hustings, were, first, as to the name and residence, and second, "Have you already voted either here or elsewhere at this election?" &c. Now, what he proposed to add was this question, "Have you the same property which is described in the register, or as much thereof as will entitle you to vote?" This would deprive no man who was properly qualified of his vote, while it would prevent bad votes from being taken.

The *Chairman* suggested, that the amendment was applicable to the clause following before the Committee: amendment deferred; the clause agreed to.

The 69th Clause having been read, the amendment was again proposed.

Mr. George F. Young expressed his willingness to support the amendment, if it were so modified as to meet the case of borough electors. It often happened that persons were deprived of their votes, not because they had no qualification, but simply because they had changed their place of residence; while others, who had become insolvent and retained no part of the qualification on which they were originally registered, came up and exercised the franchise; and not unfrequently would a man, after he had entirely left the place, as well as lost the property, return and vote at an election upon the qualification originally registered. These things he conceived to be entirely at variance with the principles of the Reform Act and of justice, and means ought to be taken to put a stop to them.

The *Solicitor-General*, after recapitulating the law of qualification as laid down in the Reform Act, observed, that though there might be some thirty or forty instances of the kind alluded to by the hon.

Members who had spoken, out of some thousands of votes, he thought the balance of the conveniences was in favour of the existing law as proposed to be amended by the Bill. A competent tribunal had been appointed to test the qualification of voters, and it would be scarcely necessary to repeat it at the hustings.

The Amendment was withdrawn, and the Clause agreed to.

On Clause 75th,

Mr. Winthrop Praed moved the omission of all the words after the words, "shall have tendered his vote at such election." The purport of the words so proposed to be left out was to restrict the power of Committees on election petitions to decide upon the right of parties to vote to cases "in which the name of such person shall have been specially retained upon the register, or inserted therein, or expunged or omitted therefrom, by the express decision of the Revising Barrister, or by the decision of the Court of Appeal," and also to cases of alleged legal incapacity of the person at the time of voting, by virtue of any Act now or hereafter to be in force, or which may have arisen subsequently to the making out of the register; in all other cases the register of voters in force at the time of election to be final and conclusive. He objected to this provision, as unequal and partial in operation. By adopting this rule, it would happen that in case of a disputed return for a borough which had been long subject to severe contested elections, and the register of which had consequently been thoroughly examined and disputed before the Revising Barrister, and was likely, therefore, to be the more correct, the Committee of this House would again undertake the task of examining and revising the list, thus doubling the expense and the trouble of those who had already had sufficient of both in endeavouring to make the register perfect. On the other hand, in the case of a borough, which had not been contested for some time previous, and the register of which had consequently been neglected by the constituents—this case, where no trouble had been gone to by the parties in order to obtain accuracy, where no expense had been incurred in disputing claims before the Revising Barrister—in such a case as this, where the greatest inaccuracy might reasonably be expected to prevail in the lists, no investigation was allowed to the Committee on the subject; and the parties who had spared themselves any trouble and expense

on the subject, were now, through that very act of neglect, to escape from both for the future. This was, he thought, a very strong argument against the justness and the expediency of this part of the clause, and as he had not yet heard any attempt to defend the proposition, he should certainly take the sense of the Committee upon the amendment which he had just moved.

The Committee divided on the Amendment: Ayes 41; Noes 70—Majority 29.

Clause agreed to.

On Clause 76th, limiting the taking of the poll in counties to one day.

The Earl of *Lincoln* objected to this clause, on the ground that a voter, residing at a distant part of the county, might be unable in unfavourable weather to exercise his franchise; he wished that the consideration of the clause should be postponed.

The *Solicitor-General* said, that there might be some imaginary cases in which parties might not be able to come to the poll, but it was impossible to legislate for every contingency that might be suggested, and he thought that the balance of convenience was in favour of the retention of the clause.

Lord *Granville Somerset* contended, that if this clause were to be allowed to stand part of the Bill, it would debar the freeholders in many cases from exercising their rights to vote. It was not at all an extraordinary case, that an individual living on the borders of the counties should have property in each, and how was he to vote in respect to that property, if the poll was to be limited to one day? Besides, it would be giving the freeholders of the town in which the polling booth was erected, an immense advantage over the country freeholders. As to the argument which had been used on a former occasion in favour of this measure, that bribery was more successfully brought into play after the first day's poll, he must say that there were very few instances of bribery in counties. He did not see that there was any inconvenience from the excitement of the second day's poll, because the great struggle was made the first day, and the polling was always carried on languidly on the second day of polling. He should, therefore, decidedly oppose the clause.

Lord *Ebrington* thought, that if power were given to the magistrates or the sheriff,

to increase the number of polling places, the poll in counties might with great safety be limited to one day. The Committee which investigated this subject reported, that it was well known that the time most favourable for bribery was between the first and second day's polling, and that many persons refused to vote on the first day, in order that they might be able to make their own terms. He could state, from his own experience, that instances of bribery in county elections were by no means so rare as the noble Lord opposite supposed, and bribery would be most effectually stopped if the poll were closed in one day. He found, by a comparative estimate that had been made of the number of voters who polled on the first and second days of polling in ten counties, that 37,000 polled the first day, and 7,000 the second, showing that five-sixths of the constituencies of those counties polled on the first day; and in another estimate, where thirty-three counties were taken, 115,000 polled the first day, and 25,000 the second. He would cite a glorious instance of what might be done from an example which occurred before the Reform Act. In 1768, in the county of Norfolk, there was a contested election, and four candidates, and by an agreement between themselves and the sheriff, it was settled, that the election should be decided by the first day's poll. The election took place in the month of March, the poll began at eight o'clock in the morning, and closed at eight at night, and in the course of that time, 5,500 voters polled in the city of Norwich, and the poll might, in fact, have been closed by five o'clock. He had this statement from a living witness—Mr. Coke, of Norfolk. Thinking, therefore, that it was practicable to take the poll in counties in one day, and being of opinion that if that were done, it would save expense and prevent bribery, he trusted the Committee would agree to the clause.

Mr. *Baines* observed, that in the last contested election for the West Riding of Yorkshire, where there was a body of 18,000 electors, and the extent of the district was not less than eighty miles in length, and from fifty to sixty miles in breadth, there would not have been the least difficulty in taking the whole of the votes in one day, and, in fact, a very few dribblets of voters came up in the course of the second day. The whole body of electors, 18,000 in number, was polled out

the first day, except about 2,000, and only a portion of those came up on the second day. If, then, the polling places were increased in number, he felt confident there would be no difficulty in taking the poll in counties in one day.

Mr. *Charles Ross* remarked, that this clause embodied a disputed principle, and it would surely be most proper to have the question discussed in a separate form, and as a separate measure, and not to mix it up with details relating merely to the registration of votes. There might be many persons who objected to this part of the Bill, who agreed in thinking the clauses relating to registration expedient, and he would really put it to the noble Lord, the Secretary of State for the Home Department, whether it would not be better to withdraw the clause, and treat it as a separate measure.

Lord *J. Russell* entirely agreed with the object which this clause had in view, but it was perhaps worthy of consideration, whether it would not be most convenient to deal with it as a separate Bill.

The clause was omitted. Several of the postponed clauses were agreed to, and the consideration of others further postponed.

Sir *J. Graham* proposed an amendment, which was rendered necessary in consequence of the loose manner in which the 25th Clause of the Reform Act was worded. Till that Act was passed, leaseholders for a term of years had no franchise. A lease for lives was held to be equivalent to a freehold; but if it was terminable at a less period it was not so. For the first time, under the Reform Act, copyholds of 10*l.* per annum gave a right to vote in counties; and leaseholds, under certain limitations, were placed on the level of freeholds. It was the intention of the framers of that Bill that the right of voting in counties should interfere as little as possible with the right of voting in cities and boroughs, and it was therefore enacted, that no person should be entitled to vote for a county in respect of copyholds and leaseholds in boroughs. The intention of the framers of the Bill had, however, been defeated in consequence of the word "occupied" having been inserted in the 25th Clause of the Reform Act, instead of the word "held." The words of that clause were, that no person should be entitled to vote for a county "in respect of his estate or interest as a copyholder or

customary tenant, or as such lessee or assignee, or as such tenant and occupier, as aforesaid, in any house, warehouse, counting-house, shop, or other building, or in any land "occupied" together with a house, warehouse, &c., such house, warehouse, &c., being either separately or jointly with the land so "occupied" therewith of such value" as would give a right of voting for the city or borough. He would put a case to illustrate his meaning. He, himself, occupied a house in Grosvenor-place, under a lease of sixty years unexpired, from the Marquess of Westminster. That house being a 10*l.* house, gave him a right to vote for the city of Westminster. Now, if he wished to create a vote out of that lease for the county of Middlesex, he could do it in this manner: he might let his coach-house for 7*l.* a year, and his stable for 6*l.* a year; and then, as he ceased to occupy them, it had been held by the revising barristers that they would also give him a vote for the county of Middlesex. Now, that was in direct contravention of the meaning and intention of the framers of the Reform Act; and he therefore wished to introduce a clause to remedy that defect. For that purpose he moved a clause, the object of which was to declare that no lease or assignment of a term of sixty years or twenty years respectively, or any unexpired portion of such term which confers a right of voting for a city or borough, shall confer a right of voting for the county in which such city or borough is situated.

Mr. *Thomas Attwood* proposed, that this amendment, which was very important in itself, and very complicated in its wording, should be postponed for future consideration. It was taking hon. Members by surprise to call upon the Committee to pass it when thus suddenly pressed upon its notice.

Mr. *Aglionby* said, that as this amendment had been on the notice-paper for more than a month, it could not fairly be said that it took the House by surprise. He fully agreed in the propriety of the observations which had fallen from the right hon. Baronet, the Member for Cumberland.

Mr. *Pryme* denied that, there was any fraudulent object in this species of voters for counties.

Lord *J. Russell* agreed with his right hon. Friend that the object of the framers of the Reform Bill was to prevent the

inhabitants of towns voting for counties or premises which gave them the right of voting for cities and boroughs. He did not, however, understand how parties could make out before the revising barrister their claim to vote for counties in the mode in which his right hon. Friend had stated.

Mr. *Hurst* objected to this amendment. It would have a much more extensive operation than the right hon. Baronet intended, and would act most injuriously to the interests and franchises of all subtenants.

Mr. *Warburton* said, that if this matter were tried on the intentions of the framers of the Reform Act, the parties whom the right hon. Baronet opposed were not entitled to have votes for counties; but if it were to be tried on the merits, undoubtedly they ought to have them. It was intended by the Reform Act that property should be represented, and these parties having property in the county were entitled to the franchise. He should therefore oppose this amendment, and vote for retaining the clause as it stood at present in the Reform Act.

Mr. *Jervis* was also opposed to the amendment. There was no objection on the part of the right hon. Baronet and his friends on the opposite side of the House, to let the landlords split their farms, so as to create as many votes as they could. It was well known that the landlords had availed themselves to the utmost of that power, and they only objected to it because they found that the landlords in towns were endeavouring to remedy that evil by availing themselves of their property for the same purpose. If the wording of the Reform Act had given this franchise to the holders of property in towns, he saw no reason why it should now be taken from them to please the right hon. Baronet and his friends on the other side of the House.

Mr. *Brotherton* would like to say to the Committee, "It is now 12 o'clock;" but as those words might perhaps be considered objectionable, he would only say, that he should oppose this amendment, as to his knowledge it would disfranchise nearly a thousand good votes in the town and neighbourhood of Manchester.

Mr. *Thomas Allwood* thought that it would produce the same effect in Birmingham. He hoped that the right hon. Baronet would therefore withdraw his amendment, for as a Reformer the right hon.

Baronet should be anxious to extend rather than to contract the constituency.

Sir *James Graham* had not said, that these votes were fraudulent. He had only said, and he must still maintain, that they were fictitious votes.

Mr. *Brotherton* moved that the Chairman do now report progress.

The Committee divided:—Ayes 63; Noes 49—Majority 14.

The House resumed.

The Earl of *Lincoln* moved, that the House do now adjourn. His reason was, that as his Majesty's Ministers thought that the time had arrived for reporting progress, it was clear that, in their opinion, the time must also have arrived for the adjournment of the House.

Lord *John Russell* said, as the noble Lord (*Lincoln*) seemed to demand from him an explanation of his vote, he would state, that his opinion, as he had already mentioned was, that the clause of the Reform Act was entirely in conformity with the view stated by his right hon. Friend, the Member for Cumberland (Sir *James Graham*). In the course of the discussion, however, his hon. and learned Friend, the Solicitor-General, stated to him that he thought that there ought to be a further consideration of the original clause before the amendment moved by the right hon. Baronet was agreed to. His hon. and learned Friend thought the original words of the Reform Act to be so extremely plain as to render it necessary that there should be some further consideration before it was determined whether any and what words might be required to be introduced to fill up any obscurity in the clause as it now stood. Having received that opinion from his hon. and learned Friend, he (Lord *J. Russell*) certainly took part with him, and consequently voted for the Motion, and the Chairman do report progress. He felt himself perfectly justified in taking that course, and he was quite indifferent to any interpretation which the noble Lord or the hon. Gentleman opposite might put upon his vote.

Sir *James Graham*: If the noble Lord had intimated, in the most distant manner, that he should have had no objection to the amendment, if upon further consideration it appeared necessary to carry out the original intention of the Act, he (Sir *James Graham*) should at once have requested permission of the House to withdraw the clause. If he now understood from the noble Lord that the clause would not be

objected to, if upon further consideration it should seem requisite to achieve the object of the Act as it was originally passed, he should certainly request his noble Friend (Lord Lincoln) to withdraw the motion he had just made.

Lord John Russell stated, that believing, as he did, the intention of the clause, as originally framed, to have been such as his right hon. Friend (Sir James Graham) had stated, if upon further consideration it should appear that such a clause as that proposed by the right hon. Baronet was necessary to carry that intention into effect, he should certainly feel bound to support it.

The Earl of Lincoln withdrew his motion, which allowed the House to complete some routine business before it adjourned.

HOUSE OF COMMONS,

Wednesday, June 22, 1836.

MISCELLANEOUS.] Bills. Read a second time:—Murderers' Execution.

Petitions presented. By the Sheriff of the City of London, for the Repeal of the Civil Disabilities on the Jews.

DURHAM (SOUTH - WEST) RAILWAY BILL.] Mr. Wason was desirous of drawing the attention of the House to a resolution which had been agreed to last night on the motion of the hon. Member for Middlesex, to this effect:—That the Committee on the Bill do again re-assemble, for the purpose of reporting to the House specially the preamble of the Bill, and the evidence and reasons in detail on which the resolution, "that the preamble had not been proved," was adopted, the House considering as contrary to the practice of Parliament, the resolutions of the Committee last reported, "that the reasons upon which the Committee came to the resolution that the preamble had not been proved," can only apply to those Members who voted on that proposition. He thought that the Committee had great reason to complain that such a resolution should have passed the House, without proper notice having been given, which would have enabled the Committee to explain some circumstances which, left unexplained had a direct tendency to imply censure on them. He said the proceeding adopted towards this Committee was unprecedented. The only case at all bearing on it, for he had examined for precedents, was in the 66th volume of the Journals, in which notice was taken of the irregu-

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larity with which a Report had been furnished, and the course adopted was, to negative the Bill. He asserted that a Committee of that House had a right to pass any resolution it thought proper, so that it did not reflect on any Member of the Committee. He concluded by calling on the hon. Member to withdraw the resolution until the parties had sufficient notice, or else he should be under the necessity of moving that the motion be rescinded.

The *Speaker*: This involves a question which relates to the order of proceedings in this House. Here is a resolution brought up from a Committee, in terms which distinctly go to establish the principle, that only a portion of that Committee are to decide upon a point at issue. Such being the case, the Committee were directed by the House to re-assemble, (the attention of the House having been drawn to the circumstance,) in order that, when they should re-assemble, they might rescind a proceeding for which, as the hon. Gentleman has stated, there is no precedent whatever, because the Committee took upon itself to do that which it had no power to do. Such, I am sure, will be the opinion of the House. I merely wish to say, that what the House clearly has to do is, to take care that the Committee do re-assemble, in order that they may strictly adhere to the rules and regulations of the House, they being under the direction of the House. If the Committees of this House had the power to limit their own powers, which they have not, the case would stand in a different light. This right not being vested in them, on what ground can a portion of a Committee act independently of the other, so far as to exclude the other portion? Here is a list fixed by the House, to whom this Bill is referred, and I am confident this House will never sanction any such proceeding as that of a Committee coming to a resolution that a portion only of that Committee shall vote upon a question which has been referred back to them. Upon the face of the Report last made, there is an evident irregularity. If any regulations are to be imposed upon a Committee, other than those already established by the House, it can only be done by the House itself, not by any portion or division of the House.

Mr. Wason said, that the resolution did not bear out the construction put upon it by the House. The inferences drawn were not quite correct.

Mr. Hume begged the attention of the House while he read the order, from which would be seen the force of the judicious observations which had fallen from the Chair. The hon. Member stated the proceedings in the Committee, and argued from them that the motion which he had made was the most proper course to pursue, as it afforded the Committee an opportunity for giving the reasons which induced them to adopt the resolution in the form in which it was submitted to the House.

Sir James Graham thought that what had been complained of most was, that a resolution should have passed that House which hon. Members conceived implied censure on them, without sufficient notice having been given to those more immediately interested.

Mr. Hume did give notice, but the motion was omitted for one day to be put on the orders. However, as his hon. Friend had complained of not being sufficiently informed of his (Mr. Hume's) intention to move for the re-assembling of the Committee, he should not persevere in insisting on the motion, but would consent that it be postponed until to-morrow, if his hon. Friend thought he would gain anything by occupying the time of the House further with it.

The order for the re-assembling of the Committee was discharged.

MR. HARDY—PONTEFRACT ELECTION.] Mr. Gully rose for the purpose of calling the attention of the House to a circumstance which occurred in a previous debate, and said, that although an apology might be due to the House, he had none to make to the hon. and learned Member for Bradford. He hoped to be indulged for a few minutes while he adverted to a charge thrown out by the hon. and learned Member, then for Dublin, now for Kilkenny, against the hon. Member for Bradford, on the 16th February last. He begged to read the terms of the charge as he found them in the *Mirror of Parliament* [Order].

The *Speaker* interposed, and stated, that all such references were irregular, and a breach of the privileges of the House.

Mr. Gully would say, then, that he heard the hon. and learned Member for Kilkenny charge the hon. and learned Member for Bradford, with having paid from 3*l.* to 20*l.* for votes at Pontefract; adding, "and if I am not mistaken, I can prove it." On that occasion, the accusa-

tion was not repudiated, nor on a subsequent occasion, the 21st of February, although the hon. and learned Member for Bradford had an opportunity of denying it. In fact, he had not come forward with any denial, until after the hon. Member for Kilkenny had been unseated for Dublin. On the 17th of May, however, the hon. and learned Member for Bradford, had said this:—"In the part he had taken respecting the Carlow Election, he had acted from a sense of public duty, and he trusted he might be excused if he availed himself of the present opportunity to allude to imputations cast upon himself."

The *Speaker* inquired whether the hon. Member intended to conclude with any motion? At present he was only referring to a former debate. Did he mean to make any complaint?

Mr. Gully said, that he meant to make a complaint of a breach of privilege. The hon. and learned Member for Bradford proceeded, on the 17th May, to assert that "the charge against him of having been guilty of bribery was most calumnious and unfounded;" and on a subsequent day he took the opportunity of stating that he had been charged with bribery, but that it was false and unfounded. On other times on the same evening, he (Mr. Gully) had heard the hon. and learned Member repeat that the accusation was false and unfounded. He (Mr. Gully) had been much surprised to hear such a declaration, and he had risen from his seat to say, that if the hon. and learned Member had been calumniated, he considered himself one of the calumniators, because at a public meeting at Hull, he had said that he had a strong antagonist to contend with at the late election for Pontefract; that he knew that a great deal of money had been spent by that party for immoral purposes—indeed, that more money had been spent at the last election than had ever been spent at Pontefract since Mr. Hardy's election. He (Mr. Gully) had also informed the House upon that occasion that within a few days he had himself received a letter from one of his constituents, stating that he felt himself so much disgusted with the conduct of the hon. and learned Member for Bradford—[Order]—He begged pardon if he was in error, but he begged leave to say, that he had received a letter from one of his constituents, stating that he felt so indignant with the hon. and learned

Member for Bradford, for his conduct during the investigation of the charges against Mr. O'Connell, that he had a great mind to inclose to him (Mr. Gully) a letter written by the hon. and learned Member for Bradford, in which he stated the exact sum which his election had cost him, when he came forward as a candidate for Pontefract. In answer to this statement, the hon. and learned Member for Bradford said, that he would be obliged to him if he would produce to the House any letter of his upon the subject. He had written in consequence to the gentleman who had made to him the communication respecting the hon. and learned Member for Bradford which he had just mentioned to the House; but as it happened that he was himself obliged to leave town about that time, and as the gentleman to whom he wrote happened not to be at home when his letter reached its address, he had not got the letter, for which he had written, till the present time. The letter written by the hon. and learned Member for Bradford, which his correspondent had inclosed to him, he would now, with the permission of the House, read.

The *Speaker* reminded the hon. Member for Pontefract, that unless he had some specific allegation to make, he was now going into matter quite irrelevant to any matter before the House.

Mr. Hardy: The House will do me a great favour if it will listen to the hon. Member.

Mr. Gully: This letter is a letter written by the hon. Member for Bradford to a gentleman who seconded him at his election at Pontefract. The letter was dated the 6th of March, 1834, and was as follows:—

"Dear Sir,—I left to Mr. Mitton the liquidation of such accounts as he thought proper, and by his decision, which I don't disapprove of, I have abided. I am surprised that any of the respectable inhabitants of Pontefract should have countenanced that to which I was subjected, knowing, as they must have done, that it was against my express desire and directions. I so wrote to Mr. Mitton more than once, and understood that my letter was communicated to my friends. I always felt bound in honour, though much against my conscience, to pay the head-money to those who voted for me, and which was in many instances taken by those who ought to have been ashamed of such a thing. One way and another I paid more than 5,000*l.* as the result of that contest. A Mr. Armitage is pestering me to pay 8*l.* odd for some tickets which it seems he has been

trafficking in. This is the man who got out of the way to prevent his being called upon to prove bribery, and I can only say that I wish he was a holder of ten times as many, and much good may they do him.

"With best wishes, yours truly,

"JOHN HARDY."

After the broad declaration of the hon. and learned Member for Bradford, who had challenged, not only him, but also the whole country, to substantiate against him any charge of bribery—who had stated that the allegations against him of the hon. and learned Member for Kilkenny were "false, unfounded, and calumnious"—after all these broad declarations, he would now leave the House to judge how far those allegations were deserving of the epithets which the hon. and learned Member for Bradford had applied to them. The hon. and learned Member also admitted that he had paid 5,000*l.* and more as the result of his election. Having so far succeeded in laying before the House the nature of the charges which had been preferred against the hon. and learned Member for Bradford, he would now leave the House to act upon them as it thought fit. After such broad declarations had been made—declarations which were made, he firmly believed, as the last shift for calumniating another person—["*Hear*" and "*Order*," which prevented the hon. Member from finishing the sentence].

The *Speaker* asked the hon. Member what was the point he wished to arrive at—what was the motion he intended to make?

Mr. Gully would move, that the House do now take this letter into consideration. Well, he would move that the letter be laid upon the table, and that a Select Committee be appointed to take it into consideration.

Mr. Hardy was glad to have an opportunity of entering into an explanation and refutation of the charges which had been so unfoundedly and yet so unblushingly brought against him. What the money which he had spent in carrying an election at Pontefract had to do with the charges which a sense of public duty had compelled him to bring against Mr. O'Connell, he could not for the life of him understand. Even if he had been convicted of bribery, it could have had no effect either in diminishing or increasing the weight of evidence against that hon. and learned personage. The hon. Member for Ponte-

fract had stated that the hon. and learned Member for Kilkenny had twice accused him of bribery to his teeth, and that twice he had refused to repudiate the charge. This was not the fact. On the 11th of February, when the hon. and learned Member for Kilkenny, in the course of his speech, said that he knew some one who had paid 20*l.* a-head for the votes which he had received, he had not the slightest notion that the hon. and learned Member was alluding to him. On the 16th of February, the day to which the debate on the charges against the hon. and learned Member was adjourned, the hon. and learned Member had thought fit to be a little more specific. The hon. and learned Member had then stated that he (Mr. Hardy) had paid from 3*l.* to 20*l.* a-head to those who had voted for him at Pontefract, and that the hon. and learned Member was in a situation, if need were, to prove it. He had stated over and over again, and he was sorry that he must again repeat the statement, that the only reason why he had not met that charge then with a complete refutation and explanation was, that immediately after the hon. and learned Member had made his reply he had retired from the House, as hon. Members would all recollect, and was therefore not present to hear his vindication. On the 4th of March, however, when the hon. Member for Greenock presented a petition from certain electors of Carlow complaining of the intimidation and oppression practised upon their tenantry by the landlords of that county, he had taken the liberty of calling the attention of the House to the charge which the hon. and learned Member for Kilkenny had brought against him. He was then called to order by the noble Secretary for the Home Department, who with great courtesy informed him that another and more fitting opportunity of defending himself against that charge would be afforded him, when the Report of the Committee came regularly under the consideration of the House. On the 23rd of March, the hon. Member for Greenock brought forward a petition from the tenants of the hon. and gallant Member for the county of Carlow, complaining of the manner in which he had coerced them; and on that occasion he had again endeavoured to explain the misrepresentations which had been sedulously spread abroad of his conduct as a candidate at Pontefract in the year 1826. He was

then interrupted by the hon. Member for Bridport, who said that his explanation had nothing to do with the matter then before the House—that it did not belong to it, and that it had therefore better be postponed; “and then, Sir, you informed me,” said Mr. Hardy, addressing the Speaker, “that the time for my explanation would be at the termination of the inquiry into the circumstances of the Carlow election.” At last, upon the 18th of May, he had had an opportunity of explaining, and he had explained everything relating to the transactions which had been referred to by the hon. Member for Pontefract. He had stated the circumstances under which he had become a candidate for that borough, and under which he had prosecuted his petition against the return then made, and he had then stated that any charge of bribery having been practised by him was false, unfounded, and calumnious, and so he stated now. It was stated in the debate of the 21st of April last, that he understood pretty well what bribery was, and now the hon. Member for Pontefract came forward and asserted that twice he (Mr. Hardy) had been charged with bribery, and twice he had not dared to contradict it. Why, the reason was that he had not even had an opportunity of contradicting it afforded him; for twice had he been stopped and called to order by hon. Gentlemen on the other side of the House. He admitted, that as soon as he had said on the 18th of May that the charge was “false, unfounded, and calumnious,” the hon. Member for Pontefract had risen in his place and said, that if it were so, he had been to a certain extent a party to the calumny; for he had stated at a public dinner given at Hull to the hon. and learned Member for Dublin, that more money had been spent at the last election for Pontefract, in consequence of the immoral practices of his opponents, than had ever been spent at any election for Pontefract since the time of Mr. Hardy’s. He (Mr. Hardy) believed that on that point the hon. Member for Pontefract was mistaken—he believed also that great expense had been incurred at elections at Pontefract since that time—ay, and that, too, very lately. The hon. Member for Pontefract had also said, that he had received a letter from a constituent of his residing at Pontefract, in which the writer said that he had a great mind to send to the hon. and learned Member for Kilkenny a

letter written by the hon. and learned Member for Bradford, to show that he had spent 5,000*l.* and upwards to carry an election at Pontefract, although he now complained of 2,000*l.* being spent at an election for the county of Carlow. Immediately on hearing that statement, he had challenged the hon. Member for Pontefract to produce the letter to which he referred; but the hon. Member was unable to produce it. The hon. Member then told him the name of the gentleman from whom he had received that letter; and immediately on learning it, he wrote to that gentleman the following letter;—

"I have no objection whatever to your sending Mr. Gully any letter of mine to you, conscious as I am that it will contain no confirmation of the charge of bribery on the occasion of my being a candidate for Pontefract. You, at that time, as my friend and supporter, generally accompanied me in my canvass. No one is better able to speak to my conduct in the course of it, &c. I call upon you, as an act of justice to me, to state whether, upon any occasion, you witnessed an attempt or wish on my part to hold out corrupt inducements of any kind to those whose votes I solicited.—I remain, &c.

"May 30.

"JOHN HARDY."

The answer which he obtained to that letter was this:—

"Dear Sir,—In reply to your letter I should not do justice to my own feelings, or your conduct during the canvass, if I did not declare, in the most decided terms, that I never witnessed a wish or an attempt on your part to hold out corrupt inducements of any kind to those whose votes you solicited. Our town was ridden roughshod by a system which, I must say, you disdained to follow; for rather than have recourse to it on the day of polling, you declared to me on the hustings, that you would abandon your election at a period when all seemed favourable, and the sudden reverse would only be satisfactorily accounted for from the reason I have assigned."

Now, in order to explain part of that letter, he must inform the House, that before the election he had ascertained that there were about 800 electors, more or less. He had received from 700 of them promises of support. It somehow or other happened, that at the poll, not more than 429 voted for him. He certainly had been invited to let some hundred pounds be spent upon the day of election, among the electors. The gentleman, whose letter he had just read, had spoken to him on the subject. That gentleman knew that he had refused to do any such thing, and that he had said that he would rather lose his election than con-

sent to it. Some hon. Gentleman would perhaps recollect, that in the year 1826, a dissolution was expected about the middle of the month of February. It did not, however, take place till the month of June. In the month of May, he found that public houses had been opened in Pontefract, by the friends of the other candidates, and that his friends had followed their example. Though the opening of these public houses was not a violation of any existing statute, he determined that the system should be put a stop to, and accordingly it was put a stop to. "But then," said the hon. Member, "the letter which I have just read proves that a large sum of money, a larger sum than the legal expenses required, was expended by you on your election at Pontefract." Now he begged that the House would attend to the phraseology of that letter. His words were "one way and another I paid more than 5,000*l.* as the result of that contest. Now, if the House would consider that the public-houses had been kept open in Pontefract from February till the middle of May, when he shut them; if it would also consider that he had prosecuted an expensive petition, in which, as his nominee, the right hon. Member for Cumberland would recollect, fifty witnesses were examined on his behalf—they would see that, even if he had had no other expenses to meet, they could not have fallen very short of that sum. But he had other expenses to meet. An action was brought against him by a little attorney at Pontefract. He had paid that attorney 60*l.*, but he had thought fit to claim 250*l.* The action was tried at York, and he had obtained a verdict. He had never called upon that attorney to pay the costs, which he was entitled to recover. Then there were the subscriptions to the local charities, which every gentleman whom he was then addressing knew, that it was a Member's business to support. After this statement, he called upon the hon. Member for Pontefract to say, whether he thought that his legal expenses could have fallen short of 5,000*l.* Why, what had the hon. Member for Pontefract himself just said? That his legal expenses at the last election, without a contest, had cost him more than his legal expenses when he had had to sustain a contest? How had that happened? It was not for him to surmise, but perhaps the hon. Member would himself explain it. Considering that there

had been three candidates in the field from February to June; considering that they had been one, and all obliged to employ agents during all that time; considering that the public houses had been open for the greater part of that time; considering, also, that he had prosecuted an expensive petition, had defended an action in which he had not exacted the cost to which he was entitled, and had subscribed to the different local charities—considering all this, he thought that he was well off in finding that the result of the contest had not cost him more than 5,000*l*. The charge which the hon. and learned Member for Dublin had preferred against him was this—that on corrupt practices in the borough of Pontefract, he had spent 7,040*l*, and that he could prove it. Where the hon. and learned Member gained his information as to the odd 40*l*., which seemed to clinch the truth of his story, he did not know. He supposed that he had gained it from the same quarter from which he had obtained his information about the other 7,000*l*.; he had, however, challenged him to the proof, and he now stated, that if either the hon. and learned Member for Kilkenny, or the hon. Member for Pontefract, would come forward as his accusers, he would not plead against them the statute of limitations. If either of those hon. Members, either by action or indictment, or in any other way, would proceed against him, he would be ready to meet them. These were the short facts of the case, and he left them to the judgment of the House.

Lord John Russell put to the House whether this debate ought to be allowed to proceed any further. The hon. Member for Pontefract, and the hon. and learned Member for Bradford, had both made those statements which they deemed necessary to the vindication of their characters. It was not necessary, in his opinion, for the House to come to any decision upon their conflicting statements. The hon. and learned Member for Bradford had said, that he was quite ready to meet any accusation that might be brought against him, but the question for the House to consider was, whether it would enter further into the consideration of the matter, with which it had no immediate concern. He hoped that the House would not.

Mr. Hume said, that the question could not be so easily got rid of as the noble Lord supposed, for a motion had been re-

gularly made and seconded, that this letter be laid on the table of the House. The hon. and learned Member for Bradford had given what he considered to be an explanation of that letter; but he would read one sentence from it, which was quite inconsistent with that explanation, but before he did so he would call the particular attention of the House to the fact, that the hon. and learned Member for Bradford had not given any denial to the charge brought against him by the hon. and learned Member for Kilkenny until that Member had vacated his seat. The hon. and learned Member had come forward as the prosecutor of a charge against the hon. and learned Member, which he had described to be most heinous and disgraceful. To look at the speech of the hon. and learned Member for Bradford, bribery had never on any previous occasion been carried to such an extent as it had been carried at Carlow by the hon. and learned Member for Kilkenny. He should have expected that a person who had brought such charges forward against another would have been perfectly free from them himself. The hon. and learned Member had sat down saying, that he had a complete defence, and that he had not violated any Act of Parliament, and yet there occurred in his letter this sentence:—"I always felt bound in honour, though much against my conscience, to pay the head-money to those who have voted for me, and which was, in many instances, taken by those who ought to have been ashamed of such a thing." There was also another remarkable sentence, which showed the extent to which this head-money had been paid—"One way and another I paid more than 5,000*l*., as the result of that contest." The hon. and learned Member had challenged them to prove that this 5,000*l*. was paid in head-money. Now, no person could answer that challenge but the hon. and learned Member himself; and he now called upon the hon. Member to lay upon the table of the House an account of the head-money which he admitted himself to have paid to his voters. He submitted to the hon. and learned Member for Bradford, with all deference to his opinions on matters of law, that head-money was bribery. If so, the hon. Member had been guilty of bribery, and if so, he had not been in a condition to make the denial which he had made. Moreover, if he had been guilty of bribery, he had done injustice to

those whom he had accused, and stood at present in a position not the pleasantest in the world.

Mr. Gully observed, that the hon. and learned Gentleman had asked him whether or not he had paid any head-money. He would answer the hon. and learned Gentleman, that if he had paid head-money, and had afterwards declared that he never had been guilty of bribery in any shape whatsoever, he should consider himself unworthy of a seat in that House.

The letter to be laid on the table.

Mr. Hume moved, that it be printed.

Mr. Robinson said, that so long as any question involving the personal character of his hon. and learned Friend (Mr. Hardy), or that of the hon. Members opposite, was before the House, there might have been some ground for departing from the usual practice, in order to afford hon. Gentlemen an opportunity of setting themselves right with the House; but he would ask what object could be gained by having this letter printed? The only appearance or ground of charge against the hon. and learned Member was, that he had paid head-money. He should be very sorry to justify anything like bribery in any hon. Member; if, however, the hon. Member for Bradford had discouraged bribery in the borough of Pontefract, but had fell, on finding that some of his friends and partisans had made engagements in his name, that he could not conscientiously decline to fulfil them, and he had afterwards, in consequence, paid money though that might in the literal sense of the word be called bribery, yet he thought it could not *in foro conscientie* be so termed. He was of opinion that enough had been said upon the question on both sides, and as he did not consider it would become the dignity of that House to accede to the hon. Member for Middlesex's motion, he should divide the House upon it.

Mr. Sheil said, that the facts of this case depended entirely upon documentary evidence. The hon. and learned Member for Bradford had read a letter which he had written to a gentleman, a friend of his own, in which he had distinctly stated, that it was with extreme repugnance he had recourse to means therein adverted to. Now, the hon. and learned Gentleman, after having read his own letter, had not read the reply to it. Supposing he had read that answer—he, (Mr. Sheil) however, did not want to press that letter.

But what defence had the hon. and learned Gentleman made? By his own admission 5,000*l.* had been spent by him in some way or other, and yet it appeared that but 429 voters had been polled in his favour. How was it possible that 429 voters could cause such an expense as 5,000*l.* The hon. and learned Gentleman in that sum had certainly included his own costs in an action which had been brought against him by an attorney, the amount of which he had not demanded from the plaintiff—but that would make but a slight reduction in 5,000*l.* There were two points arising out of this question for consideration—first, what was the meaning of the words “head-money?” And, secondly, what was the amount paid per head? Now would any Gentleman on the other side of the House assert that head-money was not bribery? Would the hon. and learned Gentleman himself say that it was not? If he would, why was it that he so reluctantly, and so much against his conscience, yielded to what he considered the necessity of the case? He hoped the hon. and learned Gentleman, at any rate, would introduce a clause in his Bill on the subject of bribery at elections, to prevent the payment of head-money, to which he entertained so conscientious an objection.

The House divided on Mr. Hume's motion:—Ayes 97; Noes 136:—Majority 39.

List of the AYES.

Ainsworth, P.	Crawford, W.
Angerstein, J.	Curteis, E. B.
Attwood, T.	Dundas, hon. T.
Bagshaw, J.	Dundas, J. D.
Baines, E.	Edwards, J.
Baldwin, Dr.	Elphinstone, H.
Ball, N.	Ewart, W.
Barry, G. S.	Fergus, J.
Bellew, R. M.	Ferguson, R.
Bentinck, Lord W.	Fitzsimon, C.
Bewes, T.	Fitzsimon, N.
Blake, M. J.	Fort, J.
Blamire, W.	Gillon, W. D.
Blunt, Sir C.	Grattan, H.
Bodkin, J. J.	Hardy, J.
Bridgeman, H.	Harvey, D. W.
Brodie, W. B.	Hawes, B.
Brotherton, J.	Hector, C. J.
Browne, R. D.	Howard, P. H.
Buller, C.	Kemp, T. R.
Butler, hon. P.	Lambton, H.
Callaghan, D.	Leader, J. T.
Chalmers, P.	Lennox, Lord G.
Childers, J. W.	Lennox, Lord A.
Clive, E. B.	Loch, J.
Codrington, Admiral	Lynch, A. H.
Crawford, W. S.	M'Namara, Major

Mangles, J.
 Marjoribanks, S.
 Maule, hon. F.
 Musgrave, Sir R.
 O'Connell, J.
 O'Connell, M. J.
 O'Connell, Morgan
 O'Ferrall, R. M.
 O'Loghlen, M.
 Oswald, J.
 Palmer, General
 Parrott, J.
 Pattison, J.
 Pease, J.
 Pechell, Captain
 Philips, M.
 Potter, R.
 Power, J.
 Price, Sir R.
 Pryme, G.
 Roberts, A. W.
 Roche, D.
 Rundle, J.

Ruthven, E.
 Sandford, E. A.
 Sheil, R. L.
 Stanley, E. J.
 Steuart, R.
 Talbot, J. H.
 Thompson, Colonel
 Thornely, T.
 Tooke, W.
 Trelawney, Sir W.
 Tulk, C. A.
 Villiers, C. P.
 Wakley, T.
 Walker, R.
 Wallace, R.
 Warburton, H.
 Wason, R.
 Wigney, I. N.
 Wilbraham, G.
 Williams, W. A.

TELLERS.

Gully, J.
 Hume, J.

List of the NOES.

Agnew, Sir A.
 Alsager, Captain
 Arbutnot, hon. H.
 Ashley, Lord
 Bailey, J.
 Baillie, H. D.
 Balfour, T.
 Barclay, D.
 Barclay, C.
 Baring, W. B.
 Baring, T.
 Bateson, Sir R.
 Beckett, rt. hon. sir J.
 Bentinck, Lord G.
 Bethell, R.
 Bruce, Lord E.
 Buller, Sir J. Y.
 Cartwright, W. R.
 Chandos, Marquess of
 Chichester, A.
 Clerk, Sir G.
 Clive, hon. R. H.
 Colborne, N. W. R.
 Cole, hon. A.
 Cole, Lord
 Cooper, E. J.
 Corbett, T. G.
 Cripps, J.
 Dalbiac, Sir C.
 Dalmeny, Lord
 Dottin, A. R.
 Eastnor, Lord
 Egerton, Sir P.
 Elley, Sir J.
 Elwes, J. P.
 Estcourt, T.
 Estcourt, T.
 Fazakerley, J. N.
 Fector, J. M.
 Ferguson, G.
 Fleetwood, P. H.
 Forbes, W.

Forster, C. S.
 Fremantle, Sir T.
 Gladstone, T.
 Gladstone, W. E.
 Gordon, hon. W.
 Goulburn, rt. hon. H.
 Goulburn, Sergeant
 Graham, rt. hn. Sir J.
 Grey, Sir G.
 Grimston, Lord
 Hale, R. B.
 Halford, H.
 Halse, J.
 Hamilton, Lord G.
 Hanmer, Sir J.
 Harcourt, G. G.
 Hawkes, T.
 Hay, Sir J.
 Henniker, Lord
 Herries, rt. hon. J. C.
 Hobhouse, rt. hn. Sir J.
 Hogg, J. W.
 Houldsworth, T.
 Howard, R.
 Howick, Lord
 Hoy, J. B.
 Johnstone, J. J. H.
 Jones, W.
 Irton, S.
 Kirk, P.
 Knight, H. G.
 Knightley, Sir C.
 Labouchere, rt. hn. H.
 Lincoln, Earl of
 Long, W.
 Lucas, E.
 Lushington, hn. S. R.
 Lygon, hon. Colonel
 Maclean, D.
 Mahon, Lord
 Manners, Lord C. S.
 Morgan, C. M. R.

Morpeth, Lord
 Nicholl, Dr.
 North, F.
 Packe, C. W.
 Palmer, R.
 Palmer, G.
 Parker, M.
 Patten, J. W.
 Peel, rt. hon. Sir R.
 Pemberton, T.
 Perceval, Colonel
 Plumptre, J. P.
 Pollen, Sir J. W.
 Pollington, Lord
 Poulter, J. S.
 Price, R.
 Pringle, A.
 Pusey, P.
 Rae, rt. hon. Sir W.
 Rice, rt. hon. T. S.
 Ross, C.
 Russell, Lord J.
 Sandon, Lord
 Scott, Sir E. D.
 Shaw, rt. hon. F.
 Sheppard T.
 Sibthorp, Colonel

Smith, J. A.
 Smith, A.
 Somerset, Lord G.
 Stanley, E.
 Stanley, Lord
 Stewart, P. M.
 Sturt, H. C.
 Tennent, J. E.
 Thomson, rt. hn. C. P.
 Thompson, P. B.
 Thompson, Alderman
 Trench, Sir F.
 Trevor, hon. A.
 Vernon, G. H.
 Vesey, hon. T.
 Wall, C. B.
 Weyland, Major
 Wilbraham, hon. B.
 Wilmot, Sir J. E.
 Wortley, hon. J. S.
 Wrightston, W. B.
 Wynn, rt. hon. C. W.
 Young, G. F.
 Young, J.

TELLERS.

Robinson, G. R.
 Baring, —

POOR-LAW COMMISSIONERS.] Mr.

Maclean had seen in the daily journals a correspondence that had taken place between a clergyman of the Church of England and the Commissioners of the Poor-laws, respecting the allowing the inmates of workhouses to attend divine worship on Sundays in the parish church or elsewhere. In answer to the letter written by the clergyman in question, the Commissioners stated that these unfortunate persons were not to be allowed to attend such places of worship; but instead of this it appeared that they were to be confined within the walls of the workhouse, but that a chaplain was to attend to their spiritual wants. He wished to know from the noble Lord, whether the Poor-law Commissioners had the power to prevent the unfortunate inmates of workhouses from attending divine worship, either in the parish church or any other place that was more congenial to their feelings.

Lord *John Russell* replied, that he had not seen the correspondence alluded to by the hon. Member, but would make inquiry into the subject, and give an answer at a future day.

Subject dropped.

BUSINESS OF THE HOUSE.] The *Chancellor of the Exchequer* said, that he was aware that it was not usual to bring on Government business on a Wednesday, but on that day to allow Members to proceed

with their Bills; but it was a matter of pressing emergency that the sugar duties should not be postponed at that late period of the year. It would be for the convenience of all parties interested in the subject, as well as for the public convenience, that the discussion on the sugar duties should take place at as early a period as possible, and he had given notice, that he intended to propose an important alteration. It was on these grounds that he earnestly entreated hon. Gentlemen who had orders on the paper previous to his own, to allow him to state the nature of the propositions which he intended to propose; he should endeavour to justify such a concession at their hands by taking up as short a time as possible.

Mr. Francis French observed, that the Chancellor of the Exchequer had given notice last year that he intended to introduce a Bill for the encouragement of public works in Ireland, but there appeared to be no probability of such a measure being introduced at present; he therefore wished to learn from the right hon. Gentleman what were his intentions on the subject.

The Chancellor of the Exchequer answered, that with respect to the Public Works Bill, it was his intention to introduce that measure, and to endeavour to carry it during the present Session. His hon. Friend must be aware that he had no opportunity of bringing forward the measure at an earlier period of the Session, with a chance of carrying it.

Sir Robert Peel thought that it would be much better to strike off all those Bills from the order book which were not likely to be got through during the present Session. If the noble Lord would mention those Bills which he intended to pass during the present Session, and let the others stand over, it would add materially to the convenience of hon. Gentlemen. At present hon. Members were brought down to the House not knowing what measures were to be discussed, to the hindrance of public business, and to the great inconvenience of Members. He wished to ask the right hon. Gentleman a question respecting the new Stamp Bill. The right hon. Gentleman would probably press for so much of the measure as related to the alteration of the stamp duties on newspapers, but did he expect that he should be able to pass during the present Session all the clauses of that extensive measure?

The Chancellor of the Exchequer agreed

with the right hon. Baronet that it would be for the convenience of public business that those measures that were not likely to be carried during the present Session should be postponed; but he did not think that this would be the case with respect to the Bill for the consolidation of the stamp laws, although it was a very long Bill. The points on which differences of opinion were likely to arise could be gathered by meeting the parties interested, and he could assure the right hon. Gentleman that he had had many communications with them. He hoped, after the alterations he had proposed, that the points of difference of views would be few in number, and so unimportant in themselves, that they would not be likely to prevent the important object of consolidating the stamp laws from being effected during the present Session. If they could effect consolidation with satisfaction to the House and the country, they would obtain an object of public usefulness which should not be lightly abandoned; at the same time, as far as he was concerned, he would endeavour to strike off all those Bills which were not likely to be carried during the present Session.

Mr. Cayley thought it was most objectionable to bring on public business on Wednesdays, which was the only day on which private Members had an opportunity of bringing forward Bills.

Mr. Wakley also protested against thus dealing with the Bills introduced by Members not connected with the Government. The first order of the day was for the second reading of the Parish Vestries Bill—a measure which he had introduced, and which it was of importance should be carried without delay. He did not feel himself justified in assenting to the request of the right hon. Gentleman.

The Chancellor of the Exchequer had not explained the nature of the urgent necessity that prevailed with respect to voting the sugar duties. The annual sugar duties would expire on the 5th of July, and it would be a great public inconvenience if they were not at once agreed to.

Mr. Hawes thought that it was a great hardship that Members did not know whether they should be allowed to proceed with their Bills or not on Wednesday. He had now for two years endeavoured to proceed with a measure of great public importance which he had introduced, and he could not help complaining of the treatment he had experienced. If the

Government, Wednesday after Wednesday, would proceed with their measures, they had better by half at once strike off the notice-book all Bills introduced by private Members. If such a proceeding were attempted again, he would certainly take the sense of the House on the question.

Mr. *Aglionby* had a Bill which by the proposed arrangement he should be prevented bringing forward till such a late hour of the evening that the House would not listen to it. He had been disappointed in a similar manner on former occasions.

Mr. *Wakley* said, that he could not consent to postpone the discussion on the Parish Vestries Bill.

Sir *Robert Peel* suggested to the Chancellor of the Exchequer the propriety of merely moving his resolutions and taking the discussion on another day. He could hardly expect to get through the discussion in a short time, and a partial discussion on a question of this nature would not be satisfactory. If, therefore, the Chancellor of the Exchequer was allowed to introduce his propositions, the debate on them could be taken on another day.

The Chancellor of the Exchequer could not altogether agree to the arrangement proposed by the right hon. Baronet. He thought that it would be very unfair, and would be attended with great inconvenience after the notice he had given, if he did not explain his views and intentions on the subject. If after his explanation, hon. Gentlemen would allow the discussion to take place on the second reading, he would take care to fix on a day when they should have ample opportunity of debating it. With respect to the suggestion of the right hon. Baronet, he would only observe, that if the resolutions were proposed in Committee to-day, the next step would be to report them to-morrow, when he would not have an opportunity of entering into an explanation, as it was a notice day, nor could a discussion take place on them. The nearest day, then, for a discussion would be on the motion for the second reading of the Bill founded on them. All that he required was, to explain shortly the object he had in view. This could not be done if he merely proposed the resolutions without explanation; and if he abstained from doing so, he should expose his measure to misconception, and he might put parties who were interested to great inconvenience. The hon. Member for Finsbury stood in a peculiarly favourable situation as regarded

his Bill, and nothing could prevent its coming forward that evening. He would move that the House resolve itself into a Committee of Ways and Means.

Motion agreed to. House in Committee.

EQUALIZATION OF SUGAR DUTIES.]

The Chancellor of the Exchequer said, it was his intention, in as few words as possible, to state to the Committee the circumstances attendant upon the very important question which it was his duty to submit to the House. In approaching this subject, in preference to the other orders on the paper, it was not from any want of feeling with regard to the great importance of the subjects to which they refer; but considering the nature of the question which he had to introduce, he was bound to say that he felt the highest sense of gratification at its having fallen to his lot to offer the present explanation. When he considered the great number of years that had elapsed during which the equalization of the sugar duties had been earnestly sought for, and urged upon the Legislature—when he considered the number of petitions which had been presented on the subject—when he considered the great interests involved in the discussion—he thought if hon. Gentlemen had adverted somewhat more carefully to the magnitude of the question, they would not for a single moment have interposed, but would have given their preference to this matter above all other Bills before the House. This important subject had not only occupied the attention of the House on many previous occasions, but there was scarcely a great mercantile community within the realm that had not made an appeal to Parliament in reference to it. There was not a single individual in the House, who had not recorded, by his speeches or by his vote, his assent to the principle of equalization; but still, from year to year, and on grounds which he was the last person to question, but which, on the contrary, he admitted to have been just, the consideration of the question with a view to bringing it to an effectual and final issue, had been postponed. Under these circumstances he did not feel himself called upon to argue at any very great length in favour of the general principle involved in the proposition which he was about to submit. He was rather called upon to show—what the circumstances were which had heretofore prevented the adoption of the motion which he apprehended would now be no longer

opposed—that of not only assimilating those duties, but also of freeing parties from those restraints which on former occasions were imposed upon them in growing sugar in the East Indies. He would state to the Committee the position in which the case stood with reference to former discussions; because, in respect of this, or any other measure on the subject of discriminating duties, when presented to the House, not only the expediency of the measure should be proved—not only should it be proved fit for general adoption, but it should be shown that it is a wise application of a just principle; and that the adverse interests—for there must be adverse interests—have no just right to complain. On this point, however, he should not carry the Committee further back than the year 1834. At that period, when the question of the sugar duties was brought forward by the then Chancellor of the Exchequer, my noble Friend, Lord Spencer—in consequence of a suggestion by the hon. Member for Liverpool (Mr. Ewart), that from and after that period the duties on East and West India sugars should then be equalized—upon that occasion his noble Friend said:—

“He was well aware of what was due to the West Indians, and was inclined to give them that due, and all that they required was time to see the working of the Act passed last Session with reference to the West-India colonists. He thought it would not be advisable to increase the pressure on the latter Colonies until the effects of that measure were seen. He repeated that the present proposition was merely for a temporary purpose, and he hoped the House would agree to it.”*

Lord Spencer's opinion was, that it was only a question of time; and he stated he was ready to admit, as regarded the general principle of discriminating duties, that they could not be defended on any just grounds. Upon that occasion the right hon. Baronet (the Member for Tamworth), with great justice and strong feeling, laid down the general principle which ought to be applied to this branch of Finance. His right hon. Friend said:—

“He hoped that the hon. Gentleman (Mr. Ewart) would persevere in his intention of submitting the present highly important subject to the grave consideration of the House, in order that they might clearly understand the situation of the parties interested in its adjustment. As far as he could comprehend its bearings, an

act of greater injustice towards the natives of India could not be done, than to continue upon their produce the unequal rate of duty at present levied. Although an attempt to establish discriminating duties between two countries might not by the one aggrieved be considered as an open declaration of war, yet it would not fail to make that country regard the attempt as a marked indication of hostility. The House might, at all events, depend upon it, there was a growing intelligence in the natives of India, that could not fail to make them feel most keenly the degree of favour shown to the West-India colonists in comparison with that extended to them.”†

And the right hon. Baronet added—

“He was disposed to agree with the noble Lord in thinking it might be inexpedient at the present moment, to add to the difficulties of the West-India planter, by proposing any change; but he at the same time thought, that those whose capital was invested in East-India securities, had a right to know whether the present unequal rate of duty on the produce of that country was to be kept up.”‡

Such were the words of the right hon. Baronet, and they displayed the highest wisdom; because if it were true, as undoubtedly it was, that the establishment of discriminating duties was not a measure which could be justly resorted to between nation and nation in amity, he trusted that no Gentleman in this House—though possibly they might not feel themselves bound to the inhabitants of Hindostan by the same ties which connect them with their immediate constituents—would be disposed to reject the feeling that it was our bounden duty to give to the King's subjects in Hindostan the same full measure of justice which any foreign country, in amity with this empire, was entitled to demand from us. He had read the speech of the right hon. Baronet on the occasion in question, because he thought that in a few powerful sentences it embodied the whole principle upon which Parliament ought to act, and it would be for him to show that he was prepared to apply that general principle in a manner consistent with justice and with prudence. His object in referring to these past transactions, in reference to the question, was to show that nothing like surprise could be charged against him;—and additionally, to make this apparent, he should briefly allude to a speech made at the same time by the noble Member for North Lan-

* Hansard's Parliamentary Debates, (Third Series,) vol. 21, page 947,

• Hansard's Parliamentary Debates, (Third Series) vol. xxi. p. 947, 948.

† Ibid. (Third Series) vol. xxi. p. 951.

cashire, who then represented in the House the Colonial-Office, and who, in addition to his being officially bound carefully to watch over the important interests of our colonies, was peculiarly connected with this subject, by the glorious measure which he had the year before been the instrument of conducting through Parliament. His noble Friend, on that occasion, referred more especially to the point, that full notice would be due to the parties before any such measure as this should be passed. His noble Friend's words were these—

“The feeling which every Gentleman had expressed upon the subject of freedom of trade, and more significant than all; the strong hint conveyed by the decided opinion expressed by the right hon. Baronet, the Member for Tamworth against any protection being afforded—would give sufficient notice to those parties in the West Indies, that they must not expect a continuance of those duties in their favour.” *

His noble Friend considered this sufficient notice, and he was of the same opinion. In the course of the last Session of Parliament he had stated his opinion of the general principle. He stated then, that he thought it better to defer the alteration of the duties rather than to violate an understanding, although not accompanied by any specific declaration. That was the way in which he put the question last year. Two years ago it was distinctly stated, that Parliament was disposed to consider the whole of the circumstances attendant upon the equalization of these duties; and last year specific grounds,—only applicable to that year, prevented the House doing so. These grounds no longer existed. Under these circumstances it was, that he felt himself bound to proceed with the question of the equalization of these duties. He should like to know whether there was any peculiarity in the circumstances of the times which ought to arrest us in the progress of this measure? In the first place he would ask, with reference to the West-India Colonies, whether any difficulty had been thrown in the way of the payment of the compensation under the Slavery Abolition Act? On the contrary, so far from this being the case, he was sure that the parties interested would readily admit, that at any hazard, at any inconvenience, at any trouble, Government had taken measures to provide funds to meet this purpose before they could possibly be called upon to

pay the demands of the West-India proprietors; and that not a moment's delay, which could be avoided, had interfered between the time at which the payments became due, and their being met. He would ask, had that measure failed? Had the public expectation, in reference to it, been disappointed? On the contrary, he was enabled to state, that even on the part of those who entertained the least confidence in that measure, the result of it had been allowed to be more successful than was anticipated for it by its most ardent advocates. He should now proceed to advert to the mode in which it was proposed to carry this measure into effect, assuming, as he justly might, that the time was come at which this question must be finally settled. There were two modes, only, in which the subject could be discussed;—the one turning upon the question whether the equalization of the duties should take place at once; and the other, whether it should take place by gradual steps? It was urged on the part of the West-India planters, that the change should not be made suddenly, and all at once, for that they ought not to be subjected to competition with sugar grown in more advantageous soils; and that the equalization should take place by gradual steps, Parliament following, in this respect, the course which had been adopted with safety and utility in other cases. In short, it was suggested that the East-India sugar duties should be reduced so much per cent. per annum, until gradually they arrive at an equality with the West-India duties. He was ready to admit that there might be some plausibility in this argument, and that there were many cases in which a principle, however useful, should be applied gradually; but he was prepared to say, in reference to the present subject, that after the fullest consideration of all the case, and after communicating with all the parties connected with it, the determination of his mind was, that it would be for the interest of all, that the alteration should be immediately carried into full operation. He was convinced that if he approached the subject in any other spirit, he should not only be conferring no protection on the West-India planters, which would be of any importance to them, but should at the same time be throwing discouragement in the way of those who are disposed to advance capital and enterprise in East-India commerce, a step which would be productive of great

* Hansard's Parliamentary Debates, (Third Series) vol. xxi. p. 951.

and permanent injury. In order to make out his case, he should lay down the general principle, that if there were any result of a useful nature attainable by natural means, it were a mere absurdity to interfere by an Act of Parliament, for the purpose of producing a like result. That being an admitted principle, he was in a condition to prove, applying it to the present subject, that though these duties would be immediately and absolutely altered, yet the competition which the West-India planters had reason to apprehend from opening the market would be but gradual. If this were the case,—and he knew that it was,—the result which that interest seemed to think they could only gain by a gradual equalization of these duties, would be attained by natural means, without the interposition of any law; and he therefore thought that natural means were the only ones to which we were entitled, in this instance, to look. Gentlemen most conversant with the subject of sugar produce in the Eastern colonies, were all of opinion, that without a very extended additional growth of sugar there, the quantity of sugar which they could immediately bring into the market would not be materially increased for some time. The raw material of sugar in India was in itself a very perishable commodity, and could not, therefore, be kept for any length of time. Moreover, it was produced by the natives of the country, who, being extremely poor, could not afford to keep any great stock, even if it were not so perishable a commodity; nor, further, could there be any great stocks kept up in India, where the rate of interest of money was so very high. This circumstance, in itself, was sufficient to deter persons from entering very largely into the business there, merely upon the speculation of an Act of Parliament, which might, at a future time, be passed upon the subject of their commodity. Even in cases where an alteration in the price of sugar calls for but a slight increase in the produce of sugar, it takes a long time to get together any such increase in the raw material. To increase to any extent the growth of sugar in India, it would be necessary to increase the number of plantations; and these could not be established in a day. An extended growth of sugar could not be effected except by the application of British capital and skill; and applied, too, for the purpose of improving machinery for the manufacture of sugar. All this must be a work of time;

the new competition could but slowly come into operation. On these grounds then, he thought it unnecessary to propose a graduated reduction of duty. Would it not be a hardship on the East-India interest, if Parliament were to say, that discriminating duties should exist for the remainder of the term of negro apprenticeship,—or that the duty should only be reduced by steps during that period,—because the effect of that course would be, that during that whole period the great object of embarking capital in India would be defeated? No person would like to advance his capital under such circumstances; when circumstances were fluctuating from day to day, the equalization of duties should be immediate; and in that case, capital would be embarked accordingly. Though he did not admit, that the West-India interest, was entitled to the protection which they asked, yet there were matters in respect of which they were entitled to protection. He said that there could not be a greater fraud in legislation, than would take place, if the House were to enact a new law, under which law foreign grown East-India sugar should be introduced under the colour of being the produce of the British East-India colonies. What act of justice would it be to the people of Hindostan, if sugar could be introduced from Siam, or other places, into India? This country owed an act of justice to its subjects of Hindostan; but it owed no such act to the inhabitants of Siam. We had to take especial care that the limits of our legislation should be the limits of the actual justice of the case. The first and most obvious protection as regarded the West-India interest, and which it was well entitled to ask was, that no East-India sugar should be imported, into this country without a certificate of origin, and a certificate of origin was more likely to be genuine in India than anywhere else; because, inasmuch as the revenue system of India extended over the whole face of the country, and was connected with the territorial payments, it would not be difficult to get from the officers of the district a certificate connecting the sugar not only with the place at which it was produced, but even almost with the name of the person who produced it. It would not be difficult to accompany that sugar with a certificate as to the port at which it was to be embarked, and it would also not be difficult to get from the competent officer of the port a document to show that the sugar imported

here was the identical sugar grown in the British possessions in India. His first principle was, that a certificate so guarded and so particularised, should accompany all sugar imported into this country. But this was not enough—justice required that they should go further; because all the provinces in India did not grow sugar, and those which did not should be allowed to receive sugar, the growth of foreign countries, or else that circumstance would influence the market. But then, as foreign sugar might be imported into those places in the East, where sugar was manufactured, and exported from thence as domestic produce, it was necessary to guard against that fraud. He said, therefore, that the West-India Colonies had a just right to be guarded in this way; and he was the more justified in this proposition, in consequence of the law which had been imposed on them. If the Mauritius, for instance, were allowed to import coffee into this country, it was not allowed to import foreign coffee. The West Indians, then, asked for a protection just in its principle, being one to which they had themselves been subjected already. But a most extravagant request had been made, namely—that all India should be prohibited from receiving foreign sugar. Now, that proposal needed only to be mentioned to carry its own defeat with it. It was said by Peter Plimley, in one of his letters—"Brother Abraham, whatever you may have heard to the contrary, Ireland is bigger than the Isle of Wight." So he might say, that India was larger than any sugar island. Bombay, for instance, did not grow sugar. In admitting that, on this score, the West-India interest had a right to protection—which those most eager for the opening of the sugar trade in India are quite ready to acquiesce in—he felt bound to state that these were the most broad and general terms upon which it could be accorded. He should therefore propose that, into those districts of India whence sugar is imported into this country, the importation of foreign sugar should be prohibited; but that there should be permitted a free importation of foreign sugar into other parts. This would have the effect of not disturbing the exportation trade in that part of India whence the supply of sugar was likely to come, and would reserve the whole principle which the West-India interest had a just right to demand. There was another branch of the subject upon which he wished to say

three words—he alluded to the subject of bounties—[An hon. Member: Drawbacks, I suppose.] Well, he would use the term "drawbacks;" but as to drawbacks or duties, or by whatever name they should most properly be called in Parliament, he wished to say, that he did not consider the present state of the law upon the subject to be satisfactory. He believed the whole of this part of the subject required revision; but he did not mean, on the present occasion, or in the Bill he proposed to introduce, to make any change in the drawbacks. He thought it, however, proper to state, that the subject was under the consideration of his Majesty's Government; and if he continued to fill the office which he now had the honour to hold, in the next Session of Parliament he should consider it to be his duty to call the attention of the House to it. He was the more anxious to avail himself of the interval, because he wished to see the effect of the equalization of duties upon the sugar of India. He would further observe, the House must be aware, that of the high discriminating duties, the consequence or tendency was, that only the best description of East-Indian sugar was imported. But put an end to those discriminating duties, and there would be various qualities of East-Indian sugar introduced; and an opportunity given of then ascertaining what the effects of these drawbacks would be. He would say a few words more, and then close his observations. Hon. Gentlemen who had done him the honour of attending to him, would perceive, that if the certificate of origin were required—and required it ought to be—the effect of the Resolutions, or rather of the Act of Parliament to be hereafter founded upon them, would be, that it would only act upon cargoes introduced from India under the provisions of the Act. This was a matter of strict justice; because, if they applied the rule at once to East-India sugars now in warehouse—inasmuch as the high discriminating duty only had reference to the highest quality of sugar—it would be most unfair were they to allow those sugars to be entered for consumption at the lower rate of duty. He had now stated to the House the principles upon which, in justice to all parties, he felt himself called upon to act—he had stated his decided opinion to be in favour of immediate equalization—he had stated why he thought the discriminating duties should no longer exist—he had stated the nature of the pro-

tection which he considered due to the West-India interest, and the mode in which he considered that the measure might, without difficulty, be carried into effect. He trusted that when the House came to a vote on this subject it would be remembered how long and how anxiously this measure had been desired and prayed for on the part of the rising population of Hindostan; that every account which had been received from that country showed that its intelligence, its knowledge of what concerns its own interests, and the true relations which exist between it and the mother-country, strengthen daily; that a knowledge of our institutions and of our language was constantly extending in Hindostan; and that, finally, such a measure as this would be gratefully received by the people of India as a pledge, that the Parliament of Great Britain knew their interests and were anxious to promote them; and that though there were no actual Representatives of India in this House, yet that there were in it men who entertained an anxious wish to promote the happiness and prosperity of their fellow-subjects. Such a measure as this, too, would give great satisfaction to the great commercial communities of our own country, who had over and over again applied to Parliament through their Representatives in this House to do justice to India, and by so doing to promote the best interests of the commercial world. He thanked the House for the indulgence with which he had been listened to, and he begged to move, "That towards raising the Supply granted to his Majesty, the following duties shall be paid on the importation of Sugar on and from the 5th day of July, 1836, for a time to be limited, and under such regulations and conditions as shall be provided by any Act to be passed in this Session of Parliament, namely:—

Sugar, viz.—	£.	s.	d.
Brown, or Muscavado or clayed sugar, not being refined, the cwt.	3	3	0
—, the growth of any British possession in America, and imported from thence, the cwt.	1	4	0
—, the growth of any British possession within the limits of the East-India Company's Charter, into which the importation of foreign sugar may be prohibited by law, and imported from thence, the cwt.	1	4	0
—, the growth of any other British possession within those limits, and imported from thence, the cwt.	1	12	0

Molasses, the cwt.	-	-	-	1	3	9
—, the produce of and imported from any British possession, the cwt.	-	-	-	0	9	0
Refined, the cwt.	-	-	-	8	8	0
Candy, Brown, the cwt.	-	-	-	5	12	0
—, White, the cwt.	-	-	-	8	8	0

Mr. Goulburn said, he thought that the general wish of the House was, that any discussion upon the details should be deferred till a future stage. There had been an understanding on the part of the hon. Gentlemen on that side of the House, who had been present, that it would be more for the general convenience of the House that no debate should arise that evening; but in abstaining from a discussion, in this instance, he felt himself placed in a difficulty principally arising from the speech of his right hon. Friend, who had dealt so largely, and had expatiated so much upon the importance of showing to the people of Hindostan that as they were not represented in that House, there were, nevertheless, in it those persons who took an interest in their welfare, and were prepared to protect their commercial interests; and that right hon. Gentlemen had so carefully avoided all such allusions with reference to the West-Indians, that it became the more incumbent on those who felt an interest in our West-Indian possessions, to show that there were also persons in Parliament who felt a deep interest in that population—a population which was equally unrepresented, in that House with that of Hindostan. The people of the West-Indies were more particularly deserving of care and attention, because they were emerging from a comparative state of barbarity to a state of complete civilization. Yet notwithstanding the inducement to enter upon a discussion, he would forbear entering into the subject at any length. He thought, however, that they had some little reason to complain of his right hon. Friend for having proposed his plan at so late a period, seeing that when they should come to the consideration of the next stage of the proceeding, they would not have the opportunity of giving the question that sober deliberation which ought to be applied to it. This was the great difficulty in the case, for it was not merely a question of reduction of duty, or one of general principle only, as it was one which imposed the consideration of those various details upon which must mainly depend the successful working out of the plan of his right hon. Friend, for they were essential to the fulfilment of this object. And yet they were to be

The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are in agreement with the experimental facts. The second part of the paper is devoted to a discussion of the application of the theory of the structure of the atom to the study of the properties of the elements of the periodic table. It is shown that the theory of the structure of the atom can be used to explain the periodicity of the properties of the elements, and that it can be used to predict the properties of the elements which have not yet been discovered.

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innumerable restrictions and penalties in this important branch of commerce; and he thought the Chancellor of the Exchequer would not be doing equal justice if, while giving to the East Indians the means of competing with the West Indies, he should refuse to the West Indies, the privilege of obtaining their food from any and every market, and thus continue to support a most unjust monopoly. The hon. Member concluded by adverting to a petition which had been presented to his Majesty from Canada, in which they sought for the facilities of free trade.

Mr. *Ewart* joined his hon. Friend, the Member for Middlesex, in thanking the Chancellor of the Exchequer for this wise and just measure. He thought the West-India interest had no right to complain, for the protection given to them by the Bill was, in his opinion, sufficiently strong. That protection was threefold:—First, the right hon. Gentleman would not allow foreign sugars to be imported into those portions of India from which Indian sugar was exported—a strong measure certainly, somewhat uncommercial in its character, and one which nothing but the necessity of the case could justify; secondly, by requiring a certificate of origin; and lastly, that the sugar now here should not come under the new regulations as to duty, because it was purchased under the expectation that it would have to pay the regular duty. With these three restrictions he thought the West-Indian interest might well be content. He hailed the general measure as one of justice and wisdom, and promoting an enlightened spirit of free commerce. By promoting the cultivation of sugar in the East, and by inducing capitalists to invest their capital in such an undertaking, they would also be the means of promoting the cultivation of the important articles of cotton and tobacco, for which the adjacent soils to that in which the sugar cane was grown were exceedingly favourable; and thus, as had already happened with respect to indigo they would give another great impulse to the prosperity and welfare of the British empire in the East. He hoped that Government would also take off the duty on pepper, and place rum made in the East Indies on the same footing as that made in the West. Indeed this seemed as a natural corollary of reducing the duty on sugar and encouraging the cultivation of the sugar cane. The

article of cotton was likely to become a very important article of cultivation in the East Indies. Some specimens of East-Indian cotton had made its appearance at Liverpool last year, of very superior quality, and if properly encouraged it was not impossible that our colonies in the East might be enabled to compete even with the United States in supplying England with this important article of her commerce, and fertile source of her commercial prosperity.

Mr. *O'Connell* had only one observation to make. He did not think that the hon. Member for Liverpool, in the excellent remarks which he had made, had stated the case so strongly as he might have done, in reply to the speech of the right hon. Gentleman, the Member for Cambridge University, who apprehended some dangerous moral effects from the adoption of this measure. The West-Indian interest had been long prepared for this; and they had 20,000,000*l.* given to them as a compensation for the abolition of slavery; and during the discussions on that question it was frequently stated, that the people of England would never consent to pay this large sum unless the duties on East-India sugars were equalised as an equivalent. The Chancellor of the Exchequer had put a clear *bonus* into the pockets of the West-India proprietors; for he believed that estates in those colonies were now more valuable than they had been. For his own part, he was one of those who congratulated the House and the country on the introduction of the present measure. Indeed, this was an exceedingly right step.

Mr. *Patrick Maxwell Stewart* did not rise to complain of the proposition of his right hon. Friend, the Chancellor of the Exchequer, especially as he understood that the important details would be discussed on a future occasion; but he did complain of the manner and tone in which it had been introduced, because it came with a startling effect on not only the West-India, but also the East-India interests, who certainly did not expect it would be brought forward in so sweeping a manner as was proposed. The right hon. Gentleman had noticed the warnings which had been given by the right hon. Baronet, the Member for Tamworth, and he admitted, that they had been received as warnings that these alterations would be made; but there were particular circumstances which were specially to be

considered. The West Indians were, in consequence of the Act of Emancipation, restricted in supply of labour, and saddled with the cost of all their labourers, though they performed only limited labour. What the West Indians understood—and he appealed to his right hon. Friend if such was not the case—was, that they were to be prepared for a graduated process of reduction. He admitted, indeed, the reasoning of his right hon. Friend, that, practically speaking, such an arrangement might not lead to any good. He admitted the new light which had been thrown out, that it was right to come to a conclusion on the subject, if he conceived that a graduated system would deter the application of capital and skill from being embarked in West-India property. With regard to the remarks of the hon. and learned Member for Kilkenny (Mr. O'Connell), he had reiterated the observations which he had before made on the subject of the twenty millions grant to the slave proprietors. Now he believed it was a generous and a fair settlement of the question, and he must express, as he always would do, his gratitude for that grant. But then his interpretation of the matter was, that it was a bargain on both sides; and when he was told that the public lost the twenty millions, and that they had given a *bonus* to the West-India proprietors, he must deny it. Again, the value of estates in the West Indies was not what it had been, and estates might be purchased at a very reduced rate; and property was torn to pieces by the fervour of the one side and the folly of persons on the other. He wished to ask the right hon. Chancellor of the Exchequer two questions, in order that there might be no mistake, as, unless the matter were clearly explained it was more than probable that some such apprehension would arise. First, it was said that with regard to the stuff of East-India sugar now here, this principle was not to apply; and the principle ought not in fairness to apply to any produce or sugar of India now coming home even under certificates of origin. This should be distinctly understood in order to allay misapprehension, if it should arise; and it should be also distinctly understood and provided for, that India was not to be an exporting and importing country at the same moment. Now, there was another point. The West Indies were subject to certain restrictions, which amounted to a positive prohibition of

commercial intercourse with the United States. Now he begged to ask the right hon. Gentleman if he was prepared to restore that communication direct and uninterrupted as before? He was aware it might be objected to on many grounds, and that, though amounting to a heavy burden on the West Indies, it was part of the late colonial system. But if the free trade system were to be introduced—if the protecting duties on West-India sugar were to be reduced—then it was but fair that the trade and commercial intercourse of the Western colonies should be as free and unrestricted as those of the East. This was a part of the bargain on which the West-Indies must insist. This was more important now, for the Americans, having formerly taken a great deal of our West-India produce, were forced, by the commercial restrictions imposed on them, on their own resources of cultivation; but, after various experiments, they had found that their climate was not suitable, and if the restrictions were removed they would, in all probability, become the principal customers of the West Indies. Such, indeed, was the state of colonial productions amongst the Americans, that they had become great buyers of these productions in the markets of the Spanish colonies of the Continent, and even of this country. He was quite sure the House would see, that in the principle of free trade it was impossible that they could allow any remaining restriction on the commerce of the West Indies with America, however sanctioned by length of time, or any other feeling or opinion whatever. If this were not granted what would be the result? America would resort to Cuba, and foreign colonies who were ready to receive her produce in exchange without restriction. If the advantages now possessed by the West Indies in respect to the supplying of the mother country were taken from them, they had a right to claim, on the other hand, those advantages which they could obtain for themselves from American intercourse; and this they asked, not as a boon but as a fair and equitable adjustment, and as the only fair and equitable adjustment to which the House could come. Waiting, therefore, for the answer of the Chancellor of the Exchequer to these two points, he had nothing more to say than that this arrangement, if carried fairly and justly into effect, would be, in his opinion, productive of the greatest advantages to the East Indies, and would

be an act of justice to our colonists generally, between whom no distinction ought to be made, when the competition between them was conducted upon a fair and just footing.

Lord William Bentinck said, he believed that there would be no difficulty in the system of certificates of origin.

Mr. Poulett Thomson was glad to hear the first part of his hon. Friend the Member for Lancaster's speech, because it was couched in the spirit consonant with his general kindly feeling. As his opinions on the subject were well known, hon. Gentlemen must be aware how deeply anxious he had been for a long time to effect the removal of the differences in question. But at the same time he had always considered that there had been much exaggeration upon both sides. He believed that the alarm of the West-Indians was entirely groundless with regard to the possession which they might have of any monopoly in this country; and also that the expectations entertained on behalf of the East-Indians had been greatly exaggerated. The change of system introduced into that country, which would enable British capital to be employed, and British industry, energy, and intelligence to be exerted, and from which they might confidently anticipate that great advantage would result, was but of late origin. His hon. Friend, the Member for Lancaster, had completely understood his right hon. Friend in supposing that, with regard to all sugars, the produce of the East Indies, now in this country, the alteration would not apply; certificates of origin would be required, and no sugars now on their way from the East Indies could be admitted at the reduced duty—nor indeed any which might be on their way for a considerable time, that is to say, till the provisions of the Act should be known in that country. He was surprised at the extreme length to which his hon. Friend went upon this subject; he seemed to adopt what he had not always been ready to adopt—the principles of free trade, and to carry them to rather a wild extent. When his hon. Friend said, "because you are prepared to equalise the duties on West and East India sugars, therefore, you are to sweep away all remnants of the old colonial system," he certainly did seem to have very wonderfully changed for a very small cause. Did his hon. Friend think, that because they were effecting an equalization of the duties, they were doing away with all pro-

tection to the colonies? The resolution showed the contrary; for it said that foreign sugars should not be admitted under a duty of 3*l.* 3*s.* per cwt., while West and East Indian sugars would be admitted at 1*l.* 4*s.* per cwt. Was that no protection to the colonial interests? Then again did his hon. Friend propose to sweep away the navigation laws, as applying to our East and West Indian possessions? His hon. Friend might, indeed, say that he was not prepared to do that; but still, that he claimed for the West Indians that they should be put on the same footing as the East Indians, with regard to what they imported for their own consumption. Now he had given much attention to the subject; he had heard many complaints made upon it, but he had always found that the parties from whom they emanated had not stated the facts of the case correctly. If they had established their case, he should always have been ready to do everything in his power which they required; but he had found that in almost every case of that kind which they had adduced, their facts had failed them. His hon. Friend said, that they would be satisfied with nothing less than the positive removal of the duties to which the West Indians were subject; but surely it was necessary to look to the interests of the colonies as well as those of the mother country. The only articles on which he had been able to find that the West Indians paid any higher duties were lumber, staves, flour, and articles of that description, coming from our North American possessions; and on that point he could answer his hon. Friend, having brought in the Bill of 1831, on which the whole of the settlement existing in reference to it were based,—which Bill had been left pretty nearly in the state in which it had been introduced. That arrangement had been made at the request of the West Indians themselves, on the principle that it was not advisable for them to be left entirely dependent on the United States, but that a trade in those articles so essential to them should be encouraged with our North American possessions. This, however, was not a well-founded principle, as experience had shown. In former years they had been dependent on the United States; and the United States, thinking that they must necessarily continue so, had imagined that we should be obliged by their prohibiting the export of the articles in question to these colonies,

to concede to them certain propositions, which were contrary to the law and spirit of the policy of this country. A commercial warfare was carried on for four or five years, and the West Indians had been found to benefit considerably; at last the existing arrangement had been made, with the concurrence of the West Indians, for their interests especially, and for their interests he believed that it now continued. His hon. Friend, however, now complained of it, and if it were thought by the West Indians that it was not for their interest that the arrangement should continue, let a proposition to that effect be made—let the question be fairly considered, and he for one should be happy to give it his best attention. But there was no necessity on that account to delay the present measure. It should be borne in mind, too, that, in one respect, the West Indians had a decided advantage over the East Indians—they could import all British articles free of duty, while the East Indians paid a duty of $2\frac{1}{2}$ per cent. upon them. They might say indeed that, although the East Indians paid $2\frac{1}{2}$ per cent. on all imports of British articles, the average of the duties paid upon all imports into the West Indies was higher. If his hon. Friend would bring forward any particular tax in illustration of that assertion, he should be happy to give it his full consideration. He would turn now to what had fallen from his hon. Friend, the Member for Middlesex. His hon. Friend had said, that this was the beginning of a system—that they were putting East Indian produce on the same footing with West Indian produce, and that it would be unjust if they did not remove the differences existing in other duties. He called on his hon. Friend to show him any articles in which there was a difference existing—with the exception of two—tobacco and spirits. As to the first, he had always contended that that was not an article to which they ought to look with any consideration as to the duty to be levied on it—that it was one which could not find its way from the East Indies here, if it were not favoured. He had himself removed the inequalities of duties existing on sixteen articles, including cotton wool, to which his hon. Friend had adverted; so that those articles were now admitted at the same duty from all British possessions. His hon. Friend had alluded to the high duty

existing on pepper. He would admit, that the duty was a very bad one, and he should be happy if the state of the revenue would allow of an alteration; he had had it under consideration, and he had been deterred from attempting it only by the sacrifice of money which it would occasion. He hoped, however, that before the lapse of any long period, he should be able to try an experiment upon that duty. He was glad to find, that the proposition of his right hon. Friend had been so well received by the House; the only exception to the general favour with which it had met, had been afforded by the right hon. Gentleman opposite (Mr. Goulburn), but if there were any serious objections to the measure, he, for one, should be ready to discuss them with fairness and candour.

Mr. William Crawford rose to remove the alarm which his right hon. Friend opposite seemed to entertain with respect to the introduction of foreign-grown sugars, under the change about to take place in the law. He would make one observation, which would, he thought, be conclusive on the point. There was in India but one port of export from which India-grown sugars could come—the port of Calcutta; and the history of that port did not afford an instance of the introduction of foreign sugars, for such a step would indeed have been “carrying coals to Newcastle.” The certificate of origin could without difficulty be so managed as to preclude the possibility of imposition in that respect. He agreed with the right hon. Gentleman the President of the Board of Trade, in the views and explanations which he had given in respect to the time at which the East-Indian sugars would be admitted at the reduced duty. It would be satisfactory, perhaps, to the right hon. Gentleman opposite, to know that a period of nearly two years would elapse before any British-grown sugar from India could come in under the certificates of origin which the Act would require.

Mr. Goulburn said, that it was hardly fair on the part of the right hon. Gentleman to taunt him with not opposing the resolution, after he had specifically risen on the understanding which had been thought to prevail—that it was not in accordance with the inclinations of the House that a discussion should take place, so many Gentlemen having expressed a desire that the other business of the even-

ing should be brought on. He did not mean to say that he should oppose the Bill, — he should examine it with the tranquillity and care which the question deserved. But if he were to be taunted with not entering into the discussion because he endeavoured to forward the views of the House, very little encouragement was held out to hon. Members so to act in future.

Mr. *P. Thomson* explained, that he had merely observed that the right hon. Gentleman had not detailed the reasons of his objection.

Mr. *G. F. Young* said, he would not have risen but for the observation of the hon. Member for Lancashire. He had been surprised to hear him refer to the present measure as a relaxation and breaking up of the colonial system, and call on the Government, in consistency, to sweep away the navigation laws and all the other arrangements for colonial protection, and by which, in fact, the West-India Islands were at present held. When that question was brought more regularly before them at a future period, he would be prepared to show that the protection which those ancient laws extended to the navigation and the colonies of the British empire was but a fair equivalent for many restrictions imposed on those interests, for the general benefit of the State, and that the whole system had been arranged with regard to the reciprocal rights and interests of various parties. The subject would be very imperfectly discussed unless a general vote were taken on the merits of the whole system of our commercial relations.

Dr. *Bowering* hailed the proposition with great satisfaction, as evincing a regard for the interests of the community.

Mr. *Pease* avowed that he took a considerable interest in the welfare of 100,000,000 of his fellow subjects, and could not help feeling that a difference of twenty per cent. on prime articles of their produce was too serious to be overlooked. His hope was, that the legislature of this country would give all its colonies fair play. He believed that they would best consult those distant interests, under all the circumstances in which they were placed, by giving them every fair chance of competition. He thought that the Government could not have offered the commercial interests of this country a more advantageous boon than the present liberal and equitable measure promised.

Mr. *Phillip Howard* must thank the

Government for the Bill before the House. He was happy to find that it was not made a party question. He thought the West-India proprietors would have but little to dread for some years to come from this change.

Mr. *Thorneley* said, that the produce of the West Indies in sugar last year was much less than that of former years, yet they had received a million more than they did the year before, but that million was a tax on the people of this country. He wished that the Chancellor of the Exchequer had gone somewhat further in his labours for their relief. He anticipated that the time would soon come when it would be necessary to relieve them of the tax on sugar altogether. He could assure the House that the merchants of Brazil were very much dissatisfied with our prohibition of their sugar and coffee, and had declared that if we continued our exclusive policy of keeping out all the produce of their soil except cotton, when the time of the present treaty expired we might expect to see a very high duty placed on every article of British manufacture admitted there.

The *Chancellor of the Exchequer* replied, and stated that his intention in bringing forward the present measure was simply to place the produce of the West Indies on an equality with the East. He had studiously taken care to protect the West-Indian planter, and while doing justice to the East Indian to avoid doing injustice to the West. The suggestion of the hon. Member for Wolverhampton went to the increase of the supply of sugar in the home market, and would certainly benefit the consumer, but he thought it would be unjust to the West Indians to throw all the sugar in bond into competition with theirs on such unequal terms. The hon. Member should recollect that the article he wished to throw into the market was foreign sugar—slave sugar. The hon. Member for North Lancashire, who had heretofore taken a considerable interest in the affairs of the West Indies, had evinced great liberality in his views for the advancement of those colonies, and he hoped that the present measure was framed in a spirit that would merit his approval and support.

PARISH VESTRIES BILL.] Mr. *Wakley*, after presenting several petitions, praying for reform in the system of parish voting, proceeded to move the second reading of

the Parish Vestries Bill. It would be recollected that a Bill had been introduced by Sir John Hobhouse, repealing so much of Sturges Bourne's Act as imposed it upon the parishes within the bills of mortality; and it had been considered by many, that a similar bill ought to have been introduced, which should apply to the whole country, inasmuch as the system of voting which that Act had enacted had been productive of the greatest discontent, and the greatest mischief throughout the kingdom. Until 1819 such a system of voting was unknown in this country, in our parochial proceedings; and after examining the discussions which had taken place at the time that Act was passed, he (Mr. Wakley) could find no reasons stated which appeared to him to make out a case justifying its provisions in this respect. It appeared to him to have been a perfect piece of wantonness; and that its only object was, to throw the administration of the parochial funds into the hands of persons of property, to keep up what was called "the just influence of property." When a rate was levied in a parish it was levied so as to apply to the whole community; and he (Mr. W.) should like to know why the power of influencing the distribution of the parochial funds should not be also shared equally by all? But in every instance almost in which this system of voting had been introduced, its effect had been totally to paralyze the voice of the minority. Until 1818 the vestries of this country were generally open; the labouring classes had their just influence in the management of their parochial funds, and consequently they were contented. It would be for those gentlemen who did not agree with him (Mr. Wakley) to prove that since this system of voting had been adopted, equal satisfaction and content had existed in the country parishes? In his belief, if the law before the present system was introduced was bad, it had, since that period been infinitely worse. By Sturges Bourne's Act the occupier of a 50*l.* tenement had one vote; if it were worth 25*l.* more he had an additional vote; and for every 25*l.* another vote, till the total reached 150*l.*, or six votes, to which his privilege became limited. The power of voting was thus conferred upon the rate-paying occupiers; but in 1823 the House transferred that power to the owners, and permitted them to vote by proxy for property occupied by other in-

dividuals; it took from the occupier the power of giving his six votes for property rated at 150*l.* a-year, and transferred it to the non-resident owner! So that in the present state of the law an owner of 150*l.* a-year might have nine votes, while an occupier to the amount of 200*l.* could only give one vote. Such an anomaly in legislation was most odious, and it was still more so considering that a reformed Parliament had the power to amend such a state of things. A case had occurred in his own neighbourhood lately which would illustrate the injustice. Suppose, that twenty persons living in a parish had 150*l.* a year each, amounting to 3,000*l.* a year; and suppose that 100 other persons had 30*l.* a year each, amounting to the same sum; those twenty persons could at present give 120 votes, while the 100 persons rated at the same gross sum could only give 100 votes. Thus one-fifth of a parish could neutralise four-fifths, their equals in point of property. The House could not sanction such a state of legislation without sanctioning all sorts of injustice. In the late election at St. Martin's parish twenty-four candidates were to be found on each side. The lowest Liberal candidate had 748 votes, and the highest Conservative candidate had only 662; yet sixteen Liberal candidates were made to give place to sixteen Conservatives. This was not all. Several persons dismissed from the vestries for improper conduct had brought in proxies; one had gathered thirty-one of these votes; another fourteen; another sixteen; another seventeen. Altogether, eight dismissed persons had collected 129 proxy votes. Now he would ask, if such a system of voting was a just one. If it were, why was it not introduced into the Reform Bill,—why not introduced into the Municipal Corporation Bill. If the representative principle was to be introduced at all into the parochial system of the country, it ought to be carried into operation, by arrangement which would work harmoniously, and produce satisfaction and content. But the present system was one that actually disfranchised large amounts of property. It was a law of disfranchisement, with regard to property,—to rate-paying,—to democratic right. It was one of the worst laws of the old corrupt borough-mongering Parliament; and surely it would not be maintained by a House of Commons calling itself "Reformed." The people now looked for the fruits of the

Reform Bill, and if they found that the reformed Parliament did but support the bad measures of the unreformed, and corrupt body, he (Mr. Wakley) would say it would be better for them to be again under the old system, and that the power of legislation should once more be vested in the hands of the select few. The hon. Member concluded by moving, that the Bill be read a second time.

Lord John Russell: Sir, I stated to the hon. Member, that though I should not object to his bringing in this Bill, it was not my intention to consent that it should go through any further stage at present. The ground on which I am not disposed to agree to it at present is, that I conceive its operation would be injurious to the extension of the Poor Law Amendment Bill, which I consider a most valuable Act, and which has been carried most successfully into operation in many places. This Parish Vestries Bill would, I am aware, very much interfere with, or do away altogether with, that Act in many parishes, therefore I certainly feel very much opposed to it. I shall not upon this occasion enter into the question which the hon. Member for Finsbury has raised, whether or not the system of voting by proxy is a just or desirable one: that may come hereafter more properly under discussion: all I say now is, that as I should be very sorry indeed to obstruct the working of the Poor-law Act; and as that would be the effect of this Bill, I hope it will not receive the sanction of the House.

Mr. Hume was as anxious as the noble Lord for the free and unfettered working of the Poor-law Act, but he did think the proposition of his hon. Friend, the Member for Finsbury, worthy of the consideration of the House. He (Mr. Hume) did not believe the present system of voting in parish vestries could be approved of by the noble Lord. And all his hon. Friend proposed to do was to go back to the old established law of the land, that every rate-payer had his vote; in place of the innovation introduced by Sturges Bourne's Act. But if the noble Lord really considered that the hon. Member's Bill would tend to obstruct the operation of the Poor-law Bill, he (Mr. Hume) should advise his hon. Friend to strike out of his Bill all that part of it which referred to Poor-law Unions, in order that no fear might exist of such consequences resulting from it as the noble Lord anticipated. With that end, he hoped the noble Lord would consent to the Bill

going into Committee, and it might there be so altered as to be confined in its operation to parish vestries.

Mr. Pease felt himself bound to object to the second reading of the Bill, on the ground that its operation would be extremely mischievous in several parishes. He should most decidedly object to any measure tending to interfere with the present mode of voting in parochial vestries. He therefore moved that the Bill be read a second time this day six months.

Mr. O'Connell: The objection urged against the Bill by the noble Lord is intelligible enough; the opposition of the hon. Member for Durham is perfectly unintelligible. The principle of the Bill is the principle of the common law, that every rate-payer should have his vote. Does he object to that principle? If he does he objects to a recognised principle of the common law, and of common sense. The rate levied in a parish presses more heavily upon the poor man than upon the rich man: the poor man's shilling is in comparison as much as the rich man's pound. I repeat it, there must be something behind the opposition of the hon. Member—it is perfectly unintelligible. He may perhaps wish to out-vote his poorer neighbours by reason of the length of his purse; that is quite comprehensible. After all, what alteration can this Bill make in the working of the Poor-law Bill? We have had complaints that the mode of election under that Bill gives undue weight to particular properties against the aggregate, and all that is sought by this Bill is to alter the system of parish voting so as to make it conformable to the principles of the common law, and in favour of those who compose the majority of the rate-payers, and on whom, comparatively speaking, the burden of the rates falls. I do hope this Bill will be allowed to go into Committee, the House will then be able to examine its details, and if it be found that it will interfere with or prevent the working of the Poor-law Amendment Act, (though I do not believe it can,) we can exclude those parts of it which apply to that Act.

Mr. Pryme agreed with the hon. Member for Durham that the Bill of the hon. Member for Finsbury was one of a most objectionable nature, more particularly as regarded country parishes, as its effect would be to place the funds of many parishes at the disposal of thirteen or fourteen labourers, to the exclusion of the

wealthy farmers. Many parishes were not divided into more than ten farms; and the effect of this Bill would be to give the occupiers of those farms the management of the whole property in the parish. He (Mr. Pryme) believed, that if such an alteration as this were to take place, the value of agricultural property through the kingdom would be greatly deteriorated. Reference had been made to the ancient law upon this subject. But he (Mr. Pryme) was surprised to hear such an argument used on his side of the House. If there were anything in the argument drawn from antiquity, why not carry it out to its full extent, and why was it not applied to the reform of Parliament, and to municipal reform? Besides which it should be remembered, property was much more divided now than it was anciently. The present state of the law did not do more than give to property its just preponderance, for would it be reasonable that small occupiers should have more weight and influence in the administration of the parochial funds than those large owners of property whose interest in the parish was twenty or fifty times as great.

Mr. Ward asked, if, before the present system of voting was established, the effects were produced which the hon. Member for Cambridge anticipated from its repeal? And he would also ask if that system of voting had not everywhere been the constant source of ill-feeling and discontent. If so, would not the House support the hon. Member for Finsbury in an attempt to remedy evils which all must acknowledge, and which all must be anxious to remove. At the same time he (Mr. Ward) thought that if the Bill interfered with the working of the Poor-law Bill, it would have a bad effect. The present system of parish vestry voting had given to the great landowners, in his opinion, an influence which without it they would never have possessed, and which they ought not to have: it had produced many abuses, it had led to many evils, and he should therefore vote for the second reading of this Bill, in order that in Committee it might be there altered so as to make it as perfect as possible; but he did so with the express condition that in Committee he should be at liberty to oppose it, so far as it would affect the operation of what he considered a valuable Act.

Mr. Hardy hoped the Bill would be allowed to go into Committee, because he

was willing to go so far with the hon. Member for Finsbury as to correct an anomaly which at present existed in parish vestry voting, viz.—that the practical effect of the present system was to give twenty persons more power than 100 persons, because they happened to possess more property. Now, he thought that every rate-payer had a right to a voice in the administration of affairs which concerned his own interests. And in his opinion the best way of correcting this anomaly was to go into Committee on the Bill of the hon. Member, with that object. He (Mr. Hardy,) thought that the property ought to have its due influence, it ought not to have more than its due influence; and it did in his judgment possess an undue influence, when it gave to a small number of persons in a parish a greater influence than the majority of parishioners in the management of the parochial affairs.

Mr. Plumptre would vote against the Bill.

Dr. Bowring considered that the Bill of the hon. Member for Finsbury was nothing more nor less than a Bill carrying out the principle of the Reform Act, which was, that the rights of individuals were entitled to more respect than the rights of property. And on that ground alone he should vote for its second reading.

Mr. Philip Howard was favourable to the principle of the Bill, but considered that the proper course would be to bring the measure forward next Session by moving for a Committee to consider what alterations ought to be adopted in the present system of voting in vestries.

Mr. Hawes would support the motion of the hon. Member for Finsbury. As to the objection that it would tend to lessen the influence of property, he considered that the passing of the Poor-law Amendment Bill had completely cured any difficulty of that description.

Mr. Goulburn could not think it desirable that those who paid the smallest amount of rates should have the greatest amount of influence in the management of the parochial funds. He knew not much about the metropolitan districts, but in the country the present system had been most beneficial, inasmuch as it gave greatest influence to those who from their station, &c., were more likely to possess knowledge and general abilities requisite for enabling them to exercise that influence to the advantage of the whole parish. But the Bill proposed by the hon. Member for

Finsbury would give to men possessing 30*l.* a year the same influence as those who possessed 300*l.* or 3,000*l.* per annum. He (Mr. Goulburn) did not think that such a state of things was desirable, and he should therefore oppose the Bill.

Mr. *Benett* said, that as a country Gentleman, he could, from long experience, assert that no practical evil resulted from the present system of parish vestry voting. The effect of the Bill proposed by the hon. Member for Finsbury would be to place in many instances the whole control of the funds of a parish at the disposal of ten or twelve labourers, whose influence could be purchased for ten or twelve quarts of beer, and who would be, therefore, easily excited by artful and designing men (of whom there were always enough in every parish), to enter into any hostile combination against the great landholders of the parish. He (Mr. *Benett*) need not point out the great practical evil which would result from such a state of things. Let the hon. Member for Finsbury legislate for his own borough if he pleased, but let him not interfere with country parishes.

Major *Beauclerk* was surprised at the assertion of the hon. Member who had just spoken, that those engaged in agricultural pursuits, and who resided in country parishes, could be bought for quarts of beer. He considered that such an assertion was an insult to the humbler classes inhabiting the rural districts. He should vote for the second reading and going into Committee on this Bill, because he believed the present system of voting in parish vestries to have been productive of the worst effects throughout the country.

Mr. *Potter* said, his knowledge of the operation of the present system of voting was confined to large towns, it was true; but he must say, in his opinion, it had operated most injuriously. In Manchester it had produced more disputes and ill-will among the inhabitants than almost any other subject. He should support the second reading of this Bill, in hopes of remedying the evils of the existing system.

Mr. *Wakley* said, he had passed a great part of his life in rural districts, and he had always found that the landed interest endeavoured to oppress those who were poorer than themselves.

The Speaker intimated that the hon. Member must confine himself to reply.

Mr. *O'Connell*: An amendment has been put; the hon. Member may speak on that.

Mr. *Wakley* continued. He would observe, that in London (city) the Act which went by the name of *Sturges Bourne's* did not apply, nor in Southwark, nor in *Marylebone*, where a system of open voting had been introduced four years ago. If the noble Lord, the Home Secretary, was afraid that his Bill would interfere with the working of the Poor-law Amendment Act, he would make no objection to adopt the suggestion of his hon. Friend, the Member for Middlesex; but if the noble Lord would not consent to the measure with the alteration proposed he should certainly press his motion to a division.

The House divided on the original motion. Ayes 42; Noes 60:—Majority 18.

List of the AYES.

Aglionby, H. A.	Marsland, H.
Baines, E.	Musgrave, Sir R.
Barnard, E. G.	O'Connell, D.
Beauclerk, Major	O'Connell, J.
Bewes, T.	Pechell, Captain
Bodkin, J. J.	Potter, R.
Bowring, Dr.	Roche, W.
Brodie, W. B.	Rundle, J.
Butler, hon. P.	Smith, B.
Chalmers, P.	Stuart, H. C.
Collier, J.	Thompson, Colonel
Crawford, W. S.	Tulk, C. A.
Elphinstone, H.	Turner, W.
Ewart, W.	Walker, C. A.
Fort, J.	Walter, J.
Gillon, W. D.	Warburton, H.
Gully, J.	Ward, H. G.
Hall, B.	Wilde, Sergeant
Hardy, J.	Wood, Alderman
Harvey, D. W.	
Hawes, B.	TELLERS.
Hector, C. J.	Wakley, T.
Lister, E. C.	Hume, J.

List of the NOES.

Agnew, Sir A.	Goulburn, rt. hon. H.
Alsager, Captain	Goulburn, Sergeant
Arbuthnot, hon. Hugh	Hay, Sir J.
Balfour, T.	Hay, Sir A. L.
Baring, F. T.	Hayes, Sir E. S.
Benett, J.	Heneage, E.
Calcraft, J. H.	Hogg, J. W.
Cayley, E. S.	Hope, J.
Chichester, A.	Howard, P. H.
Chisholm, A. W.	Inglis, Sir R. H.
Cole, Lord	Johnstone, J. J. H.
Cooper, Edward J.	Johnston, A.
Cripps, J.	Lee, J. L.
Curtiss, E. B.	Lees, J. F.
Duncombe, hon. W.	Lennox, Lord G.
Egerton, Sir P.	Martin, J.
Elley, Sir J.	Morpeth, Lord
Estcourt, T.	O'Loghlen, M.
Finch, G.	Palmerston, Viscount
Forster, C. S.	Pelham, hon. C. A.
French, F.	Plumptre, J. P.
G-re, O.	Poulter, J. S.

Pryme, G.	Townly, R. G.
Rae, rt. hon. Sir W.	Trevor, hon. A.
Rickford, W.	Twiss, H.
Ross, C.	Weyland, Major
Russell, Lord J.	Wigney, I. N.
Russell, Lord C.	Yorke, E. T.
Sharpe, General	
Sheppard, T.	TELLERS.
Spry, Sir S. T.	Pease, J.
Stewart, P. M.	Stewart, R.

MUNICIPAL CORPORATIONS (SCOTLAND).] Mr. *Gillon* presented petitions from the inhabitants of Calton, Glasgow, with 4,000 signatures, praying the franchise might be extended to rate-payers; from the working classes of Leith to the same effect; from the inhabitants of Inverary, praying for household suffrage, and that the votes might be taken by ballot, also that they might be removed to schedule A, &c.; from the magistrates and town council of Lanark, praying to be exempted from the maintenance of prisoners after conviction; from the incorporation of bakers in Linlithgow, praying to be relieved from thirlage to the burgh mills, as their exclusive privileges were about to be abolished; from the inhabitants of Falkirk, objecting to the Bill altogether, and praying that, if passed into a law, they might be exempted from its operation.

Mr. Robert Stewart moved that the Bill be committed.

Sir *William Rae* said, that this was the first time that a 5*l*. qualification had been introduced into Scottish municipal elections. It was a new principle, and contrary to the Report of the Burgh Commissioners, who thought a 10*l*. qualification sufficient.

Mr. *Gillon* said, that any one who was acquainted with the condition of Scotland would readily acknowledge the great benefits which that country had received from the passing of the Burgh Reform Act, in 1833, and that country owed a deep debt of gratitude to the Ministers, by whom it had been carried through. The advantages from that measure were scarcely inferior to those arising from the Reform Bill itself, and it had been, besides, the precedent for extending similar measures to England and Ireland, of which the one country had already reaped the benefits, and he was convinced they could not be long withheld from the other. That measure, excellent as it was in principle, had been passed without a minute knowledge of various details connected with the burghs of Scotland in order to put an end at once to the vicious system of self-election which there

prevailed. In order to acquire information on these points a Commission had been issued, and on the Report of that Commission the present Bill was principally founded. He believed the Bill in general would give satisfaction to the country, though there were many objections to its details. He thought great good would be obtained by extending the jurisdiction of the magistrates over the Parliamentary limits, and thus putting an end to opposing jurisdictions. The abolition of the old privileged incorporations was also a striking advantage. On the subject of the franchise, he was glad to see the 10*l*. principle broken in upon. It was manifestly quite unsuited to the smaller burghs; he wished the framers of the Bill had gone a little further and adopted the household suffrage, which had been accorded last year to the burghs of England. It would be his duty in Committee to propose a clause to that effect. He would be anxious to see the alterations on the clauses imposing on the extended boundaries the burdens of the old royalties; at present these clauses were undoubtedly very alarming. He begged to suggest the propriety of relieving burghs from the expense of alimentering prisoners after conviction for crimes committed beyond their jurisdiction. He would not go more into detail at present, but merely say, that if his hon. Friend was met in a conciliatory spirit on both sides, a Bill might be framed which would be productive of the best results to the burghs of Scotland.

Dr. *Bowring* hoped, that time would be given to enable the people of Scotland to consider the provisions proposed in the Bill. He was in favour of the 5*l*. franchise, and wished that the people of Scotland should participate in municipal government as extensively as the people of this country.

Mr. *Cutlar Fergusson* objected to the operation of the 5th Clause in certain cases—among others that of Dumfries and an adjoining suburb, which, being united by the Bill to Dumfries, was subjected to the heavy taxation consequent on the improvements the inhabitants of Dumfries were anxious to promote in their town.

General *Sharpe* supported the view which the hon. Member for Kirkcudbright took of the operation of the 5th Clause.

Mr. *Wallace* was in favour of the 5*l*. franchise, and if he could, would extend the franchise to householders.

Captain *Gordon* agreed with the hon. Member for Kirkcudbright as to the effect of the 5th Clause.

Mr. Fox Maule approved of the manner in which his hon. Friend took up the Report of the Commissioners, and of the measure he had founded upon it. He was not, however, disposed to agree to some of his amendments. He did not coincide with him as to the propriety of extending the power or sphere of taxation to the Parliamentary boundaries. If, for instance in Perth, that power were to be extended, it would lead to great inconvenience. If taxes were to be imposed to the extent of these boundaries, the Town Councils in return should convey water, and confer other advantages, which would be productive of great expense.

The Bill went through the Committee. House resumed.

BRIBERY AT ELECTIONS.] The House went into Committee on the Bribery at Elections Bill, several clauses of which were agreed to. Upon the 8th Clause being proposed that declares it bribery to give any money for the purpose of inducing electors to vote,

Mr. Hume proposed to introduce, after the words "any money," the words "or head-money." His object was merely to prevent any money being given as a bribe, and that object he thought would be effected by the introduction of the word "head-money."

Mr. Henry Grattan would have no objection that the suggestion should be adopted, if it would forward the object proposed by the hon. Member for Middlesex, of preventing any money from being given in any shape as a bribe. He (Mr. Grattan) had heard a doctrine that night which, if professed by the majority of English Members, would make him very anxious to leave that House altogether. It had been said that if A gave 10*l.* for a vote, it would not be regarded as bribery; if his opponent B happened to give 5*l.* Was this doctrine professed or supported by the majority of English Members in that House? An hon. Member, who had found fault with the present House of Commons, had observed that it put him in mind of "the low Irish House of Commons." Now, in reply to that observation he would just observe that this "low Irish House of Commons" had passed a law most strongly condemnatory of bribery; and it would be well if their conduct in this respect were followed by the present Parliament.

Mr. Hardy thought it was unnecessary

to specify any particular gift, such as "head-money," for the words "any money" were sufficiently comprehensive.

Mr. Hume had not so much experience in matters of the kind as the hon. Member for Bradford; but if he could feel assured that all species of bribery would be included in the words "any money," he should not press the amendment.

Mr. Morgan O'Connell thought the words proposed by his hon. Friend, the Member for Middlesex, should be adopted, in order to guard against cases where a candidate might be *hardy* enough to give "head-money."

Mr. Praed observed that "head-money" had been considered by the Judges to be exempt from the operation of the Bribery Act, upon the principle that it was not given to corrupt the voters. There was, however, an old law maxim which said, *Expressio minus exclusio ullerius*; and by the introduction of the word head-money it might seem that other classes of payments were to be exempt from punishment. This surely was not the intention of the hon. Member for Middlesex.

Mr. Morgan J. O'Connell said, that head-money was corruption, and that as such it ought to be especially and separately mentioned.

Mr. Bernal: The hon. Member for Yorkmouth could not surely mean by what he had just said, to assert that the payment of head-money had been held exempt by law from the imputation of corruption. There certainly were some old decisions seeming to favour that view of the case, but they were founded upon the plea that such monies had been paid to compensate voters for loss of time. No such excuse could be held out now, for the Reform Bill had shut out all possibility of having outlying voters. In his opinion the word "head" was unnecessary, for he thought it certain that if any Committee of that House, sitting on an election petition, were convinced that a sum of 2*l.* or 3*l.* a head had been paid all round to voters, they would at once decide that such was a gross act of bribery. The prohibition of the payment of any money at all would of course include the payment of head-money, and the amendment, therefore, was unnecessary.

Mr. Wason: If the hon. Member for Bradford meant to say that the payment of 5*l.* a head to every voter three months after an election had taken place, even in the absence of all promise on the part of

the person who paid it, was not an act of gross bribery, he must confess himself much mistaken in his impression of the law.

Mr. *Hardy* was replying to this remark, when the Attorney-General suddenly walked up the floor from the Court of Common Pleas, where the verdict had just been delivered in the action brought by Mr. Norton against Lord Melbourne. The hon. Member's observations were completely drowned in the loud and continued cheers which greeted the hon. and learned Member's appearance.

Mr. *Praed* then said, that he was not intimately acquainted with the subject; not having had occasion to make researches for his own defence, or in the crimination of others. He trusted, however, that the Committee would allow him to say a few words with reference to a matter which was personal to himself. A petition, it might be remembered by most hon. Members, had been presented last Session, not against him, but making statements with respect to the borough of Yarmouth, and praying for the vote by ballot. Though he knew those statements to be wrong at the time, he refrained from contradicting them as legal proceedings were in progress then on the subject. In the evidence, however, that had been elicited there was no ground for any charge against him that did not equally criminate the Whig and Radical Members for the same borough for the last seventeen years. On a motion of the hon. Member for Kilmarnock for the payment of the expenses of witnesses, he had hoped that he should have had the opportunity of making his statement; but unfortunately for him, that notice was withdrawn. The hon. Member for Hastings had also given notice of a motion for the disfranchisement of the burgesses of the borough of Yarmouth, which was also withdrawn, so that again he lost the opportunity of making his statement. The House had ordered a prosecution and at the expense of the public, before it had heard evidence, and the parties had been put to an onerous and grievous expense; the witnesses in the meanwhile had been kept in the pay and employment of the Whig and Radical interest, who had caused the proceeding. Now, with all their disadvantages, and the case conducted by his Majesty's Attorney-General, it was blown out of Court amid the execrations of the jury, the execrations of the audience, and the condemnation of the judge. He would not, therefore, call God

Almighty to witness, as some hon. Member might, and afterwards find that he had been guilty of a grievous lapse of recollection; but would content himself by stating that, upon his honour as a gentleman, there was not one of those statements but was gross, abominably, and wickedly false.

Mr. *Wason* stated, that every member of the Yarmouth Committee was of opinion that every allegation of the petition was proved. The chief allegation was bribery, and that was completely proved.

Mr. *Wakley* observed, that it had been said that it was not bribery if there was no promise or expectancy held out. Now it was hardly possible to prove expectancy in many cases. He thought it sufficient to establish the fact, and infer the corruption from the fact.

The Committee divided on the Amendment: Ayes 61; Noes 40—Majority 21.

Another division was had on the question to omit the words of the clause, "hereafter disqualified," the numbers were: Ayes 41; Noes 32—Majority 9.

The House resumed. Committee to sit again.

HOUSE OF LORDS,

Thursday, June 23, 1836.

MINUTES.] Petitions Presented. By the Duke of LEINSTER, from various Places, for Abolition of Tithes (Ireland).—By several NOBLE LORDS, from various Places, in favour of their Lordships' Amendments to the Irish Municipal Corporations' Bill.—By the Marquess of LANSDOWNE, from Devises, for the Corporation Bill (Ireland) as passed by the Commons.—By the Earl of PALMOUTH, from certain Architects, Complaining of the decision of the Commissioners appointed to determine a plan for building the New Houses of Parliament.

COUNSEL FOR PRISONERS.] Lord Lyndhurst rose to move the second reading of the Prisoners' Counsel Bill. This Bill had been a long time before the House; and as no member of the Government had intimated an intention of moving the second reading, and his noble and learned Friends in that House were too much engaged by other important business to do so, he thought it his duty to make this motion. Before doing so, it might not be amiss to trouble their Lordships with a very brief history of the measure. In the year 1834, a Bill similar in principle to the present passed the House of Commons, and was sent up to that House, where it was read a first time, after which no further proceedings took place. Last year the Bill was again renewed, and passed the House of Commons on the second reading without a division, and came up to that House and was referred

to a Select Committee. It was so late in the session, however, that it was impossible for the Committee to make any satisfactory report, and, beyond the printing of the evidence taken before them, nothing was done. At the commencement of the present Session, this Bill, founded upon the principle of the former measures, was again introduced into the other House of Parliament; a Select Committee was appointed, and they reported in favour of the Bill; it passed the other House by a considerable majority, and was now on their Lordships' table. During the period to which he had adverted, the Secretary of State for the Home Department directed a Commission, which had been appointed for some time, to investigate the state of the criminal law in this kingdom, and to direct their attention to this subject. They had done so, they had taken evidence, they had examined all the reports on the subject, and had made a most elaborate and learned report, recommending that the principle of the Bill should be adopted. Under these circumstances, and with this sanction, it was that the measure was now submitted to their Lordships. The first thing that struck any one who considered the subject was the strange inconsistency that pervaded the English law in this respect. A person litigating any right of property, however small, was allowed the assistance of counsel; but in a case affecting his character, his liberty, perhaps even his life, he was by the present state of the law deprived of that assistance. This was at first view not only a most inconsistent, but if he might apply so strong an expression to the English law, a most absurd regulation. Again, in cases of crimes of the deepest dye, which were visited with the severest of all punishments—he meant those which came under the denomination of high treason—prisoners were allowed the benefit of counsel; and in the lowest grade of cases, which came under the head of misdemeanour, they were allowed the same assistance. Thus the two extremes were put on the same footing; while in the intermediate cases of felony, the prisoner was wholly deprived of the benefit of counsel. Very extraordinary consequences resulted from this state of the law. There were offences connected with coining, which upon the first commission, were simply misdemeanours, but which, when repeated, became felonies.

A man put upon his trial for the first would have the full benefit of counsel; were he indicted for a second offence, the same witnesses would be examined, precisely the same description of evidence would be gone through, and his counsel would only be allowed to put questions to the witnesses, and to argue points of law; he would have no right to address a single word to the jury. Again, in a case of extreme violence upon a female. This would be a case of felony, and the prisoner's counsel would have no right to conduct the defence or address the jury. If, however, the prisoner was acquitted because the offence was not completely established, and another indictment was preferred against him for an assault with intent to commit the offence, the same witnesses would be examined, the same facts gone through, and the counsel would be at liberty to conduct the defence, and to address the jury. Surely these were incongruities and absurdities that ought to be removed, unless some good cause were shown for the continuance of the present system. He should be enabled to show their Lordships that these were remnants of a barbarous code of laws relating to felons, which had been all got rid of with the single exception of the anomaly which it was the object of the Bill to remove. Formerly, in cases of felony, the counsel were not allowed to cross-examine the witnesses, or to suggest objections on points of law. The unhappy and ignorant prisoner at the bar had the liberty of suggesting a legal objection, but he must do so of himself, without any consultation with counsel; it was taken into consideration by the judge, and if he thought fit, the question was argued by counsel appointed for the purpose. In cases of felony, no witnesses were examined on the part of the prisoner until Queen Mary sent down directions to the Chief Justice of the Court of Common Pleas to take evidence on the part of the accused. The law, however, remained imperfect, because, though witnesses were examined, they were not examined upon oath. Lawyers were sometimes very astute at finding out reasons to support every existing institution, and they assigned a very singular reason for this practice. They said that it originated in lenity towards the prisoner, because the witness, not being bound by an oath, would speak largely and beneficially for him. This was rather

a singular doctrine, the object of a court of justice being to elicit the truth; but let their Lordships mark its practical effect as exhibited in numerous instances in the "State Trials." The moment the judge began to sum up the evidence to the jury, and to contrast the evidence for the prosecution with that given on the part of the prisoner, he always took care to inform the jury that, in estimating the degree of weight which was to be attached to the testimony on each side, they must not lose sight of the important fact that the witnesses for the prosecution were examined on oath, while those for the defence were free from that obligation. He could state to their Lordships, that the opinion of the legal profession was daily growing more and more favourable to the measure he now proposed. Some ten or twelve years ago it was strongly against the change, but from all the inquiries he had made, he could undertake to say that a great majority of the profession were now decidedly favourable to the principle he contended for. To confirm this statement he need only refer their Lordships to certain passages in the Commissioners' Report. It appeared that the current of ancient authority was strongly in favour of the change. The first authority was that of Sir William Blackstone, a man who, from his considerate and cautious mind, was well worthy to give an opinion. Sir William Blackstone said, that he was of opinion that in cases of felony there could be no reason why the defence of the prisoner should not be intrusted to counsel, as well as in cases of misdemeanour. The next authority was that of Lord Coke, who stated very shortly what he considered to be the ground of the rule by which counsel were disallowed in cases of felony. "No counsel (said Lord Coke) is allowed in cases of felony, because the evidence ought to be so clear that it cannot be contradicted." And this passage of Lord Coke's was adopted by Lord Nottingham, on the trial of Lord Cornwallis for the murder of Robert Carr. He said, when acting as Lord High Steward on that trial, "No other good reason can be given why the law refuseth to allow the prisoner at the bar counsel on matters of fact, in the result of which his life may be concerned, but only this, because the evidence by which he is condemned ought to be so very evident, and so plain, that all the

counsel in the world should not be able to answer it." The premises of this argument appeared to him entirely to fail. He knew that in a great many cases in which he had himself been concerned as counsel, or had been sitting as judge, the evidence had been of so extensive and so complicated a character, directed against the life of man, that it was ridiculous and absurd to state that it could not be contradicted; and that the observations of counsel upon it might not have been of the greatest service, not only as far as the conclusion of the jury, and the interests of the prisoner, and the enlightenment of the mind of the judges was concerned. If their Lordships, then, were satisfied that the premises on which the reasoning of those learned persons was founded, failed, and those premises being stated was the only good reason, and that turning out to be no reason at all, then he had Lord Coke and Lord Nottingham as authorities in his favour. But this was not all, The current of authorities set most strongly in his favour upon this subject. He could quote the authority of Whitlock, who was one of the Commissioners of the Great Seal, and also of Judge Jefferies, as being in favour of the principle of this Bill. On the other side, there was certainly the respected and revered name of Sir Michael Foster; but he did not express himself very strongly upon the subject. His observation was this:—"I am far from disputing the propriety of this rule. In all these cases we must be guided by a balance of evils and inconveniences." He (Lord Lyndhurst) admitted the authority and even the doubts of that Learned Judge to be entitled to great attention; and it was in consequence partly of those doubts, and in consequence, after an examination of the subject of what occurred to him would be the evil and inconvenience of departing from the present system, that he formerly opposed a Bill similar to the present in the other House of Parliament. He had reason since to observe the progress of opinion upon this subject, and to make inquiry respecting it while he was at the bar, and since he had been on the bench, to see the working of the system; and the result had been, that he was satisfied that the evils and inconveniences of allowing counsel to prisoners had been greatly exaggerated, and that being exaggerated, he thought they ought not to be put in com-

petition with that which the obvious justice of the case appeared to require. It was said that the prisoner might himself address the jury; and a lawyer of considerable eminence, Mr. Sergeant Hawkins, had said, that an address by the accuser was likely to be attended with a more beneficial effect than when made by counsel. With all submission to that authority, this appeared to him to be a mere mockery. How few persons were there, even of education, who were accustomed to public speaking; and even if they were, how few were there who, for the first time in their lives, being called upon to exercise that power or gift with reference to a subject of this kind, could go into an examination of a complicated case, and point out the improbabilities and inconsistencies of the evidence, so as to do justice to himself. That observation applied to persons of education; but how few persons of education were there put upon their trial for felony. The great mass of persons who were thus circumstanced were the uninformed and uninstructed, and when their Lordships took into consideration the condition of such persons, the novelty of their situation, and the anxiety of mind which it must create, and looked at the fatal consequences which might result to them from a mere slip or phrase of speech, how absurd and extravagant was it to say that it was better for the party accused to defend himself, and that he would do it with more effect than if his defence were conducted by counsel. But he begged their Lordships to look at the injustice and partiality of the principle. You allow counsel for the prosecution to address the jury upon matters of fact; but you won't allow the party accused to do so. Could any injustice be greater than that? What was the answer to this? Why it was said that the speech made by the counsel for the prosecution was of infinite importance to justice being done between the parties; it detailed the facts in a cold and unimpressive manner merely in order to introduce the evidence, and that it was beneficial even to the party accused. If that were so now, it was not so formerly; and he believed the alteration which had taken place in the system had arisen mainly from the discussions to which this Bill had originally given rise when introduced in 1825. But what was the kind of speech which counsel for the prosecution made in cases of this description? One likely to have the most fatal effect against

the accused. He would take the case of a party indicted for a capital offence, where the case depended upon a great mass of circumstantial evidence. What was the kind of speech likely to have the most fatal effect? It would be the speech of an ingenious counsel, who would collect all the little facts of the case, and arrange them in such order and manner, interspersing them with occasional observations, as to lead the minds of the jury to the conclusion that the accused was guilty of the offence with which he stood charged. Such a speech as he had described, introduced as it would be with the expression of great mercy towards the prisoner, and of a hope that he would be able to extricate himself from the toils in which he had entangled himself, was likely to produce a much more powerful effect on the jury, unfavourable to the prisoner, than any speech delivered with zeal and passion, which, by creating a revolting impression, would be likely to produce no effect at all in his favour. But this was precisely the description of speech which counsel now, under the restrictions they were supposed to be subjected to, addressed to the jury in that class of cases. It was monstrous to say that the counsel for the prosecution should be entitled to make observations in order to show the coherence of the several parts of the evidence, and that the prisoner should not have counsel for the purpose of exposing the inconsistencies, contradictions, and improbabilities of the evidence directed against him. It was quite impossible, if the object were to administer justice, that reasonable men could sanction a system so partial. But there was another consideration of importance—what did the experience of the world say as to this? What was the practice of the other countries in civilised Europe? We boasted of the tenderness of our laws, at least of the administration of them. We thought that we stood, in that respect, above all the civilised nations of Europe. But there was not a country in Europe where a party accused had not a right to defend himself by counsel, both upon matters of fact and law, except in this country and in Ireland. In Scotland that was the practice. Were their Lordships justified, then, in permitting it in one part of the country, and denying it in another? What were the grounds for that distinction? It was said that the law was different; but there was nothing in the difference of the law upon which they could

build a reason why a system should exist in the northern part of the island, and should not exist in the southern part of it. What also was the case in the British colonies, where the criminal law of England prevailed. Mr. Dwaris told them, in his Report, that it was the practice to allow prisoners to defend themselves by counsel upon questions of fact as well as law, and that no inconvenience resulted from it. In the United States, likewise, where the common law of England was the law of the country, it had long been the practice to allow counsel to prisoners, and no inconvenience or complaint had resulted from it; nor was it followed by the existence of those evils which it was supposed would result from the practice if it were adopted in this country. Then what was another objection? It was one which no person would venture to state openly, and yet it operated very powerfully against this Bill. It was one which was hinted at, but which no one would avow—it was an objection of time. It was said that it would extend the duration of the assizes and sessions beyond measure, and entail great expense upon the country. But this was stated always with a protest by those who used it, that it was not intended to rest their case upon the argument of time. And justly so, because if their Lordships were satisfied, that in a matter which might result in the forfeiture of a man's life, it was necessary to the ends of justice that further time should be allowed, he was confident that their Lordships would not say that they would not allow that time, because it was inconvenient, and would be attended with expense. They would not, upon such grounds, deprive a party of that full and fair trial which they in their judgments and consciences felt to be necessary for a due investigation of the truth. But then another objection which he believed was nearly obsolete, was this, that the judge was counsel for the prisoner. But he was not the advocate of the prisoner. That was not his situation; and if it were, he had no means of discharging his duty. He had no opportunity of intercourse with the prisoner; he had no knowledge of the facts which could be communicated by the party accused. What was the meaning then of the expression, "the judge is counsel for the prisoner?" It meant, that he would take care to see the law duly administered—that evidence should not be admitted which ought not to be so—and that he

would see that the trial was regularly, fairly, properly, and impartially conducted. The expression could not have any other meaning. But another great argument was this—that the adoption of the proposed system would change the tone, temper, and character of our judicial proceedings in criminal matters. It was said, that under the present system everything was conducted orderly and quietly; that there was no zeal, no passion embarked in the case; that the witnesses on the part of the prosecution were temperately examined, and the witnesses for the defence patiently and impartially heard; that the judge dissected the whole of the evidence, and then impartially submitted it to the consideration of the jury. He admitted all that. He admitted also, that in some degree something like warmth and zeal would make its appearance in the courts of criminal justice, were counsel on the one side and on the other permitted to argue a criminal case. But he still believed that the evils in this respect were greatly exaggerated. And he would tell their Lordships why he said so. The most important and exciting cases were very often misdemeanours involving matters of grave accusation, and in which parties contended one against the other much more than they could be supposed to do in cases of prosecution for felony; and yet in cases of misdemeanour counsel were allowed. In the Court of King's Bench he had heard many misdemeanours tried under the superintendence of the Chief Justice, and also at the assizes, and yet he never found that there was any want of order, or decorum, or of that degree of tranquillity which should always prevail in the court of justice, and which was necessary to enable the parties called upon to decide the case to come to a correct judgment. In those cases he had heard some most animated speeches addressed by counsel to the jury, who sat as calm spectators all the while, the Judge also being equally calm, both parties feeling that the decision to be arrived at must be formed upon the facts presented to them. Again, it was a great circumstance in an argument of this kind that the objections made were merely speculative. Let them look at what was the practical result of the principle for which he was contending. Did they find that in Scotland the courts of criminal judicature were not capable of investigating the facts, because counsel on each side made ani-

mated speeches? The evidence led to a contrary conclusion. The Lord Advocate stated, that from experience he was satisfied if counsel had not been allowed to address the jury in many instances great injustice would have been done. There was another point, and which after all was the principal point to be attended to, namely, the best mode of investigating the truth? It was said that an argument between counsel would not assist the investigation; that it would embarrass it, and render it more difficult, because passion would be substituted for cool and calm inquiry. He had considered that particular objection, but what was the fact? In nine cases out of ten it was of no consequence whether counsel had the privilege or not. The facts would be so clear that it would be quite unnecessary to make any observations on one side or the other. But there was a class of cases of the utmost importance, in which the lives and liberties of men were involved. Take the case, for instance, of murder depending upon circumstantial evidence. There was not a case of that kind in which any man could say it was not of the utmost importance to the ends of justice that counsel should have the opportunity of making observations on the evidence. What was the course of a trial in a case of that description? Witnesses were examined from an early hour in the morning till late at night; the Judge took down the evidence, and the instant that was concluded, he summed up to the jury, commenting on the evidence as he proceeded. If there were a plurality of prisoners, the Judge pointed out the evidence which applied to each prisoner—reconciling apparent contradictions, or exposing real contradictions—showing the probabilities or improbabilities of the statements of the different witnesses, and contrasting the evidence of one witness with that of another. There was no individual (and he had sat in the situation himself), there was no judge who could say at the close of such a case that he was quite satisfied with the manner in which he had executed his duty. It was impossible for him not to be guilty of some omission, either as to the facts, or as to the making of some important observation which might have been suggested to him if counsel had been allowed to address the jury. The counsel, through the attorney, communicated with the prisoner, and all the circumstances

were made known to him as to the character of the witnesses, and as to the prisoner's own position. These were the clues by which counsel were enabled to wander through that which was very often a labyrinth to a person who had not known anything of the case before. Could any one say that a counsel, under such circumstances, was not in a situation to make observations of importance, not only to the prisoner and the jury, but of infinite importance for guiding the mind and assisting the observations of the judge. It appeared to him that their Lordships had only to look at that class of cases to be convinced that the assistance of counsel was essential to the due administration of justice, and the full investigation of truth. There was one more observation which he thought it necessary to make. It was said that the judge was now considered counsel for the prisoner; but if a speech should be allowed to be made by a counsel for the prisoner, the judge would be compelled to reply upon that speech, and would thus appear to take part against the prisoner. He denied that conclusion. The judge stood high and independent, and was looked up to by the jury. They had a reliance on his wisdom and experience; and above all they had a reliance on his impartiality. It was not necessary for the judge to embark with zeal in the case. If he dealt in a mild manner with the sophistries of the counsel for the prisoner, and felt it necessary to expose his inconsistencies in argument, and to correct his errors as to facts, by drawing the attention of the jury to his notes of the trial, that would be abundantly sufficient for the purposes of justice. What did experience teach on these points? In trials for misdemeanours the judge was placed precisely in the same situation; but they did not find such a consequence result. He appeared as an arbitrator and a mediator, acting evenly between the parties; presenting the case fairly and impartially to the consideration of the jury. He had no apprehension of that result which had always been insisted upon in the discussion of this question. He had felt it necessary to trouble their Lordships at greater length than he could have wished, from the peculiar situation in which he was placed; he having in the year 1826 taken another view of this question. But he was satisfied that his former conclusions as to the evils and inconveniences that would arise from the proposed

change, were exaggerations; and he was now persuaded that those evils would be of no great magnitude, and would be more than counterbalanced by that great rule of justice on which the change was founded—impartiality. The conclusion then to which he had come upon this question was, that the present system was a remnant of a barbarous practice; that the continuance of it was against the great current of authorities; that if they continued it they would act partially between the accuser and the accused; that it was contrary to the practice of all civilised countries; and in the last place—which perhaps was the most important consideration—an alteration was required, because it was essential to the due investigation of truth in the most important cases that could come before a court of criminal justice.

Lord *Wynford* said, his noble and learned Friend had adverted to the objection that the proposed change would necessarily involve the consumption of much longer time in criminal trials than was required at present. There was no doubt that the change would greatly protract such trials. He understood that one week was occupied in Scotland in the trial of forty criminals. He had at one assizes to try 240. Now in what time could those trials have been concluded, if counsel had to address the jury for the prisoner in each case? He did not, however, urge this as a permanent objection to the Bill, but he did not think that the country was yet ripe for such a measure. If it were to be adopted, it would be necessary to make a large addition to the present number of the judges. Three would be necessary to preside in some counties and four in others, and twelve at least would be required to try the prisoners in London. This, of course, would entail a very considerable expense on the country; but he did not rest on that, for he thought that no expense of time or money could be considered too large, if it had the effect of bringing about an improved system in the administration of justice, or afforded greater protection to the innocent man than he enjoyed at present. He himself did not object to the principle of employing counsel to address the jury for prisoners accused of felony; on the contrary, he had not heard any argument against that proposition which might not with equal force be applied against the employment of counsel in any case. For his own part, when presiding as a judge, he had often

wished to have the aid of the opinion of counsel on the case before summing it up to the jury. It was not always possible for a judge, who was occupied in hearing a case for perhaps ten or twelve hours to be able in his summing-up to direct his attention to every minute point of the case, so as to bring them fully before the jury as they bore for or against the accused. He remembered a case which was tried before him at Leicester, and which he believed was in the recollection of his noble and learned Friends (Lords Denman and Lyndhurst). In that case a man was charged with having committed a murder at Melton Mowbray, which it was alleged, he had come from Barnsley, in Yorkshire, to commit. Amongst other circumstances, there was the evidence of a woman, who proved that the prisoner had left Barnsley on a particular day, at such an hour as would give him just time to be at Melton Mowbray at the time the murder was committed. That, of course, was not the only circumstance in the case; but, connected with others, it was, in his opinion, an important link and made an impression on his mind. The man was convicted and sentenced to death. He (Lord Wynford) had just retired to his chamber, when the attorney for the prisoner came to him, and informed him that the old woman who had deposed to the prisoner's leaving Barnsley, was right as to the day but had mistaken the week. In proof of this, the books of his employers were afterwards produced which showed that the prisoner was at his work at Barnsley on the day which the woman had described as that of his leaving. Under those circumstances, all he could do was to respite the prisoner, and recommend him to his Majesty for an unconditional pardon. Now, that was a case in which the aid of counsel would have been of great importance in addressing the jury for a prisoner, and cases in many respects similar were of frequent occurrence. In the evidence to which the noble and learned Lord had referred, there was a very extraordinary fact stated, namely, that during the shrievalty of a gentleman of the name of Wilde, no less than five persons were saved from being executed upon their several convictions by that gentleman, whose active researches proved that they were innocent of the crimes of which they had been found guilty. And could it be said, that justice was done, when in the course of one year five innocent persons were condemned in the city of Lon-

don alone? He therefore, for one, was of opinion, that a full defence ought to be permitted to be made by counsel; but at the same time he must say, that additional means for administering justice ought at once to be resorted to. His noble and learned Friend, however, seemed to be of opinion that the present was a very good time to commence the experiment, and perhaps it was, for the calendars throughout the whole country were, he was happy to say, extremely light. Nevertheless he should have been very glad that additional Judges had been appointed, and still more glad if the other House of Legislature would consent to provide money to enable poor prisoners to employ and have Counsel for their defence.

Lord Denman said, it must be quite clear to their Lordships that his noble and learned Friend had merely been arguing in favour of the principle of the Bill; every part of which would be subject to examination in Committee, provided that principle was adopted by their Lordships. He was anxious to take an early opportunity of offering his humble thanks to his noble and learned Friend for the very able and completely satisfactory manner in which he had argued this important question. He agreed also with his second noble and learned Friend, that it was essential to carry this principle into practical execution, for the honour of the laws, for the due administration of justice, for the realization of truth, and for the protection of innocence. His Majesty's Government had always taken a strong interest in behalf of this measure, and in the course of this Session it might have fallen to him (Lord Denham) to propose this great alteration in the law, if he had not felt that it would have been very inconvenient for a person in his situation to propose such a change without being confident that it would be adopted by the Legislature. This case was placed upon a true and triumphant principle, when it was said that it was essentially necessary for the advancement and establishment of truth. It was perfectly obvious that no one reason could be given for denying this privilege to an accused man, which would not apply with much greater force to parties in civil cases. He was tempted on this occasion to refer their Lordships to one of their standing orders, in which the principle of this measure was stated in the best and most authoritative manner. By that order their Lordships would perceive that this House,

being the highest Court in the Kingdom, and ready to set an example of justice to all other Courts, had ordered, for the due and more impartial administration of justice, that not only copies should be given to all the parties accused before it of all documents and papers connected with the accusation, but also that counsel should be assigned to defend such parties if they desire it. The standing orders 147 said:—"This the Lords do, because they wish that justice shall be done in all cases that come before them, criminal as well as civil, and because they think that no legal help can protect the guilty, and God defend that the innocent should suffer from the want of it." That was the opinion of the Lords in an order made 200 years ago. Their Lordships would remember what took place at the trial of Lord Lovat, who was accused of high treason in the year 1745, at which time counsel were denied to those impeached by the Commons. The words of Lord Lovat must, he thought, carry conviction to every mind capable of it. It was a most remarkable expression—the expression of a man of eighty years of age. He thus appealed to the House of Lords—"If you do not allow me counsel it is impossible for me to make any defence by reason of my infirmity. I do not see; I do not hear. I come up to the bar at the hazard of my life. I have fainted several times. I, therefore, ask assistance, and if you do not allow me counsel, and such aid as is necessary, it will be impossible for me to make any defence at all." This description of that infirm old Lord might be the description of every prisoner called upon to answer for his life. In addition to the authorities quoted by his noble and learned friend, he would refer to that of Sir Robert Shower, who, in reference to some arguments on the other side of the question, said, "In the name of God, what harm can accrue to the public in general, or to any person in particular, if in cases of state treason counsel should be allowed to the accused? What rule of justice can warrant the denial of counsel in that case, when, in the case of his stealing a halfpenny, he is able to plead by himself or an advocate." But it was not necessary for him to dwell upon authorities. The difficulty which he always felt upon the subject was, that he could never meet with any serious argument against the principle of allowing counsel to prisoners. He had had frequent com-

munications and conversations with many learned persons who differed from him upon the subject, but he had never found any one who did not admit that principle justified a contrary practice to that which existed. Then was it to be allowed that the law of so great a country as this should be administered with such an admission, that there was something hanging about it which the most ingenious men were not able to justify upon principle? As to the difficulty that would attend the adoption of the principle, there was no state of things so bad from which something good might not result; nor was it possible to avoid incurring some inconvenience, even by a bad state of things being set right. But the question, and the only question, was this—what did the principle require—what was it that justice and truth demanded at the hands of the Legislature? Before he quitted the subject he hoped he might be allowed to refer to the authority of his late lamented friend Sir James Mackintosh, who in 1824 brought the matter under the consideration of the House of Commons and made a most convincing speech in favour of the principle contained in the present measure. He wished also to be allowed to state that his noble and learned friend Lord Brougham, who last year thought it right to institute a full inquiry into the matter before a Committee of the House, in deference to the scruples which were entertained by some high authorities, had authorised him to state that he was of opinion that the principle of the Bill now proposed ought to be adopted. Lord Brougham became a convert to the opinion that counsel ought to be heard in the defence of prisoners in the year 1826. Previous to that time he had entertained doubts upon the point, but further inquiry and more mature consideration operated to remove those doubts, and in 1826 he spoke in favour of a measure of this description in the other House of Parliament. He was not disposed to attach much weight or importance, as far as regarded the discussion of this question, to any evidence that might have been given of improper convictions. It was quite enough for the principle of this Bill that the proper administration of justice required it. At the same time it must not be forgotten that two weighty authorities, Sir Frederick Pollock and Mr. Alderman Harmer, in their evidence before the Lords' Committee, both stated that they had

known instances where innocent men had been convicted, and actually executed; and similar evidence was given by Mr. Wilde, and also by his hon. and learned Friend Mr. Hill, before their Lordships' Committee last year. Of the various assertions he had heard urged against the principle of the Bill, he thought none were entitled to weight. In the first place it was said that the aid of counsel would rather do harm than good to prisoners. Now, the object of the Bill was not to do good to prisoners, generally speaking; but to take care that the innocent man should not be punished as the guilty, and that he should not run the risk of being so punished. The persons to be benefited by the Bill were those who were accused without being guilty. He entirely differed from those who thought that it would afford additional facilities of escape to the guilty. He did not think the guilty man more likely to escape in consequence of a full light being thrown upon all the facts and all the circumstances of the case. He denied also, that the permission to prisoner's counsel to speak, would prevent any case from being fully, calmly, and dispassionately heard, considered and determined. On the other hand, he thought that the existing system was far more calculated to excite warm and irritated feelings, and to interfere with that calmness which ought to prevail in every court of justice; for he had seen many instances where counsel were pinioned by the existing practice, where great excitement prevailed at the bar, and many disagreeable personal contentions arose, which could never take place if the counsel were allowed to speak in the defence of the prisoner. With respect to the assertion of time, he believed that the proposed alteration of the law would not lead to anything like the great consumption of time that was supposed. In one particular, indeed, he thought it would lead to a general saving of time, namely, in the cross-examination of witnesses, out of which the prisoner's counsel were now compelled to make their whole defence. This cross-examination would be greatly shortened if the counsel were at liberty to speak. Another argument which had been much pressed, and was thought to be entitled to great weight, was the supposed incompetency of the chairman of quarter sessions to take trials when they had to make observations to the jury on what had

taken place, and to distinguish between the sophistical and the just and true arguments advanced by counsel. He felt convinced that there could be no difficulty upon that head. There might, perhaps, be some question as to the propriety of putting the judge always in the situation of replying to the counsel for the prisoner. That, however, appeared to him to be a matter of detail, which would most properly be considered in Committee. It could not affect the principle of the Bill. In circumstantial cases, which almost always lasted a long time—where much prejudice existed—where the judge was placed in possession of all the evidence before the trial commenced, in such cases he could not conceive that any one fit to fill the situation of judge, would deny that he was desirous of hearing what an able and ingenious counsel could say on the side of the prisoner. The situation of the judge on such occasions, was one in which no man ought to be placed. The task of attending to the circumstances as detailed in the indictment, the duty of attending to the evidence and taking notes of it as it was adduced before him at the trial, and at the same time forming an opinion which he was to carry through the whole case, of how the evidence in all its bearings affected the guilt or innocence of the prisoner—this was more than any man ought to be called upon to do. The judges were not anxious to express any opinion whatever with respect to the present Bill, but it had naturally been a topic of conversation amongst them, and without presuming to intimate in the most distant manner what their feeling upon the subject was, he could not refrain from stating what fell from one of his learned Brothers on a late occasion. “It is probable,” said he, “that the fate of the man who is now before me depends upon the view I take of the case and upon the manner in which I submit it to the jury. It may be a long, contradictory, and difficult case. Yet I have no time to form an opinion or to reason upon the matter at all, except during the short interval whilst witnesses are undergoing the ceremony of taking the oath.” The position of a judge so situated is most painful. After alluding to the mockery of calling upon an ignorant man at the close of a long trial to defend himself, the noble and learned Lord concluded by stating that to the principle of the Bill, as far as it went to take away the

existing prohibition on counsel to address the jury on behalf of prisoners, he was decidedly favourable. All beyond that appeared to him to be matter of detail, and demand further consideration before it were determined.

Lord Abinger had great doubts as to the policy of the measure, and was afraid of their Lordships becoming too much in love with theory. He was therefore, unwilling to give an opinion, lest it should be a hasty one, respecting the Bill. But on the best consideration which he had been able to give it, he must admit the principle of the proposition;—at the same time he thought their Lordships ought to make it as an experiment, rather than as a permanent measure. Entertaining these opinions, he did not offer any objection to the second reading of the Bill; but there were parts of it in which he did not concur—for instance, he did not think that in all cases the prisoner should have the right of reply by Counsel. These, however, were matters which could be gone into only in the Committee.

The Lord Chancellor, feeling that he could add nothing to what had already been so well and so ably said by his noble and learned Friends upon the subject, rose merely to express his entire acquiescence in the principle of the Bill, as expressed in the first clause. He hoped that the stigma which had so long attached to the practice of our criminal courts would now be removed, and that in those cases in which it was most important that the truth should be ascertained, the ordinary means of obtaining it would be supplied. His noble and learned Friend (Lyndhurst) had stated, that he had felt it his duty to bring the subject under the consideration of the House, because no Member of the King's Government appeared disposed to do so. He begged to assure their Lordships that he should not have failed to bring the matter forward; though he now rejoiced that he had not done so sooner, inasmuch as that the delay had obtained for the measure the powerful aid of his noble and learned Friend.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, June 23, 1836.

MINUTES.] Bills. Read a first time:—Sugar Duties; Paper Duties; Lighthouses; Notaries Public.—Read a third time:—Fisheries; Benefit Building Societies; Chapels of Ease (Ireland).

Petitions presented. By several Hon. Members, from various Places, for Abolition of Tithes (Ireland).—By several Hon. Members, from various Places, praying the House to adhere to the Irish Municipal Reform Bill as originally passed by them.—By several Hon. Members, from various Places, for Vote by Ballot.

PROCEEDINGS IN COMMITTEES.] Mr. *Hume* rose to move in relation to the Committee on the South-West Durham Railway Bill, the order which was then discharged. He did so because it appeared to him that the Committee in coming to the resolution they did had deviated from the rules and instructions laid down by that House on the subject of Railway Bills. The Committee had been ordered to re-assemble for the purpose of reporting to the House the reasons on which it had come to the resolution, that the preamble to the Bill had not been proved; and when it re-assembled, it came to the following resolution:—"That the reasons upon which the Committee came to the resolution that the preamble had not been proved, could only apply to those Members who had voted on that proposition." This, he contended, was limiting the number of Members who should vote in the Committee, and he called on the Speaker to say, whether such a power resided in a Committee. He also called on the House to support his motion. This was not a question as to the merits of the Bill, but one that regarded the proper course of proceedings in Committees. The hon. Member concluded by moving, that the Committee on the South-West Durham Railway Bill do re-assemble for the purpose of reporting specially on the preamble of the Bill, on the ground that their previous resolution restricting the votes of Members of the Committee is contrary to the practice of Parliament.

Mr. *Rigby Wason* would move as an amendment the following Resolution—"That when any party has just reason to complain of the conduct of the Members of a Committee upon any Private Bill, the proper remedy, according to precedent and authority, is to appeal to the House for a Committee of Appeal." He contended that the admission of the hon. Member, that this was not a question as to the merits of the Bill put him out of court with his present motion. His motion, under such circumstances, should have been for a Committee of Appeal. The hon. Member quoted various precedents,

and the opinion of the late Speaker, in support of that view of the question. No Members of the Committee had been prevented from voting by the resolution complained of by the hon. Member for Middlesex. He believed that this motion had been entirely got up by the attorney for the Bill, who could not get his bill of costs paid, and who was anxious to have such an order made by the House as would induce the shareholders to subscribe an additional 1*l.* per share, the greater part of which would go into his own pocket. No injustice had been done to any party by the decision of the Committee, and the resolution they had passed had, consistently with common sense and the meaning of the English language, explained the previous order of the House. He would certainly divide the House on the subject.

Sir *J. Graham* said, that having voted for the Report agreed to by the Committee, and having also been a party to the resolution of which the hon. Member for Middlesex complained, he should, nevertheless, vote for the motion of that hon. Member on the present occasion. He was ready to agree with the hon. Member for Ipswich, that the present proceeding was a novel practice; but the whole question of railroads was a novel one, and the instructions with regard to them had been sanctioned by the House. The Resolution complained of certainly only expressed a fact, for the reference of the House could not apply to Members of the Committee who had not attended and had heard none of the evidence on the Bill, for they could give no reasons for voting that the preamble was not proved, as they did not vote on that question at all. He had been, therefore, a party to that resolution, as he thought it a less evil than adopting the absurdity he alluded to. In common, however, with the hon. Member for Middlesex, he had thought it right to apply to the highest authority in that House on the subject. The question was, whether it were competent for a Committee to pass such a resolution, and the right hon. Gentleman in the Chair had, upon two grounds, decided that such a resolution could not be sustained.

Amendment withdrawn.

Original Question agreed to—Committee to re-assemble.

THE BALLOT.] Mr. *Hume* presented

a Petition from Bristol in favour of the Ballot.

Mr. *Harvey* presented a Petition to the same effect, but the name of the place from whence it came was inaudible in the Gallery.

Mr. *Leader* presented a Petition from 5,000 inhabitants of Bristol to the same effect.

Mr. *Grote* spoke as follows :—I am about to propose to you, Sir, the motion, notice of which stands on your paper, respecting the mode of taking votes at elections for Members of Parliament. I mean to ask for leave to bring in a Bill, providing, that votes shall be henceforward taken in secret, by way of ballot. Sir, on the previous occasion, when I introduced this subject to your notice, I did so by moving a simple resolution of the House, to the effect that secret voting at elections for Members of Parliament was expedient and preferable. On the present occasion I shall move for leave to bring in a Bill to accomplish this object; and I make this slight change in my mode of proceeding, because I imagine that there may be some Gentlemen who, though not unfavourable to the system of secret voting, are yet mistrustful as to the possibility of carrying out the principle into detail conveniently and effectually; and, therefore, hesitate to affirm the abstract resolution when simply and nakedly proposed to them. If I am allowed to bring in my Bill I shall show the House that the regulations essential to a system of secret voting may easily be framed with perfect convenience to the voter and entire certainty to the main object; and I may safely promise Gentlemen, that if they are not at variance with me on the ground of principle, they shall have very little reason to complain on the score of deficiency in the details. By assenting to my present motion they will not be called upon to pronounce an irrevocable determination in favour of secret voting until they see the details through which it is to be brought into operation. Sir, it is not my intention to trouble you with any long preface or introduction before I proceed to state the grounds on which I presume to claim your favourable hearing. Gentlemen will not need to be reminded that we sit here as the representatives of the people—chosen by them, and for their benefit—chosen by them generally as the guardians of their persons and

properties, and more especially as the guarantees of their public franchises and their political liberty. The preservation of that tie which connects us with the people at large in all its integrity, is a matter of the deepest public concern. It would be superfluous, Sir, at this time of day, to insist upon that which all constitutional writers have unanimously admitted—that the efficient operation of the elective principle is the primary condition and characteristic requisite of every Government pretending to the honourable title of a representative Government. It has never been yet disputed, and I do not expect to hear it disputed this evening, that pure and free elections are vital wants of the British community in particular; and that any cause which subverts the freedom or impairs the purity of elections, is fraught with serious and incalculable mischief. In pressing, therefore, upon the House the consideration of the vote by ballot, as an indispensable element of all practical purity and freedom of election, I shall not be accused either of trifling with your time or of aiming at any end which has not been recognised as strictly constitutional and legitimate. I hold that our most solemn obligations to the people will remain undischarged, so long as we permit them to be deprived in practice and reality of these their best political rights, and their only effectual security against public extravagance and misconduct. To justify myself, Sir, in calling for the interposition of this House, I must offer you proof of the existence of some evil requiring remedy, and susceptible of remedy. I must make out to you a case of exigency, such as nothing but the powerful and commanding arm of the Legislature can effectually deal with. Now, Sir, how do the facts stand with reference to your elective system? Have you pure and free elections, or anything at all like them, as matters stand at present? Put this question to any man of any politics, and I apprehend that the answer which you will obtain will be one and the same. However indisposed men may be to act vigorously in rectifying the evil, there are but few who are bold enough or blind enough to deny its reality; nay, Sir, I believe that on this subject I labour under a difficulty the opposite to that which is commonly experienced by those who submit motions to Parliament; for the evil which I seek to correct is

not unknown, not unperceived, not of recent growth, but trite, too familiar, and of too long standing to excite those feelings of repugnance which properly and intrinsically belong to it. Gentlemen talk of election abuses as a matter of course, which it may be decent to punish for the sake of appearances when a flagrant case happened to be detected, but which none but visionaries or enthusiasts will ever pretend to suppress or eradicate. Sir, I shall not now stop to inquire how far this tone of restlessness and levity as to a great political evil is justifiable in a representative of the people; but gentlemen must keep in their recollections that the present times are not quite analogous to the past, and that election abuses cannot be safely blotted out from all serious or deliberate considerations as they were formerly. Practices which might be in full keeping and consonance with the general rottenness of our system of representation as it stood previous to the Reform Act now stand out in glaring contrast with the principles of that measure, and still more with the promises and declarations of its authors. When the noble Lord who first introduced the Reform Act announced his memorable purpose of guaranteeing to us a House of Commons possessing and deserving the confidence of the people—when Lord Grey proclaimed to the world that nomination of Members of Parliament should cease to exist, and that representation should be erected everywhere in its place—I contend that these declarations did, in their fair meaning and spirit, imply a pledge to have none of the known and standing disorders of the elective system without correction and redress. I now call upon the noble Lord for the fulfilment of his beneficent pledge, and I am sure he will not be surprised if the electors whom his own act has created entreat from him that protection which is necessary to the quiet and conscientious exercise of their franchise. But, Sir, there is one other circumstance yet behind, which, even if it stood alone, would render a prolonged indifference on this subject intolerably disgraceful to our character as a Legislature. Sir, the extent and prevalence of these election abuses does not now depend upon mere presumption, however general and however confident; it is not now a matter which every one believes, but no one can formally prove; it rests upon something better and stronger

than all this—upon positive, authentic, and indisputable testimony, collected and sifted by your own Committees. I should be justified in what I now assert, even if I had nothing else to appeal to than the statements proved in evidence before various special Committees of the House, in reference to particular Parliamentary boroughs. The House will not forget that there have been several special investigations of this kind. They will not forget the disclosures made before the various Parliamentary Committees on Stafford, Warwick, Hertford, Ipswich, York, Yarmouth, and other places. They will not forget the reports made by the Municipal Corporation Commissioners, in reference to the conduct of the freemen in many important Parliamentary boroughs. These multiplied investigations have brought to view a body of dark and infamous details, which cast a melancholy shade over the general picture of election management in England. What description will any future historian give of the real working and interior spring of that which we extol and sanctify under the name of representation when he finds documents such as these—contemporary and unquestionable documents—to guide him in his researches? But, Sir, over and above the testimonies collected by these special Committees, important as they are when singly taken, and still more important in their aggregate effect—there is yet another document, more weighty and conclusive than all of them. I allude to the Report of the Committee of last year on bribery and intimidation at elections. It will be recollected that the House appointed this Committee last year to inquire generally into the extent and prevalence of these evils, and to suggest the best means of preventing them. I hold in my hand, Sir, the voluminous series of evidence received and published by that Committee, and I scruple not to assert that proofs more irresistible can hardly be conceived of the depravity and the subjection which now so largely pervade our elective system. No man can read this Report without shame and uneasiness, unless he has prepared himself to disregard and laugh to scorn all idea of purity of election. Gentlemen who have looked over the volume will at once perceive that the portion of evidence relating to bribery is the least novel; but even here there is much to arrest our attention. Mr. Cockburn, a barrister, ex-

amined before that Committee, who gave evidence distinguished for its ability, stated, that from all the information with which his practice and inquiries furnished him he concluded confidently that bribery prevailed at elections to an extent of which the House and the country had scarcely any idea. The witnesses whom the Committee examined from Bristol, Leicester, Norwich, and Ipswich—Mr. Staff, Mr. Hudson, and Mr. Cowell—go far to corroborate and sustain the conclusion. You see in these places and elsewhere a system of bribery, standing perpetual, incorporated with the habitual proceedings both of agents and electors. You are plainly told, that a candidate who refuses to conform to it conducts his election at the greatest disadvantage. You are apprised that it enters into the calculations of a certain class of electors like the annual return of the fair and the races. The forms of bribery do, indeed, vary from one town to another—the gift or the promise sometimes assumes a peculiar dress or a local name in one town, which would be foreign and unintelligible in another—but the substance and essential characteristics are just the same throughout. Such, Sir, is the tenor of the evidence which the Committee on bribery and intimidation collected with regard to the first branch of their subject. Now how stands the fact in regard to the second branch? Sir, the testimonies collected by the Committee in proof of intimidation are even more abundant and more decisive than those in proof of bribery. And not only are they more abundant and decisive, but they derive additional value from this circumstance, that they are furnished by persons of opposite political parties. It seems that all parties whatever make loud complaints of intimidation, some from one quarter, some from another; but all with one accord proclaiming that this mighty evil is of continual occurrence. Such, indeed, was the sense entertained by the Irish Government under the hon. Gentlemen opposite, in January and February, 1835, of the violent intimidation alleged to have been practised at the elections which had been just terminated that they directed special inquiries to be made by several of the chief constables, and Reports to be sent to them on the subject. It is from these Reports that much of the evidence taken before the Committee on this branch of election intimidation is

drawn, some of the chief officers in the constabulary force having been personally examined before them. These witnesses depose to popular tumult and violence in many parts of Ireland, for the purpose of overawing electors, and constraining them to vote on the popular side; they depose further that these violences were in many cases inflamed and countenanced by the Catholic priests; and they state several cases of exposure of voters, who were about to vote against the popular candidate, to alarming threats and ill-usage from the mob, as well as to the risk of being ruined by resolutions of exclusive dealing. With regard to other branches of intimidation, we have not the same advantage of elaborate inquiry, undertaken by local functionaries, under the special direction of the Government. Yet, notwithstanding this disadvantage—notwithstanding the absence of official investigation—a body of testimony no less conclusive and authentic was furnished to the Committee by numerous spontaneous witnesses. It has been incontestibly shown that intimidation by the people and the priest, take it at the worst, is only one amongst many varieties and descriptions of intimidation. If the free-will of voters is occasionally borne down by the violence of the mob, it is still more frequently overruled by the dictation of landlords and agents, and generally of rich purchasers and consumers. If one set of electors are exposed to injury for voting against popular will, another class are obnoxious to ruinous loss and severe persecution at the hands of their landlords, if their consciences are found stiff and uncomplying on the day of election. Perhaps hon. Gentlemen might imagine that these mischiefs and abuses are peculiar to Ireland. Would, indeed, that the fact were so. But it is in this case as in others, Irish abuses are the same in kind as English abuses, only on a gigantic and exaggerated scale. The testimonies collected from various quarters of England reveal the same mischiefs, the same oppressions, the same sufferings and prostration of the voter on this side the Channel as on the other. If hon. Gentlemen will peruse these evidences in reference to the towns and counties of England, they will see the same active warfare going on against the freedom of election—they will see landlords, magistrates, clergymen, attorneys, creditors, master manufacturers, patrons of every

kind, under every name, and, lastly, the assembled crowds of poor electors or of non-electors—they will see all these various parties, each in its separate sphere, engaged in the same work of aggressive interference, against the rectitude and the liberty of their neighbours' political consciences. It would be easy for me, Sir, to enforce and illustrate everything which I have stated by ample extracts from the volume which I hold in my hand; it would be easy for me to quote sentence after sentence out of the evidence of Mr. James, Mr. Cowell, Mr. Roberts, Mr. Terrell, and others, in reference to the intimidation practised by the wealthier classes; or evidence to the like effect, from the evidence of Mr. Gilbert and Mr. Craven, in reference to the intimidation exercised by the general mass of poorer inhabitants in a large town. You cannot open this book without finding abundant and striking illustrations on the mischiefs on which I have touched; and the only reason why I abstain from reading them to the House is, because it would carry me into a multitude of details too long for their patience and attention. I content myself, therefore, with stating in general language the bearing and tendency of the evidence, and the wide extent of intimidation which that evidence attests; nor do I at all fear that I shall be accused, by any one who has gone through this volume, of having performed the task partially or unfaithfully. Sir, the general facts which I have cited from the Report of the Committee on bribery and intimidation will be in part familiar to the House—in part, perhaps, novel and surprising. The evidence taken before that Committee has been very largely quoted and very emphatically insisted on in this House by Gentlemen opposite; but I must say that they have not dealt fairly either with the evidence or with the subject. To hear their speeches one would have imagined that encroachment on the freedom of electors was an offense committed by no one in this realm except by Catholic mobs and Catholic priests, instead of being, as it is, the regular practice among powerful men in the country, of all professions, creeds, and varieties. Then, again, Sir, with what feelings have they approached this subject, and what are the inferences which they have endeavoured to raise from it? Have they bent their minds to ascertain the real nature and the full extent of the evil, in order that they might be enabled to suggest an

adequate remedy? They have manifested nothing of such a disposition; they have magnified even to exaggeration this special branch and fragment of a widespread evil, with no other view, as it should seem, than that of swelling the outcry against Catholics and Irishmen. Sir, I know not how the House may deal with my proposition of to-night, but of this I am most certain, that I approach the subject with feelings very different from those which I have been just describing. I approach it with a sincere desire to understand the evil in its full extent, and to fathom it in all its depths and recesses—I approach it with no purpose of making a part stand for the whole, or the species for the genus; and, above all, I approach it with the deepest anxiety to provide an adequate remedy—a comprehensive and all-sufficient remedy. I stand upon this plain and broad position, that elections ought to be free—free absolutely and universally; I try to put down, without reserve, all intimidation, from whatever quarter it may come; I furnish the elector with a shield against every sort of tyranny over his vote, whether it be a single-headed or many-headed tyranny. I should think it a waste of your time to examine which species of intimidation is the most mischievous, or which the least—which is aggression, and which is retaliation—admitting, as I do, that all are bad, and that all ought to be put down. One thing I shall just remark, in reference to the Catholic priests, because it connects itself with the general question as to the latitude of interference admissible. It seems to be assumed by Gentlemen opposite, that Catholic priests have no right to interfere in elections at all—that they are debarred by the functions which they exercise from doing so. Now, Sir, this is a position to which I can by no means accede. I never can consent to divest any man, be he layman or ecclesiastic, of his character of citizen; because there is no man of any profession who is not interested in the goodness of the laws, and in the proceedings of this House. But, Sir, though I strenuously uphold the right of the priest to interfere at elections, yet there is a right and a wrong way of interfering; and priests as well as landlords, or any other men, may interfere in the wrong way as well as in the right. If a priest thinks one candidate better than another, he is fully warranted in urging all such reasons and considerations as he may think relevant to the

case, to impress the same persuasion on the minds of his neighbours. So far he is perfectly justified. But if, instead of confining himself to persuasions, he should proceed to menace or injure those whom he could not persuade—if he should instigate his own friends and partisans never to hold communion or intercourse with this man, never to buy anything at the shop of another man, because the person so denounced chose to vote for the Tory candidate—if the priest does this, he then lends himself to an act of intimidation, and is guilty of wrongful and unwarrantable interference. Sir, if Gentlemen will read the evidence of Mr. James, of Hereford, taken before the Committee on Bribery and Intimidation, they will see that the clergy of the Church of England are not behind-hand in zeal and active industry at the critical moment of an election. And in the evidence of James King, Gentlemen will find a statement still more strikingly illustrating this conclusion; they will find it recorded, that the Vice-Chancellor of the University of Cambridge dismissed his gardener from his service, because the man refused to comply with his request, that he would vote against the right hon. Gentleman, the present Member for the town of Cambridge. Now, Sir, do I complain of the Vice-Chancellor of Cambridge for interfering at elections? By no means; he had the clearest right to interfere if he chose: but I say of him, what I should say also of a Catholic priest, that he had no right to interfere in a way utterly subversive of all liberty and sincerity of voting. I do not hesitate to maintain, and I am borne out by the Constitution in saying so, that whoever violates the freedom of election, ought to be regarded as a public enemy, be he priest or landlord, Englishman or Irishman, Catholic or Protestant. The nation, in its collective majesty, has a paramount title to the free and independent suffrage of each separate elector: the elector, on his part, is entitled to the undisturbed exercise of his franchise, according to the lights of his own conscience; and neither the nation nor the individual are to be ousted of these precious rights by any intimidator, be his station ever so dignified, or his property ever so overwhelming. Sir, I repeat again, that it is in the name of freedom, and purity of election generally and impartially, not for the purpose of ensuring a monopoly of intimidation to any one class or party, that I now

call upon the House to interpose; and if freedom of election be at all valuable in their eyes, I do not see how they can refuse to interpose. For the evil is now not merely inveterate and notorious—it is formally authenticated—it is proclaimed in the evidence taken before your own Committees—it is proclaimed in a way which you can no longer avoid seeing or noticing. What shall we urge in our defence, Sir, if we neglect to apply any remedial measure, when the distempers in our electoral system have been thus proclaimed as it were by authority, thus blazoned forth in the full daylight of parliamentary recognition? Have Gentlemen made up their minds to see this leprosy cleave to us and to our posterity for ever, or do they fondly expect that it will die of itself, without any active precautions on our part to counterwork or neutralise it? Sir, I am so far from expecting any future abatement in the practice of intimidating at elections, that I see every reason to fear a contrary result; I see strong ground for anticipating that undue power over the liberty of voters will be exercised henceforward more vigorously and audaciously than ever. Men grow bolder and bolder in a pernicious course by the prospect of impunity; and when it is seen that the House, after having fully laid open the vastness of the evil, decline even the attempt to apply a remedy, I ask what inference can be drawn, except that we are still inclined to look upon electioneering abuses with indifference at least, if not with secret favour and connivance? Sir, if we wish to escape a suspicion so heavy and so discreditable as this is, and to maintain some reputation as faithful guardians of the freedom of election, I contend that we can no longer defer the application of an adequate remedy. Now what are the remedies which have been suggested to correct it? According to my view of the case, the only remedy is secret voting; but is there any different proposition started by the ingenuity of others for the accomplishment of the same end? Sir, I regret to be obliged to state that this Report, explicit and voluminous as it is in the exposition of existing evil, is miserably poor and unproductive in the suggestion of remedies. All the witnesses to whom the question is put agree in thinking that any direct and formal enactment, imposing specific penalties on intimidation at elections, would be ineffectual and unavailing; in point of fact, every witness,

who proposes any remedy at all, confines himself to the suggestion of vote by ballot. So much then, Sir, is undeniable, that the evils attending the present system of elections are most extensive and revolting, and that no other remedy has been or can be, propounded for them, except the vote by ballot. On this ground alone I am entitled to ask, that you do not reject my proposition without attentively and deliberately weighing it; for this at least must be admitted, even by the warmest opponents of the ballot—that it is a simple and intelligible change—that it trenches upon no existing rights—that it neither confers new political privileges on any untried fraction of the people, nor cancels any existing privileges which the law at present sanctions—that it neither unduly aggrandises, nor unlawfully depresses any order of your citizens. Nor can it be said that the adoption of the ballot involves the necessity of any other special changes, or of any costly machinery to be created for the purpose of carrying it into operation. Seeing, then, that you have no other remedy to propose against mischiefs like the present, I might fairly ask you to try the ballot, were it only as a matter of experiment. If it should fail in curing the evils of which we complain, and disappoint the expectations of its advocates, you can but return to your present system of open voting, and you can do so without being worse off than you are now. If the trial succeeds, much will be gained; if it fails, nothing will be lost. Sir, I might, without presumption, press for the adoption of the vote by ballot, as a promising and innocuous experiment, even if the reasonings in its favour were less conclusive than they actually are; but I feel that I am entitled to recommend this measure as something better than an experiment, on grounds much stronger and more decisive. I shall not so far dishonour my proposition as to rank it in the category of mere possibilities. I present it with confidence as a certain protection, in so far as political reasonings admit of certainty, against mischief otherwise irremediable. For what is the specific character of this mischief? It is, that intruders from without can work upon an elector's fears, by their power of doing him evil, or withdrawing from him advantage, conditionally upon the way in which his vote is given. You cannot, by any stratagem, rob them of this power, so long as they know the way in which the elector votes. But de-

prive them of such knowledge, and all the power of disturbing the liberty of the vote is at once extinct. As to secret acts, every man must be his own master; whether he be weak or strong, poor or rich, timid or resolute, he is equally out of the reach of human violence, neither reward nor punishment can attach to him when he has been rendered invisible to those from whom it proceeds. You can no more punish a man for an unseen vote, than you can punish him for his dreams, or for his uncommunicated thoughts. He must be a free and self-determining agent when he votes in solitude, for he can offend nobody by following his own convictions, he can offend nobody by forsaking them. Voting by ballot is only another name for unfettered and unbiassed voting; and when Cicero, in speaking of the ballot at Rome, calls it *Tabella, vindex tacitæ libertatis*—the upholder of silent liberty, he says nothing more than what is accurately and emphatically true. Well then, Sir, when the complaint is, that there exists grievous intimidation at elections, which prevents you from getting at the real sense and sincere feeling of voters, am I not warranted in asserting that the ballot is an antidote precisely applicable, and thoroughly adequate to the urgency of the case? It will be said, perhaps, that strangers, though they cannot see an elector vote, may guess or suspect how he has voted; or the elector himself may be compelled to tell them. True; he may tell, but who is to determine whether he tells the truth? You may compel him to tell you. He may tell you what he dreamt last night, or any other personal matter, unknowable except to himself; but can you have the smallest assurance that his statement is an accurate one, if he has any interest in making it otherwise? Whether the elector tells or not, however, I do not in the least doubt that his vote will be in many cases guessed at or suspected. But why is this? Because his political sentiments are guessed or suspected; and it will be assumed, as a matter of course, when he votes secretly, that his vote follows his real sentiments, whatever they may be. Now this very presumption shows that the ballot is perfectly efficacious towards its proposed end; because it shows that no elector voting in secret, can have any motive for voting contrary to his own real feelings. A man may have enemies on many different grounds, private as well as political; but he can make neither enemies nor friends

by means of his votes when votes are taken secretly: no persecution, real or pretended, can ever be made to operate in determining the way in which his vote shall be given. Now, Sir, why is it that men persecute or intimidate electors, as matters stand at present? It is for the express purpose of determining the votes of these electors; for this single purpose, and for no other. They wish to acquire dominion over votes, and they employ intimidation as an instrument for accomplishing this object. Once show them that no dominion over votes can ever be realised, and all their inducement to resort to intimidation is at an end. Surely, Sir, I am not too sanguine in concluding that intimidation itself will die away when it is thus rendered impotent and unprofitable for the acquisition of political influence. Throughout all the records of penal experience there has never yet been discovered any method of suppressing crimes so efficacious as that of removing the motive to the perpetration of it, and rendering it no longer conclusive to the interest or ambition of criminals. Sir, I challenge any one to refute this reasoning—I challenge any one to disprove the alliance—the eternal and indissoluble alliance—between secrecy and freedom. We are seeking for a remedy against intimidation, and for protection to the liberty of the honest voter: I contend that the remedy stares us in the face if we do not wilfully avert our eyes from it. If there be any Gentleman to whom intimidation of voters by the mob is an object of genuine abhorrence, and not a mere theme for declamation against the political capacity of the people, I will call upon him to support my present motion. He may assure himself that no mob-united assemblage of people will be able to divert or appropriate to themselves the suffrage of one single unwilling voter when votes are given by ballot. All the price which Gentlemen will have to pay for the accomplishment of this object is, that they must see all other kinds of intimidation banished at the same time. My proposition goes to rescue the political conscience from every species of constraint and tyranny, and to leave to the act of voting what the Constitution promises it shall be—free, indifferent, and spontaneous. I cannot be content with any thing less than the entire emancipation of the voter; and I have this comfort at least, that it is far easier to protect him against all modes of inti-

midation at once, than to guard him against some of them partially while you leave him still exposed to the rest. The most impartial and comprehensive remedy is, at the same time, the easiest of discovery and the simplest of application. I well recollect, Sir, that when the Committee on bribery and intimidation was appointed last year, the right honourable and learned Gentleman, now Attorney-General, observed that he hoped the appointment of such a Committee would render the ballot unnecessary. I, on the contrary, took the liberty of saying, and I repeat it now, that the ballot affords the only sufficient solution of the important problem confided to the Committee. Indeed, I believe that many of my opponents do not at all dispute the sufficiency of the ballot as a guarantee to liberty of suffrage. They object to it on different grounds; and one objection is even founded on this allegation, that it makes the suffrage too free—that it relieves electors too completely from every kind of external responsibility. The elector (we are sometimes told) holds his franchise for the benefit of the community, and ought to exercise it under responsibility; for which purpose publicity of his vote is essentially necessary. To me, Sir, it seems that this much-extolled responsibility of the elector, is either a phantom—a word without meaning—or else it is nothing but a mask for the precise mischief of intimidation, to be let in and legalised under another name. For to whom is the elector to be responsible? I shall be told that he is to be responsible to the public. But the public, to each individual elector, can be no other than that fraction of the public with whom he is in immediate dealing or communion—his neighbours, or townsmen, or fellow-constituents, who alone take any cognizance of the way in which he votes. Your responsibility therefore comes to this—that an elector is to be rewarded with the good-will of his neighbours if he votes as they approve; he is to be punished with their ill-will if his vote be such as they disapprove. Admit this to be just, and you sanction the principle of intimidation at once. Why, what are the very cases which have been so much complained of in the Irish elections? A Catholic freeholder in an Irish village holds Conservative principles, and wishes to vote for the Conservative candidates; the bulk of his neighbours around him are all Liberals,

and it is to them that he is responsible for his vote. The responsibility takes effect against him by the unhappy methods recorded in this Report—by resolutions of exclusive dealing—by a social proscription—a sort of interdiction (if I may be allowed to translate a Latin phrase) from the communion of fire and water. A few miles off, perhaps, you have the case reversed; you find a great Protestant landlord, of Tory principles, surrounded by tenants, many of whom are Catholics and Liberals. Here the only substitute for your imaginary public, the sole enforcer of responsibility, is the landlord, whose tenants are compelled to endure the bitter consequences of his ill-will, unless they prefer his bidding to the dictates of their own consciences. Now, Sir, these are specimens of the identical evils which every one complains of, and which your Committee were directed to devise means of preventing; yet they are the inevitable results, the outward and visible manifestations, of this principle of responsibility of the voter. It really means nothing except liability to evil at the hands of the stronger power—single-headed power, or many-headed power, as the case may be. Sir, if you consider for one moment either the nature of the elective franchise, or the number and interests of the aggregate electoral body, you will find that responsibility in their case is as needless as it is impracticable. For why is responsibility necessary, and how comes it to be practicable in the case of Ministers, and Members of Parliament, and other special functionaries? It is because the smallness of their number gives them an interest of their own, apart from and often hostile to the community at large; it is because this same smallness of their number and conspicuousness of their position, enables the public to keep a steady watch upon them; lastly, it is because the specialty and continuity of their functions also enables the public to judge whether the duties assigned to them are faithfully or negligently discharged. Now, Sir, every one of these three leading circumstances is reversed in the case of the parliamentary electors. In the first place the numbers of parliamentary electors is so large that their interest is identified with the people. As an aggregate body they can have no separate interest of their own. They are, in point of fact, the people themselves in miniature, and on a reduced scale. Their voice is a

compendious expression of the voice of the whole nation. Next, this extension of the numbers of electors, which identifies them in feelings and interest with the entire mass of the people, and thus gives you the best possible security for their choosing well if they are left to themselves—this same circumstance, I say, renders it preposterous to talk of them as a body of intermediate agents, responsible to any extraneous and ultimate superior. How idle would it be to pretend to attach any responsibility to an aggregate body of 700,000 or 800,000 persons, and that, too, a scattered, fluctuating, and untraceable multitude. If goodness of election depends upon the responsibility of electors we cannot too soon repeal the Reform Act, and cut down our electors to a select few—for the smaller the constituency the more perfect will responsibility become; nay, the constituency of Old Sarum before the Reform Act presented an example of electoral responsibility exalted to its highest point. Lastly, Sir, I beg to consider what is it that an elector has to do, and then ask yourself how the performance of his task can ever be made the subject of unaccountability to parties without. He has no specific train of duties to perform on which the criticism of the public can fasten; he has only to record his preference, without any reason assigned, between two or more candidates, and the virtue of the process consists in his delivering his judgment genuinely and sincerely—*integro et libero animo*. Now, Sir, I confidently maintain that this is a process which must spring exclusively from the free will and inward conscience of the elector himself. No human supervision can extort from him a true verdict, because no human eye can discern what the true verdict is. If responsibility to the public has any effect upon him at all it will induce him to abandon his own judgment altogether, and vote for that candidate whom he believed to be the favourite of the public; thus violating the most essential obligation of the franchise. Look at it which way you will, Sir, this idea of the responsibility of the electors is a compound of mischief and illusion. The numbers of the body and the nature of the franchise conspire to render it useless to any good purpose, and effectual only in silencing the free and honest expression of individual conscience. Sir, on the former occasion when I brought forward this motion the noble Lord the Member for

Stroud contended that, though the ballot does away with all evil influences over voters, it removes them at the same time out of the reach of all good and improving influences. I may safely challenge the noble Lord, or any one else, to prove that such an effect will flow from it. Surely there can be no good influences except those which operate upon the elector through the medium of his own conscience and conviction — those which he obeys freely and spontaneously, apart from all calculations of future profit or loss to himself. Now, will any portion of such influences as these be enfeebled when the suffrage is rendered secret? Sir, I contend that they will all be left entire and unimpaired. They will be as powerful under the ballot as they are at present; nay, they will be expanded and fostered to a degree much beyond what it is at present practicable. It is against the evil influences, specially and exclusively, that the ballot makes war — against those compulsory influences which determine the vote of an elector, without any reference to his own feelings and conviction — against those appeals to his hopes and fears which vitiate the integrity of the vote altogether. Sir, I am as anxious as the noble lord can be to multiply good influences over voters as much as possible; and I defy him to point out any mode of accomplishing this object half so effectual as secrecy and freedom of the suffrage. The evil influences at elections are now most formidable and triumphant; it is publicity alone which secures to them this triumph; it is publicity which renders thousands of honest voters traitors to their political convictions and to their inward conscience, though it cannot in any case create a sense of public duty in the bosom of the dishonest. Make the suffrage secret, and you banish all these evil influences at once. You leave uncontrolled scope to the gentle ascendancy of persuasion and advice from those who can engage the elector's esteem; you impose upon every one who wishes to obtain a vote the necessity of appealing to the inward reason or feelings of the voter. This is all which public authority can do, and I may add all that public authority need do, to multiply good influence over voters; and this will be assuredly accomplished by means of the vote by ballot. Hitherto, Sir, I have spoken chiefly of the effects of the ballot in extinguishing intimidation over electors. But, perhaps,

I shall be told that it will not be equally effectual in preventing bribery. No doubt, Sir, the specific agency of the ballot is against intimidation; but its effect will be important and powerful in checking bribery. It will entirely suppress bribery according to the modes at present practised; it will greatly hamper and discourage bribery under any conceivable form or process; it will render the attempt to bribe, even under the most favourable circumstances, more uncertain, more costly, more difficult, and more hazardous. When the suffrage becomes secret you cannot buy an elector's vote individually and separately; for he cannot sell the certainty of his vote; he can only sell the probability of it; this is the best which he has to offer. He may certainly offer this contingency for sale, if any one will buy it; but what man in his senses will ever pay down the purchase money for a commodity of which there is to be no assured and ostensible delivery? Surely this is a speculation so unpromising and perilous that very few bribers will be at all inclined to embark in it. A good deal of bribery now goes on through indirect channels, and by the agency of friends and partisans of the candidates, and by the help of admission to charities and other descriptions of patronage, as the House will find detailed and illustrated in the evidence of Mr. Visger and Mr. Hudson before the Committee on Intimidation. An elector entitles himself to a share in these good things by constantly voting as a Blue freeman or a Yellow freeman. But how can this condition be certified, or this corrupt traffic continue to be carried on, when votes are taken secretly? But then it will be said, that a candidate may make his bargain with particular voters, agreeing to pay each of them a sum of money conditionally upon his success. In a large constituency I believe that any such bargain would be totally out of the question; I believe that it would not answer the purpose of either party. In a small constituency I shall not deny that such a corrupt agreement might probably be made and acted upon; but, Sir, if this be admitted — if it be admitted that small constituencies carry with them an inherent and incorrigible possibility of corruption — what is the proper inference which follows? Not surely that the ballot is faulty and defective, but that small constituencies are faulty and defective, and that large constituencies alone are trustworthy. Still,

Sir, though I subscribe to this argument as an objection against narrow constituencies, I am not afraid to contend that in every constituency, small as well as large, the Ballot will render bribery far more hazardous and deceitful, far more clumsy and inconvenient, than it is at present. In fact the Ballot will go nearer to eradicate bribery altogether than any other measure which could be devised while the suffrage remains public. There is this essential distinction between bribery and intimidation, in both you have two conspirators who confederate against the freedom and purity of election; but in the case of intimidation one of the conspirators is an unwilling agent, and therefore the conspiracy is totally broken up the moment he is left to his own free will. Whereas in the case of bribery both parties are willing agents, in so far as they can trust each other, and, therefore, the same precautions are not so omnipotent to their intended purpose—they serve only, but they do serve most effectually, to disconcert and confound such a conspiracy, by destroying all evidence or certainty of the consummation of the bargain. Whoever thinks that this is doing little let him show me any other plan which will do as much, assuming the publicity of the vote to be preserved. But surely, Sir, my cause would be complete, even if I were to wave all mention of bribery, when it can be shown that the Ballot will effectually extirpate intimidation. Your honest voters cry to you for protection against intimidation—they are men who would spurn the idea of a bribe, or of turning their votes to any corrupt profit—but they do pray to be guarded against wrong, and loss, and oppression in the conscientious exercise of their franchise. A measure is proposed which completely accomplishes this object; and I am really to be told, as a fatal objection to it—"No; we cannot grant you the Ballot; it is true that it does away with intimidation entirely, but there are some distant possibilities of bribery which it leaves not absolutely barred out, and therefore it is not worth our consideration." I must contend, Sir, that this would be the most extraordinary ground of exception ever yet taken to any legislative proposition. Here are two diseases, both of most pernicious working. A remedy lies before you, by which the one may be completely cured, the other greatly abated; yet you cast it contemptuously away because you

cannot sweep the country clean of both diseases at once. Let me venture to remind you, Sir, that if it be difficult, as it certainly is difficult, to prevent dishonest voters from playing you false and betraying their trust, if this be the case, I say the more carefully ought you to watch over and cherish the untainted portion of your constituency. Protect them from being dragged into dishonest voting against their own will, by unrighteous violence and compulsion. If you cannot eradicate corrupt disposition universally, at least keep the path of honesty safe and clear for the willing citizen to walk in. I can hardly persuade myself, Sir, that the Legislature will persist in withholding the precautions necessary for this simple, though solemn, purpose. It is my duty to touch upon one or two other objections which I know to be made against the Ballot, and I shall proceed to do so with as much brevity as possible, regretting very much the necessity of troubling the House at so much length. I know that I have to combat a feeling of degradation which some Gentlemen attach to the use of secrecy in any case, or for any purpose. No doubt, Sir, there are numberless cases in which publicity is of unspeakable moment; but reflection will teach us that this rule is far from being universal. What man is there who has not experienced, in the most trying conjunctures of his life, the blessing of confidential communication with a friend, enabling him as it does to procure information or advice, which could never be safely proclaimed to the public? What member of a club is there who does not feel that the harmony and kindly fellowship among the general body is essentially maintained by the secrecy with which voting is carried on? Well, then, Sir, the special point of your consideration is, whether voting at Parliamentary elections is one of those occasions on which secrecy is better or worse than publicity. Now, Sir, perhaps I may be considered as unduly presumptuous; but I challenge any gentleman to point out any one good consequence arising from publicity of votes, or any one bad consequence arising from secrecy of votes at Parliamentary elections. One thing is undeniable—such publicity is in no respect conducive, in many respects injurious, to the main purposes of Parliamentary elections, which is to ascertain exactly and faithfully who it is that possess the confidence of the majority of every constituency.

What profit is gained beyond the satisfaction of vague curiosity by publishing the poll-book with the names of the majority and minority, a record of names often procured as much by forced levies as by voluntary enlistment? Gentlemen, may, perhaps say, that the vote of the superior person must be proclaimed, in order that it may serve as a guide and index to the inferior. There might be something in this reasoning if votes were the only way open to a man of making known his political opinions—but I need not remind you, Sir, that secrecy of voting is perfectly compatible with full publication of opinions by the tongue, or the pen, wherever any man chooses to make his opinions public. If there are, however, as in fact there always are, a certain per centage of voters, who do not choose thus to make proclamation of their political feelings; men, who either from backwardness of temper, or from dependence of position, shrink from open collision with their private friends, neighbours, and patriots—where is the advantage of forcing these men to vote aloud, and thus record themselves as formal partisans, against their own temper and inclination? Sir, I contend there is every disadvantage in putting this constraint upon them; for, by refusing to take their votes quietly and confidentially, you force them to consider, not which is the right side, but which is the strongest side; you incur the risk of deterring them from giving their votes at all; you incur a still greater risk of obtaining from them a spurious vote, instead of a genuine vote. Sir, I look in vain for any one advantage, private or public, derived from publicity of votes; I find no one disadvantage, still more no dishonour, attached to secrecy. His Majesty, in calling a new Parliament wishes to get together a House of Commons possessing the confidence of the people. In order to be sure that he arrived at the truth, he takes the opinion of every separate elector, confidentially, apart from the hearing of any one else. What dishonour can there be in secrecy, when it is only the handmaid of sincerity, the pledge of free speech, as between the voter and the public? I think, Sir, I have some reason to remark, if not to complain, that persons who object to the vote by ballot, overlook constantly the main and direct purpose of Parliamentary election, and fasten their attention upon certain collateral circumstances, which at best can only be taken into consideration, when we

have ensured the accomplishment of the primary end. For example, many Gentlemen assail the ballot on the ground, that it enables an elector to promise his vote to one man and give it to another; or to declare that he has voted in one way, when he has really voted in the opposite. Now, Sir, before I examine the real value of this objection, let me first ask what it has to do with the main purpose for which Parliamentary elections take place? That purpose is, to collect faithfully the real sense of the qualified voters as to the choice of representatives. I believe there is no Gentleman of any party who denies that this is the grand aim of Parliamentary elections. Above all things, therefore, it is necessary to insure that this end shall be attained; and if you do not insure it, you may almost as well dispense with elections altogether, involving as they do so much trouble and expense, so much animosity and uneasiness of every kind. Now, such being the acknowledged purpose of elections, I contend that, in discussing the ballot, I am bound to show that secret suffrage is better than open suffrage, as a means of ascertaining the real sense of the voters. My opponents, on the other hand, are bound to disprove it. But do they disprove it? Sir, I contend that not only do they not disprove it, but they do not even approach the question. I have attempted to prove—and I think I have proved—that secret suffrage is absolutely necessary to protect the honest voter in the conscientious discharge of his duty to the public. Do my opponents refute me, and prove the contrary? They do no such thing. They omit altogether the duty of the voter towards the public, and they carry your attention to the private obligation of the voter, as regards some third party; they expatiate on the maintenance of good faith, as between promiser and promisee. I must consider that this is a pure diversion of your attention away from the main point at issue; for the business of the Legislature is, to place an elector on the best and most convenient footing, for discharging the special duty required of him by the public; whether he tells truth, or keeps his promises to third parties, must be left to his own feelings and his own sense of propriety. But, Sir, let us take the objection as it stands, and inquire what it amounts to. The ballot, we are told, will lead to false promises and false declarations on the

part of voters. How or why should it produce this effect? Does it command any voter to break his promise? Does it hold out to him any new inducement or reward for breaking his promise? No, nothing of the kind; it merely enjoins him to perform the act of voting without a witness, and thus indirectly enables him to vote either according or contrary to any previous promise, without being found out, if he be inclined to do so. Certainly, the same may be said of every private and solitary act of every man's life; but why are hon. Gentlemen so very much afraid, lest electors who vote by ballot should break their promises the moment they are enabled to do so with impunity? Sir, it is but too well known, that the promise given by a voter is, in a thousand cases, extorted and compulsory; it is a promise neither consonant to his own free will, nor dictated by his own conviction; a promise which he would never have made except to one who took an ungenerous advantage of him, and who possessed the power of inflicting penalty upon him in case of refusal. Now, Sir, promises like these, the offspring originally of importunity and compulsion, will only be sure of observance through the maintenance of the same compulsion; they may probably be infringed, when the ballot has left every voter to his own free will. But the voluntary promises—those which have been freely given, and which carry the heart and feelings of the voter along with them—promises of this kind will never be broken, even though the vote be given in the thickest darkness, and with the fullest sense of impunity. We are told by Milton that

“Ease will recant

Vows made in pain as violent and void.”

But wherever the vow has not been made in pain—wherever ease has made the vow, ease will keep it also. This, Sir, is the whole amount of the mischief of promise-breaking, and I intreat the attention of the House to it, that none but compulsory promises are in danger of being broken when votes are given secretly. Let me put the question now, what mischief would ensue if these compulsory promises should come to be broken? A voter ought not to make such a promise if it be at variance with his own sentiments and conscience. Granted; but assuming that he has been guilty of the weakness and the wrong of giving such a promise, are we to arrange our system of voting for the express purpose of compelling him to keep it? To

do this would be nothing less than seeking to deprive the voter, by our own act, of the means of faithfully discharging his duty to his country—a duty prior to all private agreements with third parties—a duty implied in the very possession and exercise of the franchise. Why, Sir, when the choice lies, as it does in this case, between breaking a wrongful promise and violating the duty which the elector owes to his country, can there be a moment's hesitation which of the two we ought to enforce, and which we ought to condemn—we who sit in this House as the chosen guardians of the public rights and franchise—we who derive our sole title to confidence and authority from presumed purity of election? Let me again bring to your recollection, Sir, the object and aim with which the Committee of last year was constituted. We desire to put down intimidation and to uphold the freedom of the vote. But I affirm that we are playing into the hands of the intimidator, and practically annihilating the freedom of the vote, when we countenance and ratify these compulsory promises. The intimidator begins by compelling a voter to promise; and are we then really to say, “Because you have compelled the man to promise against his will, therefore you have acquired good title to compel him to a vote?” Sir, I say, that this would be no less monstrous in principle than inconsistent with our own resolutions and professions. It would be to guarantee the last stage of tyranny out of respect to the first. Depend upon it, Sir, if you wish to put down intimidation effectually you must use a very different language towards the intimidator. You must render the attainment of his final purpose impracticable. You must show him plainly, that whatever be his power of extorting promises he will not be allowed to retain the smallest power of extorting votes; and you will then prevent these compulsory promises from being ever demanded, when you show that they afford no security for performance. The evil of intimidation, the evil of mendacity, and the evil of promise-breaking, will all disappear at the same time, and before one and the same simple remedy—a free and secret vote. Sir, I am deeply sensible that I have drawn but too largely on the patience of the House; yet, before I sit down, there is one argument which I am obliged briefly to examine, because it is constantly argued as an objection against the vote by ballot. Hon. Gentlemen tell

me that the ballot will be fatal to what they call the legitimate influence of property. Now, Sir, I deny this assertion point blank in any defensible meaning which the words "legitimate influence" can be made to bear—in any meaning of the words which a patriot or a freeman can acknowledge. I assert, fearlessly, that under a system of secret voting, the legitimate influence of property will be preserved unimpaired; nay, more, that it will be even exalted beyond what it is at present. There is only one species of influence which the ballot will withdraw from a rich man—it will take away the power of rewarding or punishing electors according to the manner in which they vote. Now, Sir, I would ask, and I hope the question will be plainly answered, whether it be really this power of rewarding or punishing electors which Gentlemen mean when they talk of the "legitimate influence of property?" Does the House intend to recognise in any one citizen of this community—Peer or Commoner, titled or untitled—a legitimate authority to reward or punish electors for their votes? If we do, Sir, the sooner in all consistency we repeal our statutes against bribery the better—the sooner we drop the farce of affecting to condemn intimidation the better. For, what is this privilege of giving to an elector a reward for his vote in plain and unvarnished English, except bribing him? and what is the privilege of punishing him for his vote except a licence of intimidation? But I, Sir, deny the position entirely. I maintain that this influence which arises from the power of rewarding or punishing voters, is repudiated by the law and by the Constitution. I maintain, that a man is no more warranted in employing his legal powers as a landlord for the purpose of seducing and coercing his tenants' votes, than in employing his funded property to distribute among them bribes in hard cash. It is the ancient doctrine of the Constitution that elections ought to be perfectly free, and the ballot can have no other effect than that of realising this strictly constitutional end. But all legitimate influence of property consists fully with freedom of election, and therefore it consists fully with vote by ballot. There is no doubt that wealth and conspicuous station, unless they are coupled with repulsive or contemptible personal qualities, impart great additional weight to the recommendation of their possessor,

"bene nummatum decorat Suadela:" his authority is quoted and his example imitated, even by many who have no favour to hope, and no injury to fear from him. His wishes are still further likely to be obeyed if he is the object of gratitude for past favours, or of respect for public usefulness. Now, Sir, here is a very powerful body of influence insured to a rich man unless he forfeit it by his personal demerit. I call it a perfectly legitimate influence, and I call it so not less because it rests partly upon good personal qualities, than because it is gentle and kindly in its working, looking only for open and spontaneous sympathy and grateful obedience, and implying neither violence on the one side nor degradation on the other. It is the triumph and the glory of this legitimate influence of property that the exercise of it is perfectly compatible with entire freedom and secrecy of suffrage—nay, more, that it is exalted and enhanced by freedom of election, most powerfully felt where the suffrage is the most free, where the voter is best protected against everything like compulsion and tyranny. Sir, I have now exhausted, not indeed all that can be said on this important subject, but at least all that the House will bear to hear from me about it, and I have to thank them for the patience with which they have listened. Before I conclude, permit me in a few words to recall to your attention the point on which you are about to decide. Permit me to remind you that I am aiming at no end which is not in the strictest and highest sense constitutional. I am aiming at nothing except the freedom and integrity of the Parliamentary suffrage; a purpose not merely within the limits of the Constitution, but absolutely essential to its workings and vitality—absolutely essential to the attainment of a House of Commons really possessing the confidence of the people, which the Reform Act so emphatically promised to us. Permit me further to call to your remembrance the humiliating fact, that freedom of election, as things stand at present, is in many places little better than a dream and a fiction. Your election arrangements are traversed on all sides by corruption and intimidation; your electors are, in many cases compelled to vote against their real sentiments—in many cases deterred from voting at all. This fact, if indeed it were not already notorious enough, has been

publicly and incontestably certified by the evidence taken before your own Committee, and I venture to warn you, that if, after such overwhelming notoriety of the evil, you remain deaf to all suggestions of a remedy, you will implicate yourself in something little short of the guilt of connivance and participation. Now, Sir, for this acknowledged evil I have ventured to suggest a remedy. Let those who object to it provide a better if they can. All I shall say is, that my ingenuity can discover no other remedy either like or second to it. I propose to you the vote by ballot; a measure simple, specific, easy of introduction, and bearing precisely upon the mischiefs under your consideration. I have endeavoured to show you that the ballot is an antidote complete, unfailing, and all-sufficient, as against the master-evil of intimidation, and that it is the most powerful of all correctives as against bribery. I have proved that it is the only expedient for enabling an honest voter to walk in the path of conscience without serious loss and peril; and that the State can have no security for obtaining what is the primary purpose of election—a genuine and sincere expression of sentiment from the elector—except by taking his vote in secrecy and solitude—

“*Nam veræ voces tum demum pectore ab imo
Ejiciuntur; et eripitur persona, manet res.*”

I press upon you the adoption of the ballot, no less as an effectual protection to the honest voter, which he has the fullest right to demand, than as a certificate to the public of the genuineness of all votes, and of the unimpeachable title of all representatives chosen. The hon. Member concluded by moving for leave to bring in a Bill providing that the votes at elections for Members of Parliament be taken secretly by way of Ballot.

Mr. Leader: Although I feel that in seconding the motion of my hon. Friend, the Member for London, I have a very difficult task to perform, yet were the task ten times more difficult I should have undertaken it with pleasure and alacrity, because I am convinced that the success of this measure would confer a more valuable and substantial benefit upon the people of this country, than any measure of reform which is at present in agitation; for without free and unbiassed voting at elections you cannot have fair and full representation; and without such representation you cannot have good government. The poor, that is, the comparatively poor and de-

pendent electors (one-half, if not two-thirds of the constituency), complain, and justly do they complain, that the Legislature has given them the shadow instead of the substance—the letter, but not the spirit—the word, but not the deed—the mere resemblance of an elective franchise, and not the elective franchise itself; for it has given to the registered electors the nominal faculty of voting for Members of Parliament, but it has virtually reserved to others the real power, in a majority of cases, of influencing, and compelling and coercing the vote nominally and ostensibly given by the elector himself. Now, there are two kinds of influence; there is, first, the moral influence which a great man, who is also a good man, is certain to obtain over the opinions, the feelings, the very thoughts of his poorer neighbours and dependents; of that influence no man can complain. There is, on the other hand, the immoral influence not gained by goodness; but by strength over weakness, by wealth over poverty, by greatness over dependence, and exercised not with a beneficent desire to advance the welfare of the community, but to augment the power or promote the selfish interests of those who exercise it; such, I regret to say, is the influence too commonly used by the creditor over the debtor—by the rich over the poor—by the great merchant over the small trader—by the landlord over the tenant, by the great and the powerful, in short, over the humble and the weak; to such an extent, indeed, does this system of undue influence prevail in this country, that most landlords appear to think they have as good a right to their tenant's vote as to the rent of their farms. It constantly happens, for instance, that a landlord makes a favour of granting his permission to a candidate, or to a candidate's friend, to canvass his tenants for their votes. As if, forsooth, the candidate would be violating the landlord's property, poaching upon his preserves, if he were to canvass the tenants without the landlord's sanction. Or perhaps the landlord may be opposed in politics (ostensibly, at least) to the candidate, and yet willing from other causes to forward his interest; then we may suppose the candidate, on application for the landlord's vote and interest, to be met with the following answer: “I am sorry that I cannot vote for you myself, that I cannot personally interfere in your behalf, but I will tell you what I can do for you; I give you free permission to canvass all my tenants, I dare say many of them will vote for you.” Kind and ge-

nerous landlord! he condescends to allow the candidate for the votes of the electors to ask those of the electors who may be his tenants what their opinion really is. And yet it is a common form of expression to talk of taking "the sense of the people," while a candidate cannot even ask the people what their opinion is unless their landlord gives him permission to do so. This is clearly stated in the evidence given last year before the Bribery and Intimidation Committee. A witness was asked, "Is it usual before a party canvasses the tenants to ask the landlord's permission to do so?" "Yes," was the reply, "and I never knew a Tory give that permission" (to his adversary is of course meant). What says another witness before the same Committee?—"I have known a landlord correspond with a candidate on the subject of the corn laws, and I have known him send a list of the whole of his tenants, and say that he should come with them and vote one way or the other, according to the explanation he received from the candidate." I have known other remarkable circumstances—I will not mention names—but I know the fact of the resident agent of a considerable property, the agent being of a class of political opinion different from the politics of his non-resident master, promising all the votes of the estate to a candidate. I wrote to London to a high family to influence this steward the other way, and the tenants were in consequence all polled contrary to their original promise, through the above agent." Well and justly may the tenants, after this, complain, "that the Legislature has given to them that which to them is not merely of no value, but an injury; for it compels them to go to the poll and tell a moral lie—voting for one man when they feel it a duty to vote for another." Again, Sir, to prove that the votes of tenants are considered to proceed not from their own feelings, or knowledge, or conscience, but from their landlord's mandate, is it not notoriously matter of congratulation among Tories, when a great estate passes by inheritance or purchase, or other means, from a Reformer into the hands of a Tory; and, on the other hand, is it not cause of rejoicing among Reformers when a Tory's estate passes to a Reformer. There is a case in point which occurred only last year. In the western division of Somerset Lord Egremont has a large estate, with a command of, perhaps, 200 or 300 voters. The management of the estate was intrusted

to a resident steward; till within a year that steward was a staunch old Whig. I need not inform the House that the tenants always voted for the Whig candidates. Well, last year the good old Whig steward died, and after a short interval another steward was appointed. The new steward is, like his predecessor, a very respectable barrister; but, unlike his predecessor, he is a very decided Tory. He is, indeed, chiefly famous for having been the unsuccessful Tory candidate in several contested elections. His appointment was of course hailed with joy by the Tories of West Somerset. "What a good thing," they exclaimed, "200 or 300 votes taken from those horrid Whigs, and given to us." My hon. Friends, the two Liberal Members for West Somerset, looked rather grave on the subject, even though they had a majority of 1,000 at the last election—these 200 or 300 votes were no trifle. Well, a short time after an old Tory lady, in the same division of Somerset, died, and left her estate to a very decided Reformer. "Good news," said my hon. Friends, the Members for West Somerset, who had looked so grave on the appointment of the Tory steward, "This is some compensation for that unfortunate affair." Now, Sir, these facts clearly prove one thing—that it is looked upon as a matter of course, that whatever the tenant's real opinion may be, his vote should invariably follow the vote of his landlord. I find another instance of this sort of influence in the evidence given before the Bribery and Intimidation Committee. There are, in South Devon, three parishes lying together, called Rattery, Staverton, and Broadhempston. In the parish of Rattery there were twenty-one votes polled at the last election of 1835. Only one was a freeholder, the rest were leaseholders under one and the same landholder, Sir Walter Carew, to whom the whole parish belongs. Now, in the election of 1832, these electors all voted for Mr. Bulteel, the reform candidate. At that election, their landlord, Sir Walter Carew, voted for Mr. Bulteel; but in 1835 they all voted for Mr. Parker, the Conservative candidate, against Lord John Russell. What could possibly have caused this total change? When I tell the House that their landlord, Sir Walter Carew, voted for Mr. Parker, they will not, I am sure, think it necessary to look further for any other cause; but Members opposite may say, as the landlord of Rattery conscientiously changed

his opinion, why should not his tenants of Rattery have also conscientiously changed their opinion? There is, fortunately, in the peculiar circumstances of this case a satisfactory answer to that objection. It seems that the farmers of the three parishes of Rattery, Staverton, and Broadhempston, form one class of persons, are a very intelligent set of men, and are in the habit of associating very much together; they are all of them Reformers on principle; and, in 1832, almost all of them voted for the reform candidate; but, in 1835, the farmers of one of the three parishes, that is of Rattery, voted against the reform candidate, while their friends and neighbours, the farmers of Staverton and Broadhempston, voted, as before, almost unanimously, in favour of the reform candidate. What is the secret of this partial change? Why, simply this—that in Rattery the farmers were all under the influence of one landlord, who had changed his mind, whereas the farmers of Staverton and Broadhempston were under little or no influence, and could vote according to their own conscientious opinions. In the same division of Devon, there is a parish called Broadclist. In 1832, nearly all the electors of Broadclist voted for the reform candidate; in 1835, six only voted for the reform candidate, while fifty two voted for the anti-reform candidate. What could be the reason of this great change? Were the farmers terrified by the rapid progress of reform, or were they alarmed with the Tory outcry of “No Popery.” No, Sir, there is a much more plain and simple reason for their change of vote—they were all under the influence of one landlord, Sir Thomas Ackland. Now, in 1832, he supported the reform candidate, but in 1835, he opposed the reform candidate. What can be more proper, or more natural, in the existing state of things, than that his tenants should implicitly follow his vote, and change their opinions with the changed opinions of their landlord? I will not weary the House by citing any more instances of this undue influence; let the most incredulous Member look into the evidence given last year before the Bribery and Intimidation Committee, and he must be convinced of the almost universal existence of this immoral and degrading influence. Now if this system is to continue, let us at least get rid of the hypocritical practice of registering the tenants of a great man as so many good votes. Let us act in a straightforward,

if not in a just manner. In South Devon, for instance, instead of registering so many farmers and leaseholders on Lord Rolle's estate, as so many distinct and independent votes, let us at once write down in the register—My Lord Rolle, 500 votes, in right of 500 serfs, or villeins, or farmers, or leaseholders—call them what you will, the name signifies little—who must vote as he commands them. Then, on the other side, put down—the Duke of Bedford, so many votes; and so on with all the great landed proprietors. This method, would, under the existing system, have several very good effects—it would save a great deal of trouble to candidates; instead of canvassing a great number of dependent voters, they would have to ask only for the votes of the great proprietors. It would put a stop to the persecution of voters, and thereby prevent much misery and bad feeling. It would have a good moral effect, as it would prevent most of the tyranny and hypocrisy at present in operation; and it would have the good political effect, that the tenants would become indignant at this open insult, though they now endure the injury with the flimsy veil of registration thrown over it; they would then assert their rights, and dare to say that their votes and their consciences were their own, and not their landlords'. In the feudal times the baron was followed to the wars by his tenants—a glittering train of steel-clad men-at-arms: the system is still the same though neither so war-like nor so imposing: now the landlord is followed to the poll by his tenants—a submissive train of coerced electors; and the results in both cases are nearly the same. In old times, the baron who could raise the greatest number of good fighting men attained for himself by their courage and good service, rank, and power, and consequence; in these times, the landlord who can command the greatest number of good voting men is sure, through their votes, to obtain for himself or his family, place, or pension, or patronage; indeed these things can scarcely be attained in any other way. Now what is the consequence of this pernicious and most iniquitous system? Some Members may think it successful, because the immediate apparent consequence is to give more Members to the benches opposite, than they would otherwise have; but the real consequence which must ultimately appear evident to all the world is this, that the

gentry of England will raise up a bad feeling against themselves; for in every coerced elector, in every tenant who has been compelled by them or by their agents to vote against his opinion, they will have a secret but a determined enemy; that the rich merchants and manufacturers will find in every coerced workman, in every intimidated tradesman, a secret but determined enemy. I have myself heard the curses and the threats of men who had been compelled by stern necessity to sacrifice their vote to the interest of their children. I have myself heard the son of a voter who had suffered and been half ruined because he would not give a dishonest vote, cursing the author of their misery, and wishing him in his grave. Are these the feelings which the gentry of England desire to produce in the hearts of their fellow-countrymen? They may sneer at curses, they may laugh at threats; trusting to their wealth, and their station, and their power, they may exclaim with the tyrant of old, "*Oderint dum metuant*;" but the time must come when the people's hate and the people's indignation will make them tremble. I have spoken at such length, and with such warmth on this part of the subject, because I know that the abuse of influence is the great and glaring evil of the present system; whoever has influence exercises it—whether justly or unjustly he never stops to inquire—and so perverted is the public mind on this subject, that most men actually think that they are committing no offence, either against justice or morality, when they are using their influence to compel a dependant to choose between dishonesty and ruin. I come now, Sir, to the question of what the elective franchise really is. Our opponents are continually comparing the responsibility of electors with the responsibility of Judges, Ministers of the Crown, and Members of Parliament. All these persons, they say, are obliged to act openly, and to be responsible for their actions; why should the elector alone be protected, by secrecy, from responsibility to his fellow-citizens? Now this comparison is not a fair one. The Judge is responsible to the community for a fair administration of justice—the Minister is responsible to the Crown and to the country for the fulfilment of his ministerial functions—the Member of Parliament is responsible to his constituents for the discharge of his Parliamentary duties. They have also

each of them a still higher responsibility—namely, a responsibility to their own conscience for an upright discharge of their several duties. Now, this is the only responsibility which the elector shares with them, for the Legislature has determined that every man possessing a certain qualification, shall, on the fulfilment of certain conditions, have a right to be registered as an elector; the only duty demanded of him in return is, that he shall fairly and impartially, to the best of his judgment, exercise his faculty of voting. The elective franchise therefore, is not properly a trust, but a right, for the exercise of which an elector is responsible, not to his landlord—not to his neighbours—not to the non-electors—but to his own conscience alone. If, therefore, it is shown that the electors generally cannot freely and conscientiously exercise their right of voting under the present system of open voting, the Legislature is bound to afford them protection in some way or another. If this could be done without the secrecy of ballot, it would be an admirable thing indeed; but if it cannot be done without, then it must be done by means of the ballot; for until the voter can give his vote as he pleases, all (so called) representation is a farce, and it is a mockery to talk of the "sense of the people." Now, Sir, to examine some of the arguments and assertions usually urged against the ballot, as to its being un-English, and calculated to encourage falsehood and hypocrisy; such charges scarcely deserve an answer. I wish, however, to observe, that it is much worse, much more likely to cause falsehood and hypocrisy, and, therefore, I suppose more un-English, to coerce a voter and to make him tell an open lie, than to give him the protection of secrecy, trusting to his sense and conduct, after having voted conscientiously, to parry as he best can the questions and insinuations of those persons who had sought to influence him. But, say our opponents, the ballot would not put an end to either bribery or intimidation. They say, that in small constituencies bribery would, under the ballot, be carried on wholesale. Now, granting for a moment that this argument is worth anything, it is an argument not against the ballot, but against small constituencies. Let, therefore, no constituency consist of less than 1,500 or 2,000 voters, and the richest man in the country would soon find his purse exhausted, and his seat too

dearly purchased, even if he could purchase one at all. Again, in what method do our opponents say that bribery under the ballot, in the case of small constituencies, would be carried on? Why, in this manner—that a candidate should promise, if successful, to distribute a certain sum of money among the electors. Now, under the present system it is notorious, that in many places there is bribery on the part of the unsuccessful as well as on the part of the successful candidate. On the very showing, therefore, of our opponents, half the existing bribery would be stopped. The real fact is, that the ballot would very soon put down bribery altogether. With respect to intimidation, in spite of the denial of our opponents, the ballot must have a very good effect, even though it should not prevent some men from occasionally exercising a tyrannous power over their dependents. Under the present system every vote is known, and a landlord may say to his tenants—"If you do not vote as I wish, you shall suffer for it." Under the ballot, every vote would be secretly given; at any rate every vote would not be known. The landlord could then say only—"If I find you out voting against my wishes, you shall suffer for it." But it would be the tenant's own fault if he made public that which he might, if he chose, keep secret. The secret vote by ballot, therefore, would very materially diminish, if it did not altogether destroy, all undue influence and intimidation. Great horror is expressed by our opponents at the prospect of the influence of property being taken away by the ballot. The bad, the immoral influence of mere property, unsupported by character and moral worth, would undoubtedly be diminished; but the good, the moral, the only proper influence of property, in the hands of a good man enjoying a good character for judgment, honesty, and knowledge, far from being diminished, would be vastly increased by the ballot. Not to weary the House with the many arguments on this point which occur to one's memory, I will refer to a statement made before the Bribery and Intimidation Committee. A witness was asked,—"The instant the ballot was established, would there not be on the part of the landlord an entire absence of all canvassing, and of the attempt to make his moral influence felt?—I should say not his moral influence. I say

a good landlord, like Sir Thomas Acland, whose moral influence is so good, that, differing with his politics, I should be very much afraid of his moral influence over his tenants; but I do not think it would extend to the extreme it does now. Where the yeomanry are not intelligent, and have no strong political feeling, I think a man would have a great deal of moral influence." "You said just now, a clergyman of mild and amiable character, and exemplary conduct, would have more influence over his parishioners than a clergyman of different habits?" "Certainly." Would not that influence continue with the ballot?"—"Certainly." "So you think that a landlord anxious to exercise political power in his own neighbourhood, would, if his sources and means of (undue) influence were taken away, be more inclined to increase the sources of what you considered his moral influence; that is, that he would take pains to impress his opinions as well as his wishes, upon the minds of his dependants?"—"Certainly." But why pursue this topic further? It must be evident that if you take from men desirous of power the bad means of attaining it, they will sedulously apply themselves to the good means—"a consummation devoutly to be wished." I have quoted the above evidence, partly in support of my position, and partly also as an act of justice to Sir Thomas Acland, whose name I have before mentioned in connexion with influence over tenants. Are there not many laws against bribery? And what is bribery but the undue, the immoral influence of property? And yet in speeches in this House we hear of the horrible injustice that the ballot would bring upon the rich, by depriving property of its influence. Now call the elective franchise a right or a trust, as you please, the duty of an elector is to deliver his genuine and conscientious opinion at the poll, whether it agrees or disagrees with that of other people: any elector, therefore, who, under undue influence, gives a vote against his opinion, is guilty of a breach of public duty; but the man who by undue influence coerces his vote, is doubly guilty; the man that makes another thief is more guilty than the thief; the man who hires a false witness, is more guilty than the base perjurer; the man who pays an assassin is more guilty than the murderer; and thus the man who makes another vote against his con-

science is more guilty than the man who so votes. "What!" exclaim some honourable Members, even on this side of the House, "are the electors insensible to feelings of independence?" Alas, no; they have strong feelings of independence, but they have also a very natural feeling for themselves, for the welfare of their families, for the livelihood of their children. Can we blame them when we see them tempted by gain (call it bribery or head-money as you like) on the one hand, threatened with misery on the other, if they neglect what they may, perhaps, consider in their individual case an unimportant public duty, in order that they may attain, what to them is an all-important, a vital object, that is, the means of securing a livelihood for themselves and their family. "Are you then prepared (say our opponents) to state that the House of Commons is not composed of the real representatives of the people of England?" To that question I answer, that admitting as I do, with gratitude, the great improvement in representation produced by the Reform Bill, I do maintain that this House does not, even now, fairly represent the real feelings of the electors of this country; and that it never will represent them fairly, until the electors generally can, under the protection of the ballot, give an honest and a conscientious vote. Look to the counties especially; are there not many County Members in this House who represent not the great body of the electors according to their honest opinions—but the clergy, the magistracy, and the few great proprietors, whose tenants are compelled to vote against their real opinions. If an example is wanted of undue influence in a populous city, look to the case of Bristol, as stated before the Committee on Bribery and Intimidation; if an example is wanted of undue influence exercised by one great proprietor over the constituency of a small town, look to the case of Ripon, as stated before the same Committee. The abuse is notorious, and the people believe that there is no remedy for it but the ballot. After our opponents have alleged such and similar arguments against the ballot, they at least assert, in order, I suppose, to annihilate at once the ballot and its supporters, that the ballot has failed in France and in America, and that it will not insure secrecy. As to its having failed in those countries, facts give a clear de-

nial to our opponent's assertions. So far from having failed in America, it has admirably answered the end for which it was instituted—that of securing a fair representation of the people. And now that the Americans have clearly established their freedom of choice in elections, the ballot may indeed occasionally be exercised in such a manner as not to enforce secrecy; but the power remains with the electors, and should circumstances ever render such protection necessary to shield them from corruption or intimidation, the secret vote by ballot is in their hands, and to that protection, and to that alone, can can they at all times have recourse. The same thing may be said of France, with this difference—that as in America the ballot is the guarantee to the Americans for all their rights and liberties, so in France the ballot is the last remnant of free representation yet preserved to Frenchmen—the last protection of the French electors against the corruption, the intimidation, and the tyranny of Government. As to secrecy not being insured by the ballot, all that I ask is this—recognise the principle that every man's vote should be his own and not another man's, that every man should be enabled to vote as he pleases, and protected in the exercise of his elective franchise; but so long as open voting continues, this cannot be effected. Allow my hon. Friend, the Member for London, to introduce his Bill, and I will venture to declare that he will so frame the clauses of the Bill, that he will so regulate the machinery of voting, that in spite of threats and of spies—in spite of public intimidation and of domestic treachery—the vote of the elector must perforce remain a secret to every human being but himself. I have now gone through most of the arguments usually urged against the ballot, but it seems to me that in all these arguments and assertions we have only the professed reasons of our opponents for disliking the ballot. It appears to me that their real reason yet remains behind. I should say that their real *bona fide* reason for opposing the ballot is this, that they know the ballot would take from the wealthy and the powerful their undue influence, and their unjust power, and that it would place the choice of Members (and consequently the chief power in the state) where it ought to be by right, in the hands of the electors. The consequence of this would be, that the rich and the powerful,

who wished to administer the affairs of the state, would be compelled to render themselves fit by knowledge, energy, and conduct, to occupy those places which they now habitually hold, not because they are fit to hold them, but because they happen to have inherited a great estate, or to descend from a noble family, or because they have zealously devoted themselves to one or other of the two aristocratic parties. It is acknowledged on all sides that corruption is practised—it is acknowledged that intimidation prevails to an unparalleled extent—it is acknowledged that undue influence is exercised in the most revolting manner—and yet, when we offer you a remedy for all these evils, you reject it. How then can we, how can the people, believe that you are sincere and earnest in your professions, and your declarations against these abuses? In this respect I am more surprised at the opposition offered to us by certain Reformers on this side of the House, than by the Conservative Reformers opposite. The present Ministers know (for they have told us) that they are the representatives of the people, as well as the Ministers of the Crown. They are undoubtedly the most liberal and the most honest, and therefore the most popular Ministers who ever ruled this country. They have generally deserved the confidence of the people, and they have had, and (so long as they go on in the same liberal and honest course) they will continue to have, the support of the popular party in this House. Knowing all this—as they well know it—and being well assured that the great majority of the aristocracy of birth and of wealth—that the bar, the clergy, the magistracy, and the squirearchy are generally against them, and that they are maintained in power by the will of the people alone; why, I say, do they persist in resisting as a Government this measure, which above all others would increase their power—by increasing the people's power and their confidence in Ministers? Why are the friends to ballot now in the Government compelled to oppose us? Why is not this question left rather as an open question, on which each Minister may exercise his own discretion? We know that in the Government there are many friends to the ballot; why, then, are they now prevented from giving their powerful assistance to a measure of which they once were the able supporters? Why are their lips to be closed by the seal of office? I trust that before long the

Government, or rather the anti-ballot Members of the Government, will change their course on this question; and if they will not themselves bring it forward as a Government measure, that they will at least leave it as an open question, and allow their colleagues, who are in favour of it, to speak and to vote according to their previously avowed opinions. But whether this or any future Government may assist us or not, it is now a mere question of time. They might, by their assistance, enable us to carry the question rather sooner than we can without them. They may, by their opposition or their indifference, throw some impediment and some delay in our course; but they may rest assured that, before many years have passed, this question must be carried. The people are every year more convinced of its necessity; the people will, at every election, be more urgent in its favour, because they will every year more clearly see the hopelessness of relief without it, and it must ultimately succeed. Public opinion is setting in in favour of the ballot with a steady flow. You may, for a season stop, by your obstacles, the advancing tide; but it must eventually rise above all barriers, and carry you before it with resistless force. I cannot better conclude what I have to say on this subject, than by quoting the words of one of the chief men in the country: although they were not spoken on this question, they are most applicable to it: the words are these—"The great disease of society, the great impediment to quiet government, the great evil of the day, the greatest prevailing abuse at present is, that every one thinks he has a right to employ his influence over another; each practises it, and each exclaims against its practice in a third person. The landlord enforces it on his tenant—the customer over his tradesmen; they force conscience, and they drive persons against their will to the poll, to vote contrary to their own wishes. I say, then, upon whatever side this influence is exercised, it is a cruel tyranny and a gross injustice. I say that it is a great evil; it is one, too, prevailing in a greater degree in this than in any other country, and that in no other country but this, where there is a popular form of government, does it prevail." These are sentiments which would do honour to any man; they are the honest, the manly, the straightforward sentiments of a truly liberal-minded man: they are words spoken only a few weeks past, by the Prime Mi-

nister of this country. He is the most popular—yes, Sir, he is still the most popular, and he is still deservedly the most popular Minister who ever governed this country. And as I believe that the welfare of the people is his only object in retaining power, so is their confidence in him the main support of his Administration. I rejoice, therefore, to hear such words uttered by such a man; for I feel assured, that if acted upon, they will tend to increase and to confirm his well-earned and unshaken popularity. To me these words are as a good omen of our future, and not very distant success in carrying this all-important question of the ballot.

Lord Dalmeny, in rising to make a few remarks, begged leave to say, that if any speech could induce him to become an advocate for the ballot and the principle of secret voting, it would be the speech of the hon. Member for London. For three successive years that hon. Member had brought forward this motion in a very entertaining and able manner, but as each successive year had only furnished him with additional reasons for believing that the measure was not only one of an impolitic, but of a pernicious nature, the hon. Member must rather attribute his opposition to the nature of the measure itself, than to any want of talent on the part of those who had urged it on their attention. He was not, at the same time, blind to the evils and mischiefs that arose out of the present system. There was no doubt whatever about the disease; the question, therefore, merely regarded the remedy to be applied, and he candidly confessed that he could discover no such remedy in the nostrum of the hon. Member for London; on the contrary, he thought it would lead to those very evils which it affected to cure. Supposing, as the hon. Member anticipated, that the ballot would have the effect of securing the utmost secrecy, of inducing the voter to observe a silence that no power could break, and that even in the expansion of his heart during convivial moments he could not be influenced to disclose his vote—supposing all these improbabilities to be realised, let it be recollected that the principle the hon. Member advocated would strike at once at the root of all responsibility. The very Gentlemen who had been always shouting and agitating for publicity, who preferred that the Exchequer should be impaired rather than that means should not be given to inform the ignorant of everything that

occurred, from the debates in Parliament down to the lowest parish squabble—men who had been in the habit of branding every private meeting with the name of “cabal,” were now the very men to call most loudly for secrecy at elections. The hon. Member for the City of London had talked of putting an end to the intimidation of voters by the ballot. Now, most certainly the ballot would not have that effect, for if landlords had the power of compelling their tenantry to vote in a particular way, and against their consciences, pray, would they not to an equal degree have the power of compelling them to sacrifice their votes altogether, which could be done, too, without any breach of conscience? Would the landlords, who were now said to be so active in persecution and laborious in oppression, be charmed into subjection by the sound of the ballot? Would their agents, who were now said to be so active amongst the tenantry, totally lose their influence? Would there be no secret inquiries, no *espionage*, no endeavours to entrap, no bullying in order to extort a confession, or no vigilance to take advantage of evasion on the part of the voter? He had known frequent instances in which voters had refused to declare their intention to the landlord, but at the same time the manner in which they conducted themselves rendered their intention as evident as if they had openly avowed it. He would, therefore, never sanction a measure which would only give protection to a system of tyranny and falsehood, for that must be based upon fraud, the very existence of which depended on secrecy; he would never sanction a measure which would sow dissension between landlord and tenant, and poison all the relations between them. He confessed he preferred the course pursued by those opposed to the ballot, conceiving it to be injurious, to that of those who, though sceptical of its efficiency, would notwithstanding admit of a trial by way of experiment. Now, he detested all mere experiments with the institutions of the country. If the ballot be an improvement, let it be adopted; if it be pernicious, let it be rejected; but let them not be called upon to attempt it by way of a frivolous experiment, in order to satisfy the cravings of idle speculation or still more idle curiosity, and in order to pander to the passions of the multitude. If ever the ballot should pass into a law, one of the first speeches he should have to make in opposition to the hon. Member for London

would certainly be in opposing some well-digested scheme for eradicating bribery by increasing the elective franchise. It was well known that bribery took place amongst the lower classes. He did not think the ballot would prevent it, and he thought that system one of a most pernicious nature which made secrecy the guardian of honesty. With regard to the appeals which had been made to extinguish the fine old English system and all those sentiments of loyalty with which it was connected, and to substitute in its place a mean, low, crafty, pusillanimous, and dissembling spirit, which must be infallibly engendered by the ballot—with regard to those appeals to the feelings on that subject, he should leave them to those who should succeed him in the debate, conscious that he had entered sufficiently into the general merits of the question. He should also leave to others the task of showing that the ballot had entirely failed in America, notwithstanding the assertions of the hon. Member for Bridgewater. He had never conversed with an American, or with an Englishman who had resided in that country, conversant with elections, that had not told him that the ballot had proved most ridiculously ineffective, and had completely defeated its own purposes. Let him, then, implore the House not to waste its time on these abstract speculations—let him implore the House to suffer a reform in our institutions to have fair play, to have a fair trial, and not to disturb it by this meddling spirit of innovation, but to betake themselves to those real grievances which now more than ever summoned their attention. Let them at least deal with experience before they plunged into theories.

Dr. Bowring said, if the speech of the noble Lord had come from the other side of the House, it would have been more in place than it was, having been delivered on this side. All that was asked by the friends of the ballot was that the experiment should be made, and as an assurance that it would succeed they showed that in the cases in which it had been tried it had never failed. Allusion had been made to America; how had the ballot proceeded there? It was adopted in one of the American States, and found to work so well that it was extended to the others. When he visited the cantons of Switzerland he was told that the ballot had had the effect there of introducing peace into the community, and that it had done more to establish harmony and prevent corruption than any experiment that

had been made. It was known generally, and the noble Lord must know, that even amongst his constituents the question of the ballot had made great progress; indeed, he must feel, that if there was any one thing more than another which was calculated to put in peril his situation in that House, it was such a speech as he had made that night, and there never was a question which had made such rapid progress in the public mind as this. It was a question not only of reason but of peace. It tended to remove that tyranny which caused so much misery, and the exercise of that undue influence of wealth which caused so much corruption. Its advocates only desire that the trial should be made, their object being to give the people the opportunity of choosing the representatives they desired to choose. One of the noble Lord's objections to the ballot was that it was un-English. He would maintain, on the contrary, that it was not an un-English principle. The noble Lord knew perfectly well, that in those clubs to which gentlemen belonged, when a question arose as to the admission of a new member the election was conducted on the principle of the ballot, in order that there might be obtained the honest, conscientious, and sincere opinion of those with whom they associated, care being at the same time taken not to put the parties voting in a situation of hostility to those whom they felt conscientiously bound to oppose. What was asked was, that the people of England should be enabled to do what they considered right. If a man was in so independent a situation that he could proclaim his votes to the world without sacrifice, there was no reason why he should not do so; the ballot would not prevent him. But in a country like this, for a few independent to that extent, there were tens of thousands who were not. Let those who wished or who dared to make their votes public proclaim them. There might be some who were high-minded enough to prefer incurring a sacrifice to submitting to vote secretly, and he was disposed to honour the man who was conducted to martyrdom, but he certainly would not help to build up the hill on which the sacrifice was to be made. In his opinion there was no stronger answer to those who objected to the experiment than that it had never been made without success. He wished to avoid the suffering which followed a conscientious discharge of duty, and there was a great

deal of such suffering. Much apprehension was entertained of the tyranny of the many; he would guard against the tyranny of the few, for he knew that the tyranny of the few was often exercised to compel the many to do that which they felt to be wrong.

Mr. Ewart deprecated the speech of the noble Lord, which was, in his opinion, more distinguished by eloquence of words than by force of argument. The noble Lord begged the question throughout, that fraud and falsehood must be the necessary result of the ballot, whereas its tendency was to prevent both. The noble Lord who had spoken in the course of the evening had said, "Before I consent to your measure I have a right to ask you to show me your machinery." Now, in reply to this part of the noble Lord's speech, he should say that in France the machinery for the purpose of the ballot was as ample and as perfect as possible. In America also it was found to work well, and here, in our clubs and vestries, whenever it was called into exercise it was found to work well. What occasion, then, for the noble Lord to demand an additional contrivance, when the simple machinery already in existence was found to be successful in its operations? To ask for the mechanism of the ballot before the ballot itself was granted, was only an evasion from the real state of the question. In all the cases in which the ballot had been tried, the mechanism had been sufficient to carry it into effect; we have only to sanction the principle demanded by the hon. Member for London; the machinery of the ballot was all ready for their hands, and he (Mr. Ewart) had not the slightest doubt of its success. The noble Lord had spoken much about the responsibility of the voter; but in order to be responsible he must have the means of expressing his opinions freely and without fear of consequences, which he could not do but by the ballot. The noble Lord had also spoken about the publicity of voting. But in his (Mr. Ewart's) judgment opinions, whether in religion or politics, were matters with which the state had no right to intermeddle. Now the exercise of the franchise was governed by opinion, whether true or false, and therefore the state had no right to interfere with it, nor to compel publicity, when the voter thinks he can exercise his franchise better in secret. The noble Lord had asked what security had we that the ballot would work well? To that question, the

only answer that could be given was, (as until we have adopted the experiment it would be impossible to speak from our own experience,) that in those countries in which the ballot had been introduced, we find it has put an end to coercion, and the fair inference is that it would work equally well in this country. In this country, of all others, it had ever appeared to him (Mr. Ewart) that the ballot was necessary; for in no country was there so few, compared with the great number of large proprietors. In France the number of small proprietors was several millions; while in England they were confined to some hundred thousands. In this country, therefore, it appeared that the shield of the ballot was much more necessary as a protection against the interference of wealth and power, in the exercise of the elective franchise, than in France where the wider diffusion of property constituted in some degree a guarantee against such interference. In France, it was the Government which prevented the freedom of election; and that not only in the election of the Chamber of Deputies, but in every municipal election down to the election of the lowest public officer in the kingdom. In England, the influence of property in the hands of the large proprietors, worked perniciously to almost an equal extent. Against that influence we are called upon to protect our fellow countrymen in the exercise of their franchise. There were two ways in which protection might be afforded them, by extending the franchise, and by giving them the power of secretly expressing their opinions: by secretly, he meant freely, for unless they had the power of expressing their opinions secretly, they never would express them freely. There were no means so natural, so obvious, so certain, for giving voters the power of freely expressing their opinions as the ballot. For that reason the House was called upon to grant it; for that reason he had taken this opportunity of expressing his opinions in its favour; for that reason he should as he had hitherto done, support it by his vote, and he should continue to do so to the end.

Colonel Thompson observed, it had been stated that voting for Members of Parliament was a public trust, and, therefore, it ought not to be exercised in secrecy; but, admitting that the elector was responsible for the way in which he exercised his right, did it follow that he would perform his duty any better for being exposed to the

chance of oppression? It was urged that the constitution did not recognise any such practice as secret voting; now, he could state one very remarkable instance that had been pressed upon him from an early period of his life, in which the law actually imposed the restriction of voting in secrecy, and allowed of no other mode of decision. He alluded to the case of military and naval officers, when sitting in courts-martial, having to decide upon the honour, and often upon the life, of their fellow-creatures. Why was that the case? Because it was evidently considered to be the best mode that could be adopted; it was that one of the two plans which would produce the greatest *maximum* of good, and the least *minimum* of evil. Every officer was bound not to disclose the way in which he had voted. There was another instance, in the case of medical officers, who, though not bound by an oath, solemnly declared that they would not publish at any time their own opinions. He thought that would be an excellent precedent to be adopted by the friends of the ballot, because it had this effect—no man would ask the officer how he voted, knowing that he would be immediately replied to in this way—"How can you undertake to ask me my opinion, when you know I have solemnly declared that I will not divulge it?" He thought that principle might be copied into legislation upon the question of the ballot. He saw no reason why a voter should not be made to declare, that he would not expose his vote and opinion. That plan, he thought, would have the effect of preventing that intimidation, and those attempts at intimidation, of which so much complaint was now made.

Mr. Brodie said it was very seldom that he troubled the House, and he hoped, therefore, he might be heard on the important question of the ballot. He had a natural aversion to secrecy of all kinds, and his aversion had not been diminished by the observations of a very sensible writer. He said—

"Thus much we may confidently state, that the expedient in question (the ballot) has of late assumed a form, entirely new, as regards its importance. The recent conduct of certain persons has advanced it most rapidly in the good opinion of the country. Those persons alone are answerable for the space which the ballot now fills in the public eye. And if it shall be resorted to, and shall be admitted to be a bad remedy for a worse evil, we have

them to thank for making that evil so unbearable that we should have been driven to bear any alternative, rather than endure it longer. To them, assuredly, it is owing, that we are now engaged seriously in discussing what, a year or two ago, we should have deemed hardly worth an argument. The most perfect state of things to give the ballot fair play, but one which it would be absolutely romantic to expect, would be the absolute inaction of all landlords, candidates, canvassers, and committees—the non-existence of all electioneering machinery,—so that not a word should ever be said to any voter, either before, or at, or after the election, upon any one matter relating to it. Under the ballot the probability is, that many who now vote openly would not dare to encounter the suspicion to which they might expose themselves; for that it should become the practice to leave voters to themselves, merely because the elective franchise was exercised in secret, is what no one would expect. Now as to bribery. Bribing to pair off, or to stay away, it is admitted, cannot be reached by the ballot. But for bribing actually to vote, one method is obvious and quite sure of being resorted to. Instead of paying the money for the vote when promised, a bargain will be made to pay it, if the party be elected, and thus every bribed voter will be converted into a zealous partizan. Next, as to the morality of the system. In what way can the ballot protect, or rather, in what way does it profess to protect, the voter, who dreads the displeasure of his landlord, his master, and his customer? Simply by enabling him to promise one way, and vote another, without being found out. Thus the voter's whole life must be so adjusted as to deceive the person, whose vengeance he has reason to dread. Having first deceived him, that he might be allowed to vote, he must go on, keeping up the deception, that he may not be punished for the double offence, the disobedience, and the treachery."

He strictly concurred with the writer of those observations. A voter who wished to be screened by the ballot could never dare to state his political sentiments at any time, or in any place. Should he state them at home, in his own house, he might be betrayed—unintentionally, no doubt; yet he might be betrayed, even by the members of his own family. At the tavern and at the public-house—he would have a still greater risk to encounter. At no political meeting—at no political dinner, even, would he dare to show his face: to no petition to Parliament would he dare to put his signature. To this condition, then, would the free-born Englishman be reduced; and after all, probably, he would not be able to keep his secret. These were very strong objections to the ballot,

nevertheless, he should not vote against the question. He would not vote at all. He knew that intimidation had taken place and he said shame on those who had been guilty of it, particularly if they belonged to the Liberal party. They at least, ought to respect the feelings of the people; their actions ought to correspond with their thousand-times repeated declarations. Let all parties treat the people with kindness, and then our sacred institutions would last for ever! Treat them with scorn—treat them with contempt—oppress and persecute the people—and it would require no very extraordinary spirit of prophecy to predict, that England would shortly become the abode of misery and desolation. Her sacred institutions would totter, like broken columns in the melancholy waste—an awful, though then useless warning to future generations. He agreed with the noble Lord, the Member for Stroud, as he had expressed himself in an able, eloquent, and argumentative speech, at Honiton, in the month of January, 1835. The noble Lord, speaking on the question of the Ballot, said

“My objection to the ballot is, that secret voting gives to the electors irresponsible power. All other authorities are exercised in the light of day, and subject to public opinion. Our parliamentary discussions are open to the world—the voters alone are to exercise their power unseen and irresponsible. I am sensible (no man more so) of the progress which the question of ballot has made; nor will I deny that, as an ultimate remedy, we may be obliged to adopt it; but let us first exhaust every other. If, by the force of public opinion and public shame—if by rigid investigation and exemplary punishment,—we can find means to check intimidation and corruption, let those means be fully tried. Nay, more, let all hope of a remedy by those means be terminated, before we agree to a change, at variance with our ancient habits, inconsistent with our best institutions, and degrading to our national spirit.”

These were the sentiments of the noble Lord, in January, 1835, and he had reason to believe that those sentiments remained unaltered. He was aware of the disease under which the country laboured, but he must be fully satisfied that it was quite incurable, before he could consent to vote for so desperate a remedy as the ballot. He could not therefore vote for the motion, but being convinced that the existence of many evils had been proved, he would not vote against the Bill.

Mr. Villiers: It is sometimes, Sir, difficult to explain the reasons upon which a vote is founded. The hon. Member who has just sat down seems to be conversant with all the evils for which the ballot is proposed as a remedy: he speaks of them from experience and from observation. But he brings down to this House a letter, containing what he calls such eloquent and powerful arguments against the ballot, that he is determined to vote in opposition to his own experience—in opposition to that which he himself admits must ultimately be the remedy of those evils which he has stated at present exist. The only argument contained in that letter is, that it might be possible if the ballot were granted for a man to promise his vote to a certain party, and afterwards be induced to break his promise and vote another way, a proceeding which he calls disgraceful to a free-born Englishman. And he followed that up by telling us, that he has seen oppression and tyranny exercised against the voters—he has seen them dragged up to vote against their conscientious convictions; and yet he tells us, that lest a man should promise his vote to one party and give it to another, he will vote against the ballot. I tell him, that I believe one of the first and most important advantages of the ballot will be, that it will put an end to all canvassing for votes, because every man will feel it useless to canvass; and therefore that most shocking event, of a man's promising his vote one way and giving it another, will never occur. Considering the great importance of this question, I own I am astonished that Gentlemen opposite, who are about to record their votes against this measure, do not think fit to give us any arguments against it. I am inclined to think, however, that they are wise in not doing so; for of all questions which can be discussed this is the least exposed to objections of any I know. The noble Lord, however, who spoke early in this debate, has not followed this wise example; and, so far from having any thing to advance against the ballot, he seemed rather to confirm all its friends in its favour. I own, that after the high and just eulogium which he passed on the speech of my hon. Friend, the Member for London, I was prepared to hear an answer to that speech. But I was surprised to find that he admitted all the evils which the hon. Member urged against the present system, and only contended that the remedy he proposed was not the one which

should be applied. Well, I was then prepared to hear from the noble Lord an explanation of what he did consider a proper remedy. But he left that question quite untouched; and never attempted to show us, after admitting all the evils which are alleged against the existing system, what is the remedy which ought to be applied. I own, indeed, he said he would vote for a resolution declaring bribery to be a high crime, and that it ought to be prevented. But still, the question remains in this state: the opponents of the ballot admit all the evils which the friends of the ballot urge against the present system, but can devise no remedy by which those evils may be removed. The noble Lord contended, that responsibility should be preserved wherever a trust is granted. Why, Sir, I really thought the noble Lord had been attending to the speech of my hon. Friend, the Member for London. But it seems he expected an able speech, (and it was an able speech,) and therefore, though he passed a deserved eulogy upon it, he took care to leave its arguments untouched. For, had he attended to that speech, he would have heard my hon. Friend expressly allude to the argument of responsibility. Responsibility, to whom? I suppose to the non-electors. But the noble Lord, in his argument against universal suffrage, which he said would be the first result of the establishment of the ballot, contended that by universal suffrage you would extend the franchise to the lowest and most worthless of the population. And yet these are the persons to whom he calls upon us to leave the electors of this country responsible! The fact is, the electors have confidence reposed in them, in having the franchise conferred upon them, because they are believed to be fitted to exercise that franchise, and to justify that confidence. Now, if the non-electors are so fitted, why not give them the franchise? If not, how can they be qualified to judge of those who are? I have taken the liberty of speaking upon this occasion, because I know the great interest which is taken on this question by my constituents—a great number of whom are operatives and mechanics—who call upon me to advocate the ballot, as a question of the enjoyment of the franchise itself. When I first solicited their suffrages, they had had but one opportunity of exercising their franchise. But I found many who refused to repeat the exercise of their right; because, in consequence of the conduct that had been pursued

towards them, they were afraid, without some protection, to vote according to their judgment. And I found many who told me, that they could not sacrifice their interest for the sake of their opinions; they would not vote against their conscientious convictions, but they dared not exercise the right which the Constitution of their country recognised in them, and which the Legislature had vainly conferred upon them. I must say, Sir, I think the opponents of the ballot would take a more manly and a more open course, by resisting the ballot on the ground of the unfitness of the people to exercise the electoral franchise, than by assigning reasons which are not the real grounds of their opposition. I cast no reflections upon the Government: I am rather disposed to make an excuse for them. I know there exists a great prejudice against the ballot in some minds; I know that many of their supporters are against it. It may be a question, however, whether a person should take office, if he has to suspend the expression of his real opinion. This, at the same time, I feel to be a question between them and their constituents; and if their constituents are contented to send persons here who do not represent their opinions, it is not for me to complain. I wish the opponents of the ballot would consider, what reason have they for distrusting the people in the exercise of their franchise? I ask, when have they abused their power? when have our constituents instructed their representatives to advocate measures hostile to the peace of society—measures injurious to the institutions of their country—at least, to what is estimable in those institutions? We have for the last twenty years had a party in this House, who are ever ready to oppose any measure having a tendency to extend the power of the people. We have had repeated predictions, that from any extension of the power of the people, something will happen. Those predictions have been ever falsified. Notwithstanding all these gloomy forebodings, this country is still in a state of greater prosperity than history can produce any instance of—we have greater tranquillity and order than at any former period, and as a proof of this, among the most timid of all interests, the commercial, there is a greater sense of security than ever existed before. And yet this is also a period at which the institutions of this country are more under popular control, in which there is a greater freedom of speech, and more unrestricted

liberty in the expression of opinions, than at any previous stage of our history. Not only is there in our experience no ground for alarm from the extension of popular principles, but I will say, that in no country is there a more industrious, steady, peace-loving population than the population of this country at the present time. In no country are the people more disposed to confide in those above them, more ready to bow to superior worth and intellect, wherever it is found—in no country in the world is there a more superstitious reverence for their ancient institutions. I say, these are all important considerations, in regard to the measure of confidence which you are justified in reposing in a people, when I call upon you to extend to that people a protection in the exercise of that right which you admit they ought to, but which I say they cannot, exercise freely without that protection. What excuse then can you find for not extending to them that protection? We are not particular in insisting upon the ballot alone, but we ask you to devise a remedy which will accomplish our common object; and is it too much to ask, (unless indeed you are prepared to contend that the people should not exercise their rights freely,) that when you refuse us the ballot you will devise something better? But you say, "the ballot has evil tendencies." Now, first I deny that those evil tendencies do exist, and next, I say that, admitting they do exist, your argument goes for nothing, unless you prove that the evils consequent on the adoption of the ballot are greater than those which at present exist; for it is but to assert a truism to say, that to any human institution evils may or do attach. But I believe there are great moral advantages which will result from the ballot. I believe it will improve the character both of our candidates and our constituency. It will teach the candidate that he must earn the good opinion of the constituency in order to obtain their votes, for he will find, that a very different species of qualification is now required for a Member of Parliament to what used to exist. He will find that the head, rather than the head-money is looked to. And it will improve the constituency, for when they are secure in the discharge of their duty, they will be much more likely to discharge it than at present. I am aware it has been said, that even if the ballot were to be established it would not put an end to, but rather increase, the

evils at present existing, because it would only excite a great deal of ingenuity in order to extract from a man, or from his nearest relatives, the manner in which he voted, and that it would in short originate a vast machinery for the collecting of information of this kind. But how does this prove the extent to which the evils which the ballot is intended to prevent are carried now! It shows that these evils exist to such an extent, that man will have recourse to such despicable expedients rather than to vote with them. And this only proves more strongly the necessity of some remedy. After all, if there is any one not yet convinced in favour of the ballot the process of conversion is easy, for he has only to take all the arguments used from time to time by its opponents, and they so perfectly answer and confute each other that they alone must be sufficient, I think, to convince any person. I myself sat on a Committee to try a petition against a return that had taken place on an election in the city of York, where so much bribery on the one side, and so much intimidation on the other, prevailed, that the Committee were obliged to declare that, under the continuance of such a system, it was impossible to have a free election. I was applied to by some of the electors to bring in a Bill to establish vote by Ballot in the city of York, and I refused to do so, simply lest I should appear to be a party to a conclusion that the ballot applied to the city of York in particular, and was not suited to the country in general. The case of the city of York is only one among the numerous instances in which parties have applied to this House for the protection of the ballot in the exercise of their franchise. And I do say, that, before you refuse it, you are bound to show, that there is a better remedy to be applied to the evils that now exist. I cordially support the motion, because I believe there is no danger in trusting the people in the free exercise of their elective franchise, because the protections at present to free exercise are not adequate, and because I believe the ballot to be the only effectual means for accomplishing that object.

Mr. *William Roche* said, that analysed as the subject had been, both during the present and former debates, he rose but to express a few observations in support of the decidedly favourable view he entertained of the motion—that he knew not any measure, more calculated to produce unmixed good to society, or one, more

congenial to the spirit, the interests, and calm procedure of our constitutional rights, than vote by ballot—Session after Session we are piling, Sir, statutes upon statutes to repress and punish corruption and intimidation, but without effect, which the reprehensible scenes brought to light on every general election, and on no occasion more conspicuously and painfully than the last, amply demonstrate—when too, the time of the House was so engaged, and its character so affected by the proceedings then exhibited before the Election Committees—and why, Sir, did those statutes and their penal enactments fail of effect, but because we never reached, or extirpated the root of the evil, by adopting a secret system of voting; for where temptation and opportunity are held out to the human mind, the hope of escape from detection overrules the dread of discovery and punishment; but take away the confidence which generates that temptation, and the evil dies a natural death. That he was not, however, so sanguine as to say that every and complete advantage would at once be obtained, because he knew that corruptionists and intimidators would make a struggle to mar its advantages, but that it would be a dying struggle, for they would soon see that they threw away their money and their threats, and therefore, ere long, fall into (of necessity) the general feelings and wishes of the community. He was, he said, as anxious to put down popular coercion and tyranny, as the tyranny of the landlord, or any other undue influence; and the value of this measure consisted in producing this equal and general freedom from restraint—that he himself during his elections experienced the disadvantage of the present intimidating system, for several persons told him they were unwilling to register their votes, at all, lest they should bring upon themselves the anger of the landlord, or some such master; indeed, he considered that without the protection of ballot, it was, in many instances, quite a cruelty to give the franchise, for many, very many, experience disaster and ruin to themselves, and their families, by voting against the wishes of their superiors, but in accordance with their own feelings and their country's interests—that he was quite sure, that even before we enjoyed the whole and perfect advantages derivable from this measure, we should open our eyes to its benefits and look back with surprise, why we resisted

or delayed it so long; and he was confident, that the opponents themselves would soon experience the quiet and happiness which the *not* interfering with the franchise of their dependants (beyond that of advice and recommendation, a moral influence which must always last) would produce, by removing so ample and worrying a source of discord between themselves and those dependants—that under these views, the motion should have his warmest support.

Mr. *Robinson* did not agree with the hon. Member for Wolverhampton, that the ballot would be any improvement of the elective franchise, and, therefore, he should oppose it now, as he always had done before. He wished to ask what evidence there was of a desire on the part of the people for vote by ballot? Did it appear in the number of their petitions for it? No. And there was another indication of the apathy which prevailed upon this question, in the fact, that on the very first night the hon. Member for the City of London was to have brought forward his motion, there were no hon. Members in the House to support him, nor, indeed, he believed, was the hon. Member present himself. He represented a very large constituency, and although he was free to admit, that among them there were some persons in favour of the ballot, and that they had solicited him to vote for it, he could not possibly avoid stating that an immense majority, including the humbler classes, were not in favour of it, or at least, had not expressed their anxiety about it at all. He doubted that the ballot would put an end to bribery, as the hon. Gentlemen on the opposite benches expected; there might be less temptation for persons to hold out a bribe, where there was a chance of being deceived, but as long as receivers and payers of money existed, bribery could not be entirely prevented. It would be quite as reasonable for the Members of that House to ask to vote by ballot, as it was for their constituents to require it. Was not every hon. Member placed in that situation when they were called upon to vote, either one way or the other, upon a question which made them very naturally wish they could vote by ballot? He was only stating that which could not be denied,—that hon. Members were often called upon to vote contrary to the wish of their constituents, and that they would therefore be glad to vote by ballot. He would therefore say,

that they had a right to ask their constituencies, if they wished for ballot, to allow them to vote in the House by ballot. He recollected that a deputation from some of his constituents once waited upon him and declared, that they could not support him unless he would promise to vote for the ballot. He told them, he was not disposed to give such a promise, and would rather lose his seat. What was the consequence? Every one of them voted for him. There was something revolting in the idea of exercising a public trust, in a secret manner. He had never asked one of his independent constituents to give a vote contrary to his conscience; for he believed the best security for both candidate and constituent, was in public opinion. He denied that the poor only desired the ballot; there was another class of persons who were much more anxious for it—those who wished for it in order to have an opportunity of deceiving both parties, when they pleased. Considering, then, that corruption at elections, would not be removed by the ballot, he should oppose the motion.

The House divided, Ayes 88; Noes 139;—Majority 51.

List of the AYES.

Aglionby, H. A.	Hardy, J.
Ainsworth, P.	Hawes, B.
Attwood, T.	Hawkins, J. H.
Bainbridge, E. T.	Hector, C. J.
Baines, E.	Hindley, C.
Baldwin, Dr.	Hodges, T. L.
Ball, N.	Horsman, E.
Barnard, E. G.	Hume, J.
Bewes, T.	Humphrey, J.
Biddulph, R.	Lister, E. C.
Blake, M. J.	Mangles, J.
Blunt, Sir C.	Marshall, W.
Bodkin, J. J.	Marsland, H.
Bowering, Dr.	Molesworth, Sir W.
Brady, D. C.	Mullins, F. W.
Brocklehurst, J.	Musgrave, Sir R.
Brotherton, J.	O'Brien, C.
Buller, C.	O'Connell, D.
Butler, Hon. P.	O'Connell, J.
Codrington, Admiral	O'Connell, M. J.
Crawford, W. S.	O'Connell, M.
Crawley, S.	O'Connor Don
D'Eyncourt, rt. hon.	Palmer, Gen.
C. T.	Parrot, J.
Duncombe, T.	Pattison, J.
Dundas, hon. J. C.	Pease, J.
Dundas, J. Deans	Phillips, M.
Ewart, W.	Power, J.
Finn, W. F.	Roche, W.
Fitzsimon, N.	Roche, D.
Fort, J.	Rundle, J.
Gaskell, D.	Russell, Lord C.
Guest, J. J.	Sheil, R. L.

Smith, B.
Strutt, E.
Talfourd, Mr. Serg.
Tancred, H. W.
Thompson, Col.
Thorneley, T.
Trelawny, Sir W.
Tulk, C. A.
Turner, W.
Villiers, C. P.
Wakley, T.
Walker, C. A.
Walker, R.

Warburton, H.
Ward, Henry George
Wason, Rigby
Whalley, Sir S.
Wigney, Isaac N.
Wilde, Mr. Sergeant
Williams, Wm.
Williams, W. A.
Wood, Mr. Alderman
Woulfe, Mr. Sergeant
TELLERS.
Mr. Grote
Mr. Leader.

List of the NOES.

Adam, Sir C.	Follett, Sir W.
Alsager, Captain	Forbes, William
Angerstein, J.	Forster, C. S.
Arbuthnot, hon. H.	French, F.
Archdall, M.	Gaskell, J. Milnes
Ashley, Lord	Gladstone, Wm. E.
Attwood, M.	Gordon, hon. W.
Bailey, J.	Goring, H. D.
Baillie, H. D.	Goulburn, rt. hon. H.
Barclay, D.	Greene, Thomas
Barclay, C.	Grimston, Viscount
Bateson, Sir R.	Grimston, hon. E. H.
Beckett, rt. hon. Sir J.	Halford, H.
Benet, J.	Halse, James
Bethell, R.	Hamilton, G. A.
Blackstone, W. S.	Hay, Sir J., bart.
Blamire, W.	Hayes, Sir E. S., bt.
Bolling, Wm.	Hobhouse, rt. hon. Sir J.
Bonham, R. Francis	Hogg, James Weir
Bramston, T. W.	Holland, E.
Brudenell, Lord	Hope, J.
Bruen, F.	Howick, Lord Vis.
Burrell, Sir C.	Ingham, R.
Campbell, Sir J.	Irtton, Samuel
Cayley, E. S.	Jackson, Sergeant
Chichester, A.	Jephson, C. D. O.
Clerk, Sir G.	Johnstone, J. J. H.
Cole, Viscount	Jones, W.
Cooper, Hon. W. F.	Knatchbull, rt. hon.
Crawford, W.	Sir E.
Cripps, J.	Knight, H. G.
Damer, G. L. D.	Law, hon. C. E.
Davenport, J.	Lawson, Andrew
Denison, W. L.	Lefroy, Anthony
Dick, Q.	Lefroy, right hon. T.
Dillwyn, L. W.	Lennox, Lord G.
Donkin, Sir R.	Lewis, D.
Duffield, Thomas	Longfield, R.
Dunbar, George	Marjoribanks, S.
Duncombe, hon. W.	Moreton, hon. A. H.
Dundas, hon. T.	Nicholl, Dr.
East, James Buller	North, Frederick
Eastnor, Viscount	Owen, Hugh O.
Eaton, Richard J.	Palmerston, Lord
Egerton, Wm. Tatton	Penruddock, J. H.
Egerton, Sir P.	Perceval, Colonel
Egerton, Lord Fran.	Phillipps, Charles M.
Elley, Sir J.	Plumptre, J. P.
Elwes, J. P.	Pollen, Sir J., W.
Entwisle, John	Poulter, John S.
Feilden, W.	Præd, James B.
Ferguson, Sir R. A.	Præd, W. M.
2 E 2	Price, S. G.

Pringle, A.	Surrey, Earl of
Pusey, P.	Trevor, hon. Arthur
Rae, rt. hon. Sir W.	Twiss, H.
Richards, J.	Tyrrell, Sir J.
Rickford, W.	Vere, Sir C. B., bart.
Robinson, G. R.	Vernon, Granville H.
Ross, Charles	Vesey, hon. Thomas
Rushbrook, Colonel	Vyvyan, Sir R.
Russell, C.	Walpole, Lord
Russell, Lord John	Walter, John
Scott, Sir E. D.	West, J. B.
Scourfield, W. H.	Weyland, Major
Shaw, rt. hon. F.	Wortley, hon. J. S.
Sheppard, T.	Wyndham, W.
Sibthorp, Colonel	Young, G. F.
Somerset, Lord E.	Young, J.
Spry, Sir S. T.	TELLERS.
Stanley, Edward	Dalmeney, Lord
Sturt, Henry Chas.	Maule, Mr. F.

Paired off.

FOR.	AGAINST.
C. J. K. Tynte	P. M. Stewart
Sir R. Nagle	Hon. R. Clive
H. Bridgman	Thomas A. Smith
Sir R. Musgrave	Lord Clive
E. S. Ruthven	Lord Darlington
M. L. Chapman	Sir H. Williamson
A. H. Lynch	Thomas Gladstone
Henry Grattan	J. E. Denison
W. Clay	Charles W. Wynn
J. H. Talbot	E. B. Clive
W. D. Gillon	Robert Palmer
Sir R. Ferguson	Sir H. Hardinge
Colonel G. Langton	W. Long
G. Evans	R. Howard
Hedworth Lambton	R. Alston
J. Blackburne	W. C. Harland
General Sharpe	Charles Wood
Charles Lushington	G. J. Heathcote
Daniel Callaghan	Sergeant Goulburn
William Tooke	Sir M. S. Stewart
R. Otway Cave	N. Fazakerley
Sir W. Brabazon	Arthur Cole
J. Bagshaw	Sir John Wrottesley
Howard Elphinstone	J. F. Fector
Thomas Bish	Sir R. Peel
H. L. Bulwer	F. Baring

THE FACTORY ACT.] Mr. Hindley moved for leave to bring in a Bill to amend the present Factory Act.

Mr. *Labouchere* observed, that the feeling of the House had on many occasions been expressed in a manner unfavourable to any further experiment with regard to the existing law upon the subject. It appeared to be the general sentiment of hon. Members, that the present Act had not yet had a fair trial, and he thought, under existing circumstances, if any new measure were introduced, it would be productive of great excitement in the manufacturing districts, and very serious inconvenience.

Lord *Ashley* should be always ready to

support any general measure of the kind which the hon. Mover was known to advocate, though he thought the present a most unfavourable time for bringing forward a proposition of the sort, and had done all in his power to dissuade the hon. Gentleman opposite from making such a motion. Still, if the House gave leave to bring in a Bill, the measure proposed should have his most cordial support.

Mr. *Wason* was understood to say, it had been agreed on all sides, that the present state of the law required alteration.

Mr. *Young* hoped the hon. Gentleman would not injure the cause he advocated by pressing the present motion.

Sir *John Hobhouse* recommended postponement till next Session.

Mr. *Hindley* contended, that the motion he had just made for leave to bring in a Bill, was perfectly consistent with what he had previously done upon this subject. He complained, that the friends of the factory children had been on several occasions charged with all the ill consequences arising from the Act; and even His Majesty's Government had not scrupled to lend themselves to the accusation, but as it was most unfounded, he hoped it would be withdrawn. If it were given up, he should have no objection to withdraw his motion. Government ought to take the responsibility of the measure upon themselves.

Mr. *Goulburn* requested the hon. Mover not to press the present proposition, for it could be brought to no successful issue in the present Session.

Lord *Francis Egerton* concurred with the last speaker, and joined with him in requesting a postponement of the motion.

Lord *John Russell* said, that His Majesty's Government were not responsible for the enactments of the Bill: it was an act of the Parliament, and Ministers were now only responsible for the manner in which it might be carried into effect. He certainly had taken steps towards its enforcement, but he submitted, that what had occurred did by no means impose upon the Government the least obligation now to bring forward any proposition on the subject.

Mr. *Hindley* would withdraw his motion, but he should be at all times the supporter of a ten hours' Bill.

COURT OF SESSION (SCOTLAND)]. The Lord Advocate moved for leave to bring in

a Bill for the better regulation of the office of auditor of accounts in the Court of Session, in Scotland, and for the appointment of two accountants-general in the said Court.

Sir *William Rae* objected to the motion, as the Bill would create two new offices, without any necessity for it. This Bill, or at least one very like it, made its appearance last Session; and it was then proposed that one office should be created of one accountant-general for Scotland; but the feeling of the country against it was so strong, that the learned Lord felt himself quite unable to proceed with the measure, without the recommendation of a Committee. A Committee was accordingly obtained; and he could not deny that the Report of that Committee was, to a certain extent, favourable to the measure now proposed by the learned Lord. The evil which wanted a remedy consisted of this—the Court of Session had the power, when it was applied to on behalf of infants and insane persons, to appoint factors or curators to take care of their estates, and the practice was, to oblige them to find security for their good behaviour in the office to which they were appointed. That was all they were bound to do; but that duty had been neglected, and the estates had, in some instances, suffered a good deal. Now, to remedy this evil, the learned Lord proposed to create two new officers. But why should not the Clerks of Session in Scotland perform the duty, receiving, as they did, a salary of 1,000*l.* a year, as he might say, for doing nothing, because all their duty was to mark down the terms of the decisions of the Courts. There were four gentlemen who held these offices, and looking at this fact, he would say, that the House ought not to listen for a moment to the proposition of the learned Lord. It ought also to be remembered, that this was the 23d day of June, a period which he considered too late in the Session to bring forward a measure of this nature. On these grounds he should certainly take the sense of the House on the subject.

Mr. *Hume* wished to ask the learned Lord to explain how it was that the reform which was recommended by the House two years ago, with regard to the Court of Exchequer in Scotland, had not been carried into effect. He had heard that it had not, and before new expenses were incurred, he wished to know why the charge

of that department in Scotland had not been abolished.

The *Lord Advocate* was quite willing that as rigid an examination as could be instituted, should be directed to every measure which he proposed, but then he did say, that if he showed that the measure was consistent with public economy, and necessary for the protection of the property of orphans and others, it ought not to be delayed, except on grounds applicable to that measure alone. With reference to what had been stated by his right hon. Friend about the creation of new offices, in which he seemed to imply, that the creation of the office was for a particular individual, he denied it, and he challenged him to name any person who had had the smallest promise from him (the *Lord Advocate*) with respect to that office—nay, he doubted whether any individual he had in his contemplation would accept of that office. But there was a charge made by his right hon. Friend, with regard to the conduct of the Court of Session. He said, that they were deficient in their duty, and that this deficiency had been going on for a long period. Now this was a very serious charge, that they had deserted their duty in regard to giving protection to orphans, and indeed a more serious charge could hardly be brought against a court of justice. But, in his opinion, if one officer were appointed for that express purpose, and if the proposition of his right hon. Friend were carried into effect, the same defective system of which he complained would prevail, and that was the reason why he proposed to appoint two officers. His right hon. Friend said, that those duties might be discharged by the Clerks of the Court of Session, but he apprehended they could not, because it was their duty to be in Court at the very time when those inquiries were going on. His right hon. Friend seemed also to be of opinion, that there was an unnecessary number of Clerks of Session. If he could make out a case to prove that the number was too great, then he (the *Lord Advocate*) would not be against a proper reduction; but the remonstrances he had received from the Court of Session were to the effect, that he cut down too much, and he was therefore placed in a very peculiar situation. There was only another question upon which he had to touch, and that was the late period of the Session at which this Bill was sought to be introduced. In reply to that, he must

observe, that after this period many Bills had been introduced, and this measure had not been brought forward earlier, because, in consequence of the great number of Bills relating to Scotland, which had been brought forward at a former period of the Session, he was afraid it would not meet with the attention of the House.

Sir *George Clerk* contended, that the Courts of Session were sufficiently large to undertake the duty, without creating two new offices. He apprehended that the House would require more evidence than that which had been given by the Lord Advocate, before they would be persuaded to create two new offices, when it had been shown that there were ample means in the established courts of justice to effect the purposes which it was the professed object of the Bill to accomplish. With regard to the Clerks of Session, one of these four gentlemen was the professor of Scotch law in one of the universities, and was at the head of the commission appointed to inquire into the state of the law, and he had not yet heard that that gentleman did not amply perform all the duties required of him as a clerk of the Court of Session. There was another of those gentlemen who was placed at the head of another of those numerous commissions appointed by the present Government, and another who was deputy registrar, and had the charge of all the public records, and yet he never heard that the performance of this duty interfered with his duties as a Clerk of the Session. Now, it was quite clear from the easy nature of their duties, that the Clerks of the Session might very well undertake the auditing of the accounts of the factors, of minors and insane persons' estates, and they would have plenty of time; for, in addition to the time the Court was sitting, they would have the whole vacation, which was six months. The Lord Advocate had stated that the salaries of these new officers were to be raised out of fees paid by litigants; but why saddle them with this expense, when the Clerks of Session had a salary sufficiently large for the duties they would have to discharge? Under these circumstances he should give his most cordial support to his right hon. Friend in his opposition to this Bill.

Mr. *Wallace* thought it was a pity that hon. Gentlemen opposite, who now appeared so anxious for reform, had not done something to prove their sincerity when

they were in office. However, all was well that ended well, and he should therefore now address himself to the question. As to the Clerks of Session, they were not competent to do the duty, and no wonder, for the intention in appointing them was, to give to several men a sort of sinecure. He agreed with the right hon. Baronet in thinking the composition of the Court of Session and the way in which it discharged its duty unsatisfactory, and he would add the word "disgraceful." The Supreme Court of Session only sat two hours and two minutes for five days in the week for 104 days. But look to what the Judges of England did. Scotland did not enjoy the advantages which ought to have been extended to her when trial by jury was introduced, in consequence of the desire there was to accommodate it to the system of the Judges retiring for three parts of the year to their country houses. Indeed the Jury Court was compared to the garden of Eden, because it was made for Adam. That system had remained like a millstone about their necks, and there was no chance of having it removed. However, he was of opinion that the Bill of the learned Lord would be an immense improvement, and he should, therefore, give his hearty support to it.

Mr. *Goulburn* did not think that he should have been induced to rise upon this subject, but after the statement made by the hon. Member who had just sat down, that his right hon. Friend near him had not, during his tenure of office, introduced any reforms in the Scottish courts, or made any reductions in those offices, which ought to have been abolished, he felt himself called on to rise. He believed that the hon. Gentleman was not in Parliament at the time he now referred to; but if he inquired of many hon. Gentlemen upon his side of the House, he would find that they all concurred in the expressions of approbation and praise which were profusely uttered when his right hon. Friend filled the office of Lord Advocate. His right hon. Friend had done more to reduce the judicial establishment of the Scotch Courts than any man who preceded him in that office had done, or any who followed him could hope to do; and at one blow he did away with judicial offices to the amount of 36,000*l.* per annum; and, above all, his merit was, that in making those reductions he was dealing with offices to which, in the natural course of

judicial preferment, he had a right to look not only on account of the high legal station which he occupied, but of the great talents and integrity which adorned his character. He had merely repeated this for the information of those hon. Members who were not in Parliament at the time, and who might otherwise have been misled by the statement of the hon. Member for Greenock. With regard to the question before the House, relating to the appointment of accountants-general to take care of the estates of minors and insane persons it was admitted that the Court of Session was not overburdened with business, and that they ought to sit more hours in a day and dispatch more business. He said then that the plan of his right hon. Friend met the views of every one who had spoken on this question, and his plan was to impose on the court the duty of looking after the estates of minors and insane persons. It had been shown that the clerks of Session were amply adequate in number to discharge this duty, and they were certainly not overworked, since it appeared that two gentlemen out of the four had been selected by Government to fulfil other very important and onerous duties, which they could perform without detriment to the public service. He was glad to hear that the Bar was in so flourishing a state in Scotland, since no one would accept of an office of 700*l.* a-year, for the learned Lord said that he did not believe that any Member of the Bar could be found who would accept the office of Accountant General.

The *Lord Advocate* was misrepresented by the right hon. Gentleman. He said no such thing, nor anything approaching to it. What he did say was, that his right hon. Friend opposite could not name any particular individual whom he had in contemplation who would accept of the office.

The House divided—Ayes 93; Noes 69; Majority 24.

Leave given.

List of the AYES.

Aglionby, H. A.	Bodkin, John James
Ainsworth, P.	Brabazon, Sir W.
Attwood, T.	Brodie, W. B.
Baines, E.	Brotherton, J.
Baldwin, Dr.	Browne, R. D.
Bannerman, A.	Byng, rt. hon. G. S.
Baring, F. T.	Callaghan, D.
Barron, H. W.	Cave, R. O.
Bowes, T.	Cayley, E. S.
Bish, T.	Chalmers, P.
Blake, M. J.	Codrington, Admiral

Colborne, N. W. R.	O'Connell, M. J.
Collier, John	O'Connell, M.
Conyngham, Lord A.	O'Connor, Don
Cowper, hon. W. F.	O'Loughlin, Michael
Denison, W. J.	Paget, F.
Dillwyn, L. W.	Palmerston, Lord Vist.
Elphinstone, H.	Pease, Joseph
Evans, G.	Pechell, Captain
Ewart, W.	Phillips, C. M.
Fitzgibbon, hon. Col.	Pinney, W.
Finn, W. F.	Potter, R.
Fitzsimon, N.	Pryme, G.
Gillon, W. D.	Rice, rt. hon. T. S.
Gordon, R.	Rundle, J.
Grattan, H.	Russell, Lord J.
Grey, Sir G.	Russell, Lord
Gully, John	Sanford, E. A.
Harland, W. C.	Seale, Colonel
Hawkins, J. H.	Sharpe, General
Hay, Sir A. L.	Sheil, R. L.
Hector, C. J.	Stanley, E. J.
Hindley, C.	Tallot, C. R. M.
Hume, Joseph	Thomson, rt. hon. C. P.
Hurst, R. H.	Thompson, P. B.
Johnston, A.	Thompson, Col.
Lee, J. L.	Thorn ly, T.
Lemon, Sir C.	Tooke, W.
Lennox, Lord George	Towuley, R. G.
Lennox, Lord Arthur	Trelawny, Sir W.
Lushington, C.	Tulk, C. A.
Marjoribanks, S.	Wakley, T.
Martin, T.	Warburton, H.
Maule, hon. F.	Wilbraham, G.
Mostyn, hon. E.	Wyse, T.
Murray, rt. hon. J. A.	TELLERS.
O'Brien, C.	Mr. R. Stewart.
O'Connell, J.	Mr. Wallace.

List of the NOES.

Alsager, Captain	Gordon, hon. W.
Arbuthnot, hon. H.	Goulburn, rt. hon. H.
Bailey, J.	Goulburn, Mr. Serg.
Baring, W. B.	Graham, rt. hon. Sir J.
Bateson, Sir R.	Hamilton, G. A.
Bentinck, Lord G.	Hamilton, Lord C.
Blackburne, J.	Hardy, J.
Brownrigg, S.	Harvey, D. W.
Buller, Sir J. Y.	Hawkes, T.
Burrell, Sir C.	Hay, Sir J.
Calcraft, J. H.	Henniker, Lord
Campbell, Sir H.	Herries, rt. hon. J. C.
Coles, Lord Viscount	Hotham, Lord
Conolly, E. M.	Jackson, Mr. Serg.
Cooper, E. J.	Inglis, Sir R. H.
Dick, Q.	Irton, S.
Duffield, T.	Lees, J. F.
Dunbar, G.	Lefroy, rt. hon. T.
Egerton, Sir P.	Longfield, R.
Egerton, Lord F.	Lushington, rt. hn. S.R.
Elley, Sir J.	Meynell, Captain
Elwes, J. P.	Norreys, Lord
Estcourt, T.	North, F.
Forbes, W.	Palmer, Robert
Forster, C. S.	Palmer, G.
Fremantle, Sir T.	Patten, J. W.
Freshfield, J. W.	Penruddocks, J. H.
Gladstone, T.	Perceval, Col.

Plumptre, J. P.	Vere, Sir C. B.
Praed, J. B.	Vesey, hon. T.
Rae, rt. hon. Sir W.	West, J. B.
Ross, C.	Wigney, J. N.
Rushbrooke, Col.	Williams, T. P.
Scourfield, W. H.	TELLERS.
Shaw, rt. hon. F.	Clerk, Sir G.
Sheppard, T.	Pringle, Alex.

HOUSE OF LORDS,

Friday, June 24, 1836.

MIRUTES.] Bill. Read a third time:—Dublin Police. Petitions presented. By several NOBLE LORDS, from various Places, against the Universities' (Scotland) Bill.—By the Earl of WILTON, from Middleton; and by the Earl of WINCHILSEA, from Horsemenden, 'in favour of their Lordships' Amendments to the Irish Municipal Corporations' Bill.—By the Marquess of LANSDOWNE, from Haverfordwest, against the Amendments made by their Lordships to the Irish Municipal Reform Bill.—By the Marquess of BRADALBAN, from Newcastle-upon-Tyne, for the Better Observance of the Sabbath.—By the Earl of SHAWSBURY and the Duke of CLEVELAND, from Liverpool, for Removal of Jewish Civil Disabilities.

PRISON DISCIPLINE.] The Duke of Richmond, after calling their Lordships attention to the Report of the Inspectors of Prisons, relative to the state of Newgate, begged to ask his noble Friend at the head of his Majesty's Government, whether it was the intention of Ministers to remove the Prisoners now confined in Newgate to the Penitentiary, where he believed there was plenty of room for them. The Government possessed this power under a Bill which he (the Duke of Richmond) had introduced last Session. He wished to know whether Government had taken any steps for this purpose, and if not, whether it was their intention to do so?

Viscount Melbourne replied, that the Report of the Inspectors of Prisons had engaged the most serious attention of his Majesty's Government, and the Secretary of State for the Home Department had taken measures to remedy, so far as his power extended, the defects they had pointed out. Those defects, he fully admitted called loudly for the intervention either of the executive or of Parliament. He had great pleasure in being enabled to inform his noble Friend, that a Bill was in preparation for amending the Gaol Acts, agreeably to the suggestions of the Commissioners, although, perhaps, the pressure of other business, and the advanced period of the sittings of the Houses, would prevent its being introduced this Session. With respect to Newgate a proposition had been made by Government to the Corporation of London, which, if accepted by them, would have the effect of remedying

the evils which existed, not only in the gaol of Newgate but in all the city prisons. No answer had yet been received to this communication, but there was every reason to believe that it would be acceded to. He was not aware that there was any present intention of removing the prisoners confined in Newgate to the Penitentiary, but the matter should be reconsidered. At all events, measures were under consideration for providing an effectual and fundamental remedy for the evils that prevailed in Newgate and in the other city prisons.

The Earl of Ripon was very glad the subject had been brought forward by the noble Duke. He trusted the Corporation of London would receive the communication favourably, and he hoped the notice now taken of the subject might be an additional inducement to them to do so.

The Duke of Richmond only wished to add, that he considered the Report of the Inspectors of Prisons a very excellent one, and that he entirely concurred with every statement contained in it. The state of the borough prisons was very bad; and he thought it important that in the event of the Bill to which his noble Friend had alluded not passing in the present Session, they should not be allowed to alter their gaols without previously submitting to his Majesty's Ministers copies of the proposed plans. Subject dropped.

ENTAILS (SCOTLAND).] On the Motion of the Earl of Rosebery, their Lordships resolved themselves into a Committee of the whole House on the Entails (Scotland) Bill.

The 1st and 2nd Clauses were agreed to.

On the 3rd Clause,

The Earl of Mansfield rose to move, that it be expunged. He objected to it because it gave to heirs of entail a power to grant interminable leases, which they were expressly forbidden to do by the entails themselves. Many persons he knew were desirous, particularly since the Reform Act passed, to prevent building on their estates, which it was the object of this clause to allow. He knew that a man could not take his property to the grave with him, but it had not yet been, and he hoped it never would be declared in that Assembly, that no man should possess the means of controlling the application of his property after his death. He would divide the House on the question, that it be expunged.

The Earl of *Rosebery* supported the clause; he thought he had so modified it in the Select Committee as to ensure the noble Earl's approbation.

The Earl of *Devon* could not consent to such an immense alteration as this clause would make in the law without some absolute necessity, and none such had been shown to exist. Some restriction should be preserved over the distribution of land, and this clause must be put out.

The Committee divided on the original motion : Contents 17 ; Not Contents 27—Majority 10.

Clause struck out.

The remainder of the clauses were agreed to. The House resumed.

HOUSE OF COMMONS,

Friday, June 24, 1836.

MINUTES.] Bills. Read a third time:—North American Bank.—Read a second time:—Judges' Lodgings; and Sugar Duties.

Petitions presented. By Mr. THOMAS DUNCOMBE, from Ware, for Relief from Small Debts.

LIVERPOOL DOCKS.] Lord Francis Egerton moved the further consideration of the Liverpool Docks Bill.

Lord *Clive* wished that the clause in the Bill which exempted vessels going to Run-corn, Frodsham, and other places, from paying Dock-rates to the Liverpool Dock Company, should also extend to Elsmere. To accomplish his object, he would move that the Bill be recommitted.

Mr. Wilbraham seconded the motion.

Viscount *Sandon* could not agree to the motion of his noble Friend, which, if carried, would ruinously affect the property of the bondholders invested in the Docks, and which all the vessels that entered the port of Liverpool were liable to. The subject was one of much interest, and very deserving the attention of the House; and he contended that such a motion at least could not be made without previous notice.

Mr. *Ewart* apprehended that neither the amendment of the noble Lord (Clive), nor the clause of which it was merely an extension—the clause which exempted Run-corn and other towns from paying Dock-rates to Liverpool, could stand—for both the clause and the amendment were against the standing orders of the House. He felt so strongly on this point, that he would not detain the House, but appeal at once to the Speaker, for he felt confident that the point of law was decidedly against the clause; but if it were to be decided otherwise, he would oppose the measure generally.

The Speaker : Having been appealed to

for my opinion, with a view to decide the question, I will recall the attention of the House to the facts. A motion having been made by the noble Lord, the Member for Ludlow, relative to a certain clause in the Bill, the noble Lord, the Member for Liverpool, stated, that such clause had been inserted contrary to the Standing Orders, and that it was his intention to move that it be struck out. The real question, then, for consideration is, whether the clause has been inserted contrary to the Standing Orders. I believe I am correct in stating, that the notices which have been given in the instance of this Bill, apply only to alterations to be made respecting the constitution of the Board of Trustees, and the management of the Docks; and that no notice has been given of any intention to propose an alteration with regard to the tolls. If, then, there be an alteration made by the Bill in the tolls, whether by addition or diminution, notice should have been given to the parties interested, and whose property must be affected by such alteration, of the intention to propose it. Now, no such notice has been given here, and I apprehend, therefore, that the clause must be struck out of the Bill. I hope that the House will always bear in mind, that the Standing Orders have been framed for the protection of all classes of the community, and that they never can, and never ought to be, disregarded, unless where some strong special case is made out; and where, in addition, it is clearly and distinctly shown that that particular departure from them will not be productive of injury to those persons for whose protection they are intended.

Lord Clive, with the leave of the House, would withdraw his motion.

Bill to be considered.

Lord Francis Egerton moved that the Amendment be read a second time.

Mr. *Ewart* would proceed to oppose the Bill. The question was, whether the Dock-rate payers, a small constituency, or the immense municipal constituency of Liverpool, were to have the superintending power over the Dock estate. He said the Dock-rate payers were a small constituency. They consisted of hundreds—the municipal constituency was composed of thousands. The Dock-rate-paying constituency was a changing and fluctuating body—the constituency of the town was of a fixed and enduring character. If the Dock-rate-payers formed the constituency, they might be subject to undue control. A wealthy merchant could (under the existing system) create voters only a day before the election

of those who were were destined by the Bill to manage the Dock-estate of Liverpool. The Municipal Reform Bill had secured the municipal voters from such undue interposition. They, therefore, were the body whose representatives in the new council, should manage a trust so important to the town as the Dock trust. That these powers should have vested in the old Corporation was highly objectionable. That they should not vest in the new, freely-elected, and responsible body, was, in his opinion, most objectionable also. The Municipal Reform Bill involved the concentration of local funds in the hands of the Local Council. This Bill was against that principle. Was it against no other principle of the Municipal Reform Bill? Yes. If there was one element of that Bill more marked and more essential than the rest, it was this,—that the police of the towns should be concentrated in the new local authorities. The police was the organ of good government in the town. Yet this Bill continued a principle of separation of the police of Liverpool. The Docks of Liverpool, nearly all of them open to the streets, extended for three miles along the town. If the police were separated into a dock police and a town police, how could it act with due uniformity and vigour, or be conducted on proper principles of economy and order? The Committee on this Bill had received evidence of the most striking character on this point. Mr. Mayne, the chief of the metropolitan police, had declared it to be essential, on general principles, that both polices should be combined. He considered such combination the soul of a system of police. The superintendent of the police at Liverpool declared the same on his local knowledge. So did the magistrates' clerk, and the eminent stipendiary magistrate, Mr. Hall, who now presided in the courts at Liverpool. To this overpowering evidence no answer, either of fact or of argument, was given by their opponents. Yet the Committee, by a small majority, carried the continuance of two separate police forces. He called on the House to assert the principles of that Bill; to act upon them; to devolve on the Council which they themselves had created, the powers of which it was worthy; to concentrate the police; and consult the lasting interests of Liverpool.

Viscount Sandon said, that from the interest made by his hon. Colleague and others, to fill the benches at the opposite side, it was very evident that the intention was to turn this, which was strictly a com-

mercial question, into a party struggle; and he regretted to perceive that hon. Members connected with Government should sanction a proceeding that was likely to be productive of the most serious injury to the commercial interests of the country. The trustees of the Liverpool Docks were disposed to come to an amicable and satisfactory arrangement with the town-council, and for that purpose had made several propositions to them, and it was not until these propositions had been rejected, and all idea of an amicable termination to the differences had disappeared, by the town-council insisting on a predominance in the trust, that the present Bill was introduced into that House. There had been an ancient struggle between the corporation and the people of Liverpool on this subject. In 1825, and 1826, the first struggle took place, when Mr. Gladstone endeavoured to wrest the control of the trust from the corporation of that time, and to place it in the hands of the rate-payers, on the grounds that the corporation were an irresponsible body, and that those who contributed to the tolls had the best right to see them dispensed. Mr. Huskisson soon after followed, and insisted on the same right, and a compromise took place, which was favourable to the rate-payers. To show that this was not a political question, some of the gentlemen now in the town-council coincided with the views of the trustees, and signed their names to a document to that effect; and it was not until they had found that by the passing of the Municipal Bill, that they had the power in their own hands, that they changed their sentiments. It might be said that the case was materially altered since the passing of that Act; but he begged to inquire whether the town-council had been selected by the rate-payers, and whether they were responsible to them. Many of the promoters of this Bill had been the political friends of his hon. Colleague (Mr. Ewart) at the last election. All that was desired by the friends of the Bill was, that 9,000*l.* or 10,000*l.* should not be applied to the general purposes of the police of Liverpool, without any security that the property of the Dock Company would be duly protected. That it would not be duly protected was evident from the fact, that although the Dock Companies of London contributed their proportion to the common police of the metropolis, they were obliged to maintain a special police to guard them against depredation. Such would doubtless be the case hereafter

at Liverpool, if the amendment were carried. If the present Bill were not passed, there would be no fit and responsible persons to regulate and manage the trust. [*Cries of "Divide," "Question."*]

Mr. John Stanley said, if any party zeal were shown on the occasion, it was on the side supported by the noble Lord, who himself was no inefficient or indolent coadjutor. As to the measure before the House, in the first place the promoters of it had departed from the form in which it was originally introduced, and had re-modelled it more in consonance with their own views and wishes. In the next place, he (Mr. E. J. Stanley) considered the rate-payers the most improper persons who could be concerned in the Liverpool Docks; while the town-council, on the other hand, had a permanent interest in them. The rate-payers cared nothing about the establishment, and would not suffer if it fell to ruin to-morrow. The interest of the town-council was identical with the interests of the whole town of Liverpool. Whoever might be in possession of the Docks, care must be taken lest, in another year, a measure should not be passed, compelling them to reduce the dues to the lowest possible amount; for if they did not, the whole trade of the port of Liverpool might be endangered. As a representative of Cheshire, he called upon hon. Members to unite with him in rejecting this Bill. If it were not rejected, it would be impossible hereafter to reintroduce the clause, so material to the interests of that part of the kingdom.

The House divided on the original question: Ayes 173; Noes 197—Majority 24.

List of the AYES.

Agnew, Sir Andrew	Campbell, Sir H.
Alsager, Captain	Canning, Sir S.
Arbuthnot, Hon. H.	Cartwright, W. R.
Ashley, Lord	Chichester, A.
Ashley, hon. H.	Chisholm, A.
Bagot, hon. W.	Clerk, Sir G.
Bailey, J.	Cole, Viscount
Balfour, T.	Cole, hon. A. H.
Baring, F.	Conolly, E. M.
Baring, H. Bingham	Corbett, T.
Baring, W.	Corry, hon. H. T. L.
Baring, Thomas	Crewe, Sir G.
Beckett, Sir J.	Dalbiac, Sir C.
Bell, Matthew	Damer, D.
Bethell, Richard	Darlington, Earl of
Blackburne, I.	Dick, Quintin
Bolling, William	Dotin, Abel Rous
Bonham, R. Francis	Duffield, Thomas
Bradshaw, J.	Duncombe, hon. W.
Bramston, T. W.	East, James Buller
Celcraft, J. H.	Eston, Richard J.

Egerton, Wm. Tatton	Martin, J.
Egerton, Sir P.	Meynell, Captain
Elley, Sir J.	Miles, Philip J.
Elwes, J.	Mosley, Sir O., bart.
Entwisle, John	Neeld, J.
Estcourt, Thos. G. B.	Nichol, Dr.
Feilden, W.	Norreys, Lord
Ferguson, Sir R. A.	Owen, Sir John, bart.
Finch, George	Packe, C. W.
Fleming, John	Palmer, George
Forbes, William	Palmer, Robert
Forester, hon. G.C.W.	Patten, John Wilson
Forster, Charles S.	Peel, Sir Robert, bart.
Fremantle, Sir T. W.	Perceval, Colonel
Gaskell, J. Mlues	Pigot, Robert
Gladstone, Thomas	Plumptre, J. P.
Gladstone, W. E.	Polhill, Frederick
Glynne, Sir S. R.	Pollen, Sir J., bart.
Gordon, W.	Præd, James B.
Gore, O.	Price, Richard
Goulburn, hon. H.	Pringle, A.
Goulburn, Sergeant	Rae, Sir William, bt.
Graham, Sir J.	Reid, Sir J. Rae
Greene, Thomas	Richards, J.
Greisley, Sir R.	Robinson, G.
Grimston, Viscount	Ross, Charles
Grimston, hon. E. H.	Rushbrook, Colonel
Hale, Robert B.	Russell, C.
Halford, H.	Scarlett, hon. R.
Halse, James	Scott, Lord J.
Hamilton, G. A.	Shaw, F.
Hamilton, Lord C.	Sheppard, T.
Hanmer, Sir J., bart.	Sibthorpe, Colonel
Harcourt, G.	Smyth, Sir G. H., bt.
Hardinge, Sir H.	Somerset, Lord E.
Hardy, J.	Somerset, Lord G.
Hawkes, Thomas	Stanley, Edward
Hay, Sir J., bart.	Stanley, Lord
Hayes, Sir E. S., bart.	Stewart, Sir M. S., bt.
Heathcote, G. J.	Sturt, Henry Charles
Henniker, Lord	Tennent, J. E.
Hill, Lord Arthur	Thomas, Colonel
Houldsworth, T.	Trench, Sir Frederick
Hoy, J. B.	Trevor, hon. Arthur
Hughes, Hughes	Trevor, hon. G. R.
Jackson, Sergeant	Twiss, H.
Ingham, R.	Tyrrell, Sir J.
Inglis, Sir R. H., bart.	Vere, Sir C. B., bart.
Irton, Samuel	Vesey, hon. Thomas
Johnstone, Sir J.	Vivian, John Ennis
Jones, W.	Vyvyan, Sir R. R.
Jones, Theobald	Wall, Charles Baring
Kearsley, J. H.	Walter, John
Kirk, Peter	West, J. B.
Knatchbull, Sir Edw.	Wilbraham, hon. B.
Knightley, Sir C.	Williams, T. P.
Lees, J. F.	Wodehouse, E.
Lefroy, Sergeant	Wood, Colonel
Lincoln, Earl of	Wortley, hon. J. S.
Lowther, Col. H. C.	Wynn, rt. hon. C. W.
Lowther, Lord	Wynn, Sir W.
Lowther, J.	Young, G. F.
Lucas, Edward	Young, J.
Lushington, S. R.	
Lygon, hon. Col. H.B.	
Mahon, Lord	
Manners, Lord C.	

TELLERS.

Sandon, Lord
Egerton, Lord Fran.

List of the NOES.

Adam, Sir C.
 Aglionby, H. A.
 Ainsworth, P.
 Anson, G.
 Bagshaw, John
 Baines, Edward
 Baldwin, Dr.
 Ball, N.
 Bannerman, A.
 Barclay, David
 Baring, F. Thornhill.
 Barnard, E. G.
 Barry, G. S.
 Beaucherk, Major
 Bellew, Richard M.
 Bennett, J.
 Bentinck, Lord W.
 Berkeley, hon. F.
 Bewes, T.
 Biddulp, R.
 Bish, Thomas
 Blackburne, J.
 Blake, M. J.
 Blamire, W.
 Bodkin, J.
 Bowes, J.
 Bowring, Dr.
 Brady, D. C.
 Bridgeman, H.
 Brodie, W. B.
 Brotherton, J.
 Browne, R. D.
 Buller, C.
 Buller, E.
 Burton, Henry P.
 Butler, hon. P.
 Byng, G. S.
 Callaghan, D.
 Campbell, Sir J.
 Campbell, W. F.
 Cavendish, hon. G. H.
 Cayley, Edward S.
 Chalmers, P.
 Chapman, M. L.
 Clay, William
 Clive, Edward B.
 Clive, Viscount
 Clive, hon. R. H.
 Codrington, Sir E.
 Collier, John
 Conyngham, Lord A.
 Crawford, Wm. S.
 Crawford, William
 Curteis, Edward B.
 Dalmeny, Lord
 Dennison, J. Evelyn
 D'Eyncourt, C. T.
 Donkin, Sir Rufane
 Duncombe, T. S.
 Dundas, hon. J. C.
 Dundas, hon. T.
 Dundas, J. Deanes
 Edwards, Colonel
 Elphinstone, Howard
 Evans, G.
 Fazakerley, John N.

Fergus, John
 Ferguson, Sir R.
 Ferguson, Robert
 Fergusson, rt. hn. C.
 Fitzgibbon, hon. B.
 Finn, Will. Francis
 Fitzroy, Lord Charles
 Fitzsimon, Chris.
 Fitzsimon, N.
 Fort, John
 French, F.
 Gaskell, Daniel
 Goring, H. D.
 Grattan, J.
 Grattan, H.
 Grey, Sir G., bart.
 Grosvenor, Lord R.
 Grote, George
 Guest, J.
 Gully, John
 Harvey, D. W.
 Hay, Sir Andrew L.
 Hector, C. J.
 Hobhouse, rt. hon. Sir J.
 Hodges, T. L.
 Holland, E.
 Howard, P. H.
 Hume, J.
 Jervis, J.
 Johnston, Andrew
 Labouchere, rt. hn. H.
 Lambton, H.
 Langton, Wm. Gore
 Leader, J. T.
 Lefevre, C. S.
 Lennard, Thomas B.
 Lister, Ellis Cunliffe
 Loch, J.
 Lushington, Charles
 Lynch, Andrew H. S.
 Macleod, R.
 M'Namara, Major
 Mangles, J.
 Marjoribanks, S.
 Marshall, W.
 Marsland, Henry
 Maule, hon. F.
 Methuen, Paul
 Morpeth, Lord Vis.
 Morrison, James
 Mostyn, hon. E.
 Mullins, F. W.
 Murray, rt. hon. J. A.
 Nagle, Sir Richd.
 O'Brien, C.
 O'Connell, D.
 O'Connell, John
 O'Connell, M. J.
 O'Connell, Morgan
 O'Connor, Don
 O'Ferral, Rich. More
 Oliphant, L.
 O'Loughlin, M.
 Ord, W. H.
 Oswald, J.
 Paget, F.

Parker, J.
 Parnell, rt. hn. Sir H.
 Parrott, Jasper
 Pattison, J.
 Pease, Joseph
 Pechell, Capt. R.
 Pelham, hon. C. A.
 Pendarves, E. W. W.
 Phillips, C. M.
 Pinney, W.
 Potter, R.
 Power, J.
 Price, Sir R.
 Rice, rt. hon. T. S.
 Roche, W.
 Roche, D.
 Roebuck, J. A.
 Rolfe, Sir M. R.
 Rundle, J.
 Russell, Lord
 Ruthven, E.
 Sanford, E. A.
 Scott, Sir E. D.
 Scrope, G. P.
 Seale, Colonel
 Sharpe, Gen.
 Sheil, R. L.
 Smith, B.
 Steuart, R.
 Strutt, E.
 Stuart, V.
 Talbot, J. H.
 Talfourd, Sergeant
 Tancred, H. W.
 Thomson, rt. hn. C. P.

Thompson, Col.
 Thornely, T.
 Tooke, W.
 Townley, R. G.
 Tracey, Charles H.
 Trelawney, Sir W. L.
 Tulk, C. A.
 Turner, W.
 Tynte, J. K.
 Verney, Sir H., bart.
 Villiers, Sir Charles P.
 Wakley, T.
 Walker, C. A.
 Walker, Richard
 Wallace, Robert
 Warburton, H.
 Wason, R.
 Westenra, hon. J. C.
 Wigney, I. N.
 Wilbraham, G.
 Wilde, Mr. Sergeant
 Williams W.
 Williams, W. A.
 Williams, Sir J.
 Williamson, Sir H.
 Winnington, Capt. H.
 Wood, C.
 Woulfe, Mr. Sergeant
 Wrightson, W.
 Wrottesley, Sir J.
 Wyse, T.

TELLERS.

Ewart, William
 Stanley, E. J.

The Bill thrown out.

[COMMUTATION OF TITHES (ENGLAND).]

Lord John Russell moved the order of the day for the further consideration of the Report on the Commutation of Tithes Bill.

Mr. *Thomas Duncombe* presented a petition from Ware against the payment of small tithes. He would take that opportunity of asking the noble Lord whether he meant to introduce any Bill this session for the abolition of personal tithes?

Lord John Russell was understood to say that he had such a Bill in preparation.

Mr. *Arthur Trevor* wished to call the attention of the noble Lord, the Secretary of State, to the clause, which appointed Commissioners to carry this act into execution. He thought it most important for the interest of all parties concerned, but more especially for the interest of the clergy, that it should be known who the Commissioners were to be. By the Bill as it now stood, they might be Roman Catholics, or Dissenters, or Jews, or persons of any other persuasion. Now, he held it essentially necessary that these commissioners should be members of the Church of England as by law established. He

was aware that the view he had taken of this subject differed widely from the opinion of other hon. Members; at the same time, conceiving it to be a matter of great importance, he should move, that after the words "it shall be lawful to appoint two fit persons" the words "being members of the Church of England as by law established" be inserted.

Lord John Russell considered such an amendment altogether unnecessary, and should oppose it.

Mr. Arthur Trevor would divide the House on it; a division accordingly took place:—Ayes 19; Noes 58; Majority 39.

Mr. Hume wished to call the attention of the House to the 9th Clause, which enacted that the salaries of the Commissioners, &c., and all other expenses attendant upon the operation of the Act, were to be paid out of the consolidated fund. Now to this he was decidedly opposed, and he did not see why the parties interested in the settlement of the tithe question should not pay a rate in proportion to the amount settled, for the purpose of defraying these expenses. It was supposed that both parties would be benefitted by this Bill, it was supposed, too, that the public generally would be benefitted; but even allowing that they would, he did not think that the consolidated fund should be resorted to so very frequently as it had been. He should therefore move, that the remainder of the clause after the words "shall be paid" be omitted, for the purpose of inserting words to this effect—"out of a rate chargeable on those interested in the award of the Commissioners, in such a manner that all aforesaid expenses may be equally and justly borne."

Lord John Russell believed the proper time for the hon. Member to move such an amendment would be on the re-commitment of the Bill. The hon. Member was quite right in his opinion respecting the consolidated fund regarding bills generally; but in this instance he (Lord John Russell) did not see how they could impose these charges upon particular individuals.

Mr. Hume would move that the Bill be recommitted.

Sir Robert Peel very much doubted in this instance the propriety of attempting to impose the onus of defraying the expense upon any particular class. It was the settlement of a great national question, and he thought it but just that the expenses should be paid out of the national fund.

Mr. Thomas Duncombe was of opinion,

that the measure then before the House was a settlement of a question between two disputing parties who could not agree, and he did not see why the public should be called upon to pay for the arrangement of their dispute by the Legislature. He thought it would very much expedite and promote the voluntary commutation of tithe if the costs of arbitration were to be paid by the parties themselves—namely, the parson and the lay impropiators.

The House divided on Mr. Hume's motion:—Ayes 10; Noes 60; Majority 50.

The Solicitor-General proposed the introduction of a proviso at the end of Clause 35, relating to the modification of special cases, for the purpose of giving the Commissioners power in cases where the tithe-owner had taken a less amount than the composition originally agreed upon, in any year during the last seven years, to fix that diminished amount as the rate of payment in future.

Sir Robert Inglis thought it would be very unfair to the tithe-owner to take advantage of his liberality to the tithe-payer.

The proposition was agreed to.

Lord John Russell said, it was his intention to propose that in cases where compositions, either from the length of time they had been in existence, or from other circumstances, were either too high or too low, to give the Commissioners a fuller power to deal with such as appeared to be fraudulent or collusive, according to the best of their judgment.

Mr. William Crawford said, he had been induced to give a great deal of attention to this subject by an accidental circumstance. He had become acquainted with the case of a rectory in Surrey, the composition for the tithes of which was very inadequate. During the last seven years, comparing it with the price of the produce, the proportion of tithe which the rector got was as forty to 100. Taking the expense of collection, and all other charges, at fourteen per cent., which he was sure would be more than sufficient, there remained 86l. out of every 100l. in the hands of the tithe-payer, who, according to the amount of composition, would pay only forty-eight parts, and retain thirty-eight parts of the tithe justly due to the rector. He believed this case was not an uncommon one, and therefore he was glad that the noble Lord was disposed to meet it.

Mr. Blamire thought the proposition calculated to do a great deal of good; but he believed that when the Bill came into

operation the Commissioners would find many difficulties spring up, which were never anticipated. He thought it would be an improvement upon the plan of the noble Lord if the Commissioners, when they met with cases of difficulty, not fairly provided for, were required to suspend their decision, and to institute an inquiry and report thereon to the Government. This would prevent the necessity of giving them too much discretionary power, to which he believed many hon. Members were opposed.

Mr. *Edward Buller* was satisfied with the proposition. He did not think the discretionary power to be reposed in the Commissioners too large. In regard to such cases as those alluded to, it would be found, that by a subsequent clause of the Bill the Commissioners were required to compare the compositions under consideration with the average rate of composition in neighbouring parishes.

Mr. *Goulburn* expressed a fear that these special provisions would be productive of serious inconveniences to many clergymen. Since the House had not adopted the voluntary principle, but had decided in favour of a compulsory payment of tithes, he thought the Commissioners ought to be vested with ample discretion. He trusted also, that by whomsoever they might be appointed, they would be men of firmness, integrity, ability, and high character. The clergy were most anxious for an amicable adjustment of this question; they asked no extraordinary favour, no partiality; but, on the other hand, they were entitled to all the protection which the Government Commissioners could afford to them.

Lord *Ebrington* quite agreed with the right hon. Gentleman, being convinced that the success of the measure wholly depended upon the character and qualifications of the commissioners.

Mr. *Lennard* believed the clause would be very beneficial to both tithe-owners and payers. He was doubtful, however, whether it would sufficiently meet the case of landlords of small estates, who would become responsible for the payment of tithes, and be, as it were, mere bailiffs for the tithe-receiver.

The amendment proposed by the noble Lord was agreed to.

On Clause 37 being brought under the consideration of the House,

Mr. *Jervis* said, there would be considerable difficulty in applying this clause to the wealds of Kent and Sussex. For example, how could it be applied fairly to the case

of wood grown for hop-poles? On these the average of the last seven years would never operate with justice. He thought that with respect to such cases the Commissioners should be left a discretionary power, and be permitted to take the tithe according to the district, or according to the form, just as they might find upon inquiry to be the practice of the place.

Lord *John Russell* said, that the wealds of Kent and Sussex were generally exempt from tithe, but there still might remain some difficulty as to coppice woods.

Mr. *Hume* said, it was monstrous that fruit and the produce of gardens should be subjected to tithe, they being the result of an amount of capital vastly greater than was applied to land used for other purposes. As respected gardens, the average of the last ten or seven years could be no fair rule, the more especially as the increasing facilities for the transport of garden produce would materially alter the value of garden ground. As respected this part of the subject, it might be difficult to alter existing practices, but he hoped that new ground would be protected.

Sir *Robert Peel* remarked, that as this question stood on separate grounds, and the noble Lord found great difficulty in dealing with it, it had better be treated as a special case, and he therefore thought it would be more advisable to leave the words "coppice wood" out of this clause, and allow the Commissioners, after an inquiry on the subject to suggest what seemed to them the best mode of dealing with this difficulty.

Lord *John Russell* consented to this proposition, and the words "coppice wood" were struck out of the clause, which was agreed to.

Clause 38, which provides for the case of charge of culture of hop-grounds and market-gardens, being proposed.

Mr. *Hume* observed, that he agreed with the clause as far as the word "land" in in the 40th line, but what followed was wholly against the principle of the Bill, which was, to make a settlement once for all of the tithe question, in order to give an opportunity of improving the land by an application of capital. All land which might be cultivated as garden-grounds or hop-grounds after the commutation were to be subjected to an additional rent-charge. Now he objected to this taxation of capital, and he should therefore move that all that part of the clause after the word "land," line 40, should be left out.

Lord *John Russell* was quite ready to admit that this clause was in opposition to the general principle of the Bill, but he introduced the exception because a deputation of the constituents of the hon. Member for Middlesex waited on him to represent the peculiar hardship of their case. He explained to the market gardeners the general principle of the Bill—namely, that a rent-charge was to be payable on the average of the last seven years, upon which their representation to him was, that they having expended a large capital on the improvement of their market gardens, if this principle were acted upon they would continue liable to a very heavy charge, while the owners of arable land or common land in the neighbourhood, paying a very low tithe composition, would come into competition with them, and they would be ruined. He was extremely reluctant to introduce this exception into the Bill, but when the hon. Member's constituents pressed him so strongly, he, very much against his will, gave way on this point. He had, therefore made this provision, that when land was brought into cultivation as market-garden ground, or hop-ground, it should be liable to the same payment which the same kind of land was to pay now. This was one point of view in which the question might be considered; but there was also another view of the subject. The hon. Member did not object to the first part of the clause. He said, it was quite fair that when land ceased to be cultivated as a market-garden, it should cease to pay the extraordinary rent-charge, but that, if arable land was cultivated as market-garden land, it should not pay a higher tithe than it did before—a proposition in which there was neither fairness nor justice. If the hon. Member meant to say that market-gardens should be liable for ever to the higher amount of tithe-composition, but that all persons who were not liable now should never be liable, he could understand that argument, but to make this one-sided proposition was not agreeable to common sense or common fairness.

Mr. *Warburton* did not think that the noble Lord had fairly put the argument of his hon. Friend, the Member for Middlesex, because the principle of the Bill was not to throw any obstacle in the way of the extraordinary application of capital by increasing the tithe on account of the im-

provement of land. Whether his Friend, the Member for Middlesex, or any one else, had made representations to the noble Lord, he wished he had attended to the principles of his own Bill. There might be other persons who had made representations, there were the hop proprietors as well as the market gardeners affected by this clause, and what was this but an endeavour to maintain the monopoly of the existing hop-growers in favour of Worcestershire, Kent, Surrey, or any other part of England which was a district for hop cultivation? This was against the principle on which the Bill was founded, and was a proof that it would have been better to adopt his (Mr. Warburton's) plan to get rid of tithes altogether, throwing the burden on the consolidated fund, and getting quit of the difficulty in this way.

Sir *Robert Peel* observed, that if, when they came to discuss the proposition of the hon. Member, he had not more cogent arguments to adduce than those which he had now employed, a more futile motion could never have been made; and, as he had put forward these arguments in advance, he presumed that they were the most efficient which he had at his command. But he would inquire, if this exception applied to hop-grounds why should it not apply to market-gardens? And where was the injustice if hop-grounds and market-gardens were put on the same footing? The hon. Member seemed to assume that all market-gardeners were small freeholders, each cultivating their acre of land, and that their interests were to be neglected because they were humble people. But he apprehended, that, although the market-gardeners cultivated a small portion of land, the owner of that land might be a very rich man, possessing a great quantity of this kind of ground, let out to tenants-at-will, and whatever advantage would be derived if the hon. Member's proposition were agreed to, would not benefit the tenant-at-will, but the great proprietor, for they might depend upon it that when the land was out of lease he would have the advantage. The object of the Bill was to get rid of an uncertain charge on the application of capital to land, and that if a large amount of capital were expended in the improvement of land, it should not be subjected to the payment of the value of one-tenth of the produce, but of a definite sum. The Bill divided the charges made upon the

land in lieu of tithes, into two classes, an ordinary and extraordinary charge, but the extraordinary was equally definite with the ordinary charge. It would not be an uncertain sum, varying with the amount of produce, but ascertained and fixed. One would indeed exceed the other, but each would be equally definite.

Mr. *Jervis* contended, that the clause was in opposition to the principle of this Bill, as it would check the expenditure of capital upon land. It was quite right that garden-ground and hop-ground should pay the extraordinary charge as long as they remained under that mode of cultivation; but, that ground which would now have to pay the ordinary charge should be subjected to an extraordinary payment when improved by the application of capital was wholly mischievous in principle, and inconsistent with the Bill itself. The fact was, this clause was introduced merely because a deputation of hop-growers had waited on the noble Lord.

Mr. *Benett* expressed his wish to do justice to all parties, and if the market-gardeners were injured by the Bill, he would give them compensation, but he could not agree to an exception which would lay an embargo on the whole land of the kingdom. They were prohibited by this clause from converting their lands into gardens or growing hops. When railroads were established, land fifty or sixty, or even 100 miles off, might come into competition with the market-gardens near the metropolis, and he had no doubt that hops would be grown in other counties than those in which they were now cultivated. The principle of the Bill, which was very ably laid down by the noble Lord in bringing forward the measure, was to take off the embargo of taxation upon, and encourage the outlay of capital. By the adoption of this proposition injury would be done to so lasting an extent, as to make the Bill wholly different from what it was originally.

Sir *Robert Price* supported the original clause, which, in his judgment, was of considerable utility. The amendment of the hon. Member for Middlesex would, if carried, operate as a great fraud upon the tithe-owners of the country.

Mr. *Aglionby* admitted that the question was one of great difficulty, but he thought no person could have attended to the observations just made by the hon. Member for Wiltshire (Mr. *Benett*), without

feeling bound to vote for the amendment proposed by the hon. Member for Middlesex. He hoped the House would not consent to sacrifice the great principle of the Bill for the sake of serving the interests of a few individuals.

Colonel *Thompson* thought the clause, instead of involving the principle of fairness which had been attributed to it, gave two boons at once to the possessors of old hop and garden-ground, and to nobody else. It first relieved them from the continuance of the full rate in the event of their land being wrought out, and then guarded them against the competition of their neighbours who might have land, which the removal of the burthen of tithe would bring into profitable cultivation for hops and gardens. He could appeal to the other side of the House, whether in any share he had taken in the debates on the present subject, he had not shown a friendly disposition to the tithe-owners and to the church; and he therefore said with more confidence, that he did not believe the church was at the bottom of this demand for the preservation of the principle of tithe in a particular case, or would make any objections to the first part of the clause without the last. It was the owners of old hop and garden grounds *versus* the owners of new, with a view to keeping them out of the market, and thus depriving the public of the advantage they ought to have derived from the removal of the tithe-system.

Major *Beauclerk* observed, that the only difficulty arose from the want of a proper definition of the words "market-garden." Unless those words were properly defined, thousands of persons would spring up, and by changing the cultivation of their lands effect a fraud on the tithe-owners, by obtaining an exemption from tithes.

The *Solicitor General* supported the clause as it stood in the Bill. The clause was founded in justice, and would work beneficially to the whole community.

Mr. *Strutt* remarked, that the effect of the amendment of the hon. Member for Middlesex was to abolish this species of tithes altogether. If such was the object of the hon. Member, he begged of him to make the proposition directly, and then it could be fairly met and disposed of, instead of by this side-wind, circuitous, and expensive mode of effecting that object. If the amendment was carried, a man had only to change his mode of cultivating his lands to be exempt from tithes, and to

prevent this injustice to tithe-owners he should support the clause as it stood.

Mr. *Hume*, before the House divided, wished to set himself right in respect to what had fallen from the noble Lord at the head of the Home Department. The noble Lord had stated, that this clause was the mere adoption of the proposition of the deputation which had waited upon him on this subject. He must be allowed to say, that the proposition made by him on behalf of the deputation was, that garden-ground should be placed on the same footing as similar land adjoining it, and that his whole argument had been against the injustice of giving to the clergyman a tithe upon the capital expended and employed. If the clause were his, he would now most readily give it up.

The House divided on the amendment—Ayes 23; Noes 104—Majority 81.

Mr. Warburton moved a proviso, to be added to the clause, to the effect that all gardens, not being cottage-gardens, should be deemed and taken to be market-gardens, for all the purposes of this Bill.

Proviso rejected, and clause agree to.

On the 49th Clause,

Mr. *Goulburn* said, that the principle of the Bill was, that the rent-charge should be estimated with reference to the value received for tithe during the last seven years. Now, it so happened, that in parishes where there was a great extent of common, a large portion of the Vicar's tithes were derived from that common. He received the tithe on the milk of the cows, and on the wool of the sheep which fed on the common. These, then, were tithes paid on cattle belonging to small cottagers. The apportionment clause directed that the total amount of the rent-charge should be apportioned among the lands of each parish. Now, he did not see how it was to be apportioned over the common land, or to whom the tithe-owner would have the right of applying for the payment of his tithe. Was the lord of the manor to be liable? If the tithes were not paid, the owner might proceed to recover them by distress, but that would be levied on the cattle on the common belonging to the cottagers, who might actually have paid their tithe. He trusted that the hon. and learned Gentleman (the Solicitor-General) would consider the point before the third reading.

Clause agreed to.

On Clause 53,

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Mr. *Hume* said, that he considered the proportions of wheat, barley, and oats, for the valuation of the rent-charge ought to be altered; and that the proportions ought to be one-half of wheat, one quarter of barley, and one quarter of oats.

Mr. *Poulett Thomson* observed, that that point had been fully discussed in Committee.

Mr. *Goulburn* thought that the clause would materially affect the security of the clergyman's income, because it permitted the rent-charge, instead of being laid on the whole of the land belonging to one estate, to be apportioned on a certain part of the land, provided the value of that part should be equal to double the value of the tithe due for the whole estate. Now, he thought that the clergyman's income would be much less secure, if it were made to proceed from only a part, and not from the whole of the land. If the value of that part of the land should fall, or if the land itself should cease to be cultivated, the incumbent might be reduced to utter destitution.

Sir *J. Wrottesley* said, that such an apportionment as the right hon. Gentleman had alluded to could not take place without the consent of the tithe-owner; and the value of the portion of land on which the rent-charge might be laid must be not merely double, but at the least double of the value of the tithe due on the entire estate.

Lord *John Russell* said, he had no objection, if the right hon. Gentleman wished it, to make it necessary that the value of the particular portion of land on which the rent-charge might be placed should be at least three times more than the value of the tithes due for the entire estate.

Amendment to that effect adopted.

Sir *Robert Peel* said, that the alleged grievance in Ireland was, that parties were called on to maintain a Church from which they derived no benefit. Now, let the House consider what might be the operation of the present clause fifty or 100 years hence. He saw nothing in the clause to prevent tithe due on land in one parish from being apportioned on tithes situate within a different parish. Now, if a Dissenter should become possessed of the land thus subject to tithe, he would certainly have a greater grievance to complain of than that which it was alleged the Catholics of Ireland laboured

under, for he would have to pay not only for the support of a Church from which he derived no benefit, but he would also be compelled to contribute to the support of the incumbent of a different parish from that in which his property was situate.

Mr. *Edward Buller* said, that the Dissenter might feel cause to complain even when he paid for the maintenance of a clergyman of the Established Church in the parish where his property was situate; but if the property, peculiarly subject to the payment of the rent-charge, fell into the hands of a member of the Church of England, he could have no right to object, although that rent-charge might be paid to the clergyman of a different parish, inasmuch as its purpose was the maintenance of the Church to which he belonged.

Clause agreed to.

After all the clauses had been considered, Mr. *Walter* said, that in recommending the clauses of which he had given notice to the consideration of the House, he did trust that he should have a friendly audience; for after all that had been said on the sufferings of those who were called the labouring clergy—the inadequacy of their remuneration—the injuries resulting to religion, and consequently to the country, from pluralities and non-residence, he thought that it would be a great reflection on the character of honourable persons, connected in fact with the Church by the tenure of lay impropriations, if the first measure which had a tendency to diminish those great evils, by an operation or supposed operation upon their interests, were cried down. They could not put much faith in the sincerity of the lamentations which they so frequently heard from laymen—whether belonging to the Established Church or Dissenters—of the destitute state of numerous parishes, and the inadequacy of the revenues to support a resident minister, if the moment when a reasonable method of cure was suggested—and his should be no other than a reasonable one—it were rejected, because it could not effect that which was impossible, namely, apply money to the existing wants, without in fact, taking it from anywhere. He hoped he should be enabled to show, both from law and reason, from whence the money ought to come; and that it would be taken with such moderation, and under such restrictions, and with such a portion of countervailing in-

demnification to the individuals who might be affected, that none should have any great cause for complaint. There had been laid on the table of the House three Reports from certain Commissioners appointed to consider the state of the Established Church with reference to ecclesiastical duties and revenues. The Commissioners it was, perhaps, unnecessary to state, were his Majesty's late and present Ministers, joined with certain of the dignitaries of the Church. It was notorious, that very general satisfaction was felt both in that House and throughout the country with the recommendations and general tenour of these reports; for therein they found the members of a Church certainly not overpaid upon the whole—though the funds of the Establishment might be unequally distributed—therein, he said, they found the members of the Church throwing themselves upon their own resources, curtailing their own dignities, and reducing the more opulent members of the body, to raise the poorer and more unfriended. Not to dwell much upon those Reports, he found by the second of them, that the number of prebendal stalls to be abolished was above 360; after which there would barely be a sufficient number of the clergy left to perform the ordinary cathedral duties; and that the sum to be derived hence, and applicable to the improvement of small livings, would not exceed 130,000*l.* per annum. But applicable to the improvement of what livings? Not those certainly which were the property and in the patronage of laymen, and of which laymen were now, and were to continue to be, in the receipt of the tithes. This, he said, would be a plunder of the Church, of which there was no similar instance on record; and were the plunder executed, what would be the effect of such a misapplication of funds which ought to be held sacred? Why simply this—that those livings (at least many of them) would be sold at a higher price; they would forthwith be brought into the market with a view to put more money into the pockets of the needy proprietors; and he (Mr. *Walter*) had already heard of an increased demand being made for the advowson of a small living, on the plea that its revenues would be shortly improved by the Ecclesiastical Commissioners. It was obvious, therefore, that even in common honesty the 130,000*l.* given up by the Church at one end of the

establishment, could only be employed at the other end of it—that is, to relieve those livings which were strictly clerical property, and dependent on the cathedrals whose revenues had been sacrificed for this very purpose. He was aware that in many cases the impropriations had been sold and resold since the original grant by Henry VIII., and it would be asserted on behalf of many of the present possessors, that the full value of them had been given, the stipend of the clerical incumbent being a fixed sum; and this, he had no hesitation in confessing, was the chief difficulty with which he should have to contend. But he denied that this property had ever borne the same value in the market as other freehold property; he asserted that its saleable value had been lower on account of its liabilities. He knew it would be said that the difficulty and expense of the collection of tithe rendered it less valuable. He allowed for all this: he would set apart what sum gentlemen liked for covering these expenses, and he would then take the net residue, and he asserted that this had never ordinarily sold for as many years' purchase as the same sum derived from any other species of freehold property: it was obvious, therefore, that the clerical incumbent had always been considered as having a lien upon it. He was aware also, that what had been conceived as the highest legal authority—that of Bishop Gibson, who had been since copied by Burn and other writers on ecclesiastical law—might appear at first sight to make against that doctrine. That eminent writer said, “that it is a peremptory doctrine delivered throughout the books of common law, that since the dissolution, all impropriations, at least in the hands of laymen, have become mere lay-fees, or inheritances of a mere temporal nature, from whence it is inferred that the ordinary hath no power to make any augmentation of a vicarage out of a rectory which is in the hands of a lay impropiator.” Bishop Gibson, however, and the writers who have copied him, could not mean that lay impropriations were, to use the words just cited, under no more liabilities generally than “mere lay fees,” or inheritances of a mere temporal nature. Why, in the first instance, they were liable to the repair of the chancel; and it was stated on the high legal authority he had just quoted, that they might be sequestered, and the revenues derived from them consigned, temporarily at least, to other hands, till the repairs were executed. To assert, therefore, that they

were mere lay fees, and to infer from thence that they were not more tangible for contingent obligations than other freehold property, was contrary to the fact. What these liabilities were would be best learned, and might indeed be learned with certainty, from their origin. Henry VIII., on the dissolution of the monasteries, by taking from the religious houses—that is, on their compulsory resignation—what was theirs, took it also, and must have conveyed it to others, with all its liabilities, limitations, and burdens, as well as its privileges; and among those liabilities the adequate support and maintenance of a minister for the performance of divine worship in the parochial churches was, beyond all doubt, one. Wherever a regular minister was instituted, he was entitled to sue for a *congrua portio* of the tithes for his support. On these grounds he thought it right, on an occasion like the present, when a general commutation of tithe was about to take place, that the *congrua portio*, or adequate part, to the parish priest should be assigned out of all lay impropriations. The reasonableness and justice of such a measure, he himself felt he had demonstrated. Its public utility would be almost past calculation; but it might, in some degree, be estimated by the evils which were felt, and the dissatisfaction on account of those evils, resulting from the non-residence of the clergy, and the consequent necessity of pluralities. Neither did he believe that the impropiators themselves, if they considered the matter justly, would find their rights very injuriously affected by the clauses which he now proposed, but, on the contrary, they would only be the more permanently established and secured by them; for if, while the insufficiency of every other species of benefice to maintain its minister was gradually removed by the measures now in hand, the incumbents of lay impropriations were still suffered to starve or to exist on a pitiful pittance, the people would begin to ask themselves the question why they paid tithes, or whatever else the noble Lord's Bill might substitute for tithes, to these persons, lay impropiators, when whole parishes of which they were the impropiators were allowed to derive no corresponding good from the payment, were deprived, or nearly deprived, of all religious instruction. It was only, therefore, by the just relinquishment of a very small portion, that they could ultimately secure the rest; and by the partial restoration of these impropriations to their legal use, that the residue

could be secured to the proprietors. The clauses proposed would of course speak for themselves. He only hoped that it was thoroughly understood that he did not mean in every or in any case to take 300*l.* a-year out of the impropiators' receipts, but simply to raise the existing income of the living to that sum wherever the clerical duties were satisfactorily performed. The hon. Member moved the following clauses :

" And whereas, by an Act passed in the 1st and 2nd years of the reign of his present Majesty, entitled "An Act to extend the provisions of an Act passed in the 29th year of the reign of his Majesty King Charles 2nd, entitled 'An Act for confirming and perpetuating Augmentations made by Ecclesiastical Powers to small Vicarages and Curacies,' and for other purposes, ecclesiastical corporations, and certain other corporate bodies, being owners of rectories impropriate or of any tithes, or portions of tithes, were and are enabled under certain restrictions to annex such rectories, impropriate tithes, or portions of tithes, or any part thereof, to the church or chapel of the parish or place in which the rectory impropriate shall lie, or in which the tithes, or portions of tithes, shall arise:

" And whereas a great number of small vicarages and perpetual curacies, and other benefices, have been augmented by ecclesiastical corporations under the provisions of the said Act, and great benefits have resulted from such augmentations; and it is desirable that further augmentations of a like nature should be encouraged, and with that view it is expedient that such facilities as are hereinafter mentioned of augmenting small vicarages and perpetual curacies, and other benefices, should be given to lay impropiators and others: Be it therefore enacted, that it shall be lawful for any lay person or persons (not coming within the provisions of the said Act of the 1st and 2nd years of his present Majesty) who is, or are, or shall be, the owner or owners of, or who shall have any absolute power of disposition at law and equity over any rectory impropriate, or any tithes, or portion of tithes, arising in any particular parish or place, or any rent-charge for which the tithes shall have been commuted under the provisions of this Act, by a deed duly executed, to annex such rectory impropriate or tithes, or portion of tithes, or rent-charge, or any lands or tithes on rent-charge, being part or parcel of any such rectory impropriate, unto any church or chapel within the parish or place in which the rectory impropriate shall lie, or in which the tithes or portion of tithes, or rent-charge shall arise, to the intent, and in order that the same may be held by the vicar, perpetual curate, or other incumbent for the time being, of such church or chapel; and every such deed shall be effectual to all intents and purposes whatsoever, any law or statute to the

contrary notwithstanding. And be it enacted, that any person or persons otherwise within the provisions of the last preceding section of this Act, shall be deemed for the purposes of this Act to be the owner or owners of, or to have the absolute power of disposition over any rectory impropriate, or tithes, or proportion of tithes, or lands, notwithstanding such rectory impropriate, tithes, or portion of tithes or lands, may at the time of the annexation thereof be subject to some existing lease or leases; provided that in any case in which any rectory, impropriate tithes, or portion of tithes, or lands shall be annexed to any church or chapel, pursuant to the power in that behalf hereinbefore contained, the annexation thereof shall be subject, and without prejudice to any lease or leases which previously to such annexation may have been made or granted thereof. And in every such case, any rent or rents, which may have been reserved in such lease or leases of the premises so annexed, or (in case any other hereditaments shall have been also comprised in such lease or leases) some proportional part of such rent or rents, such proportioned part to be fixed and determined in and by the instrument by which the annexation shall be made, shall, during the continuance of the said lease or leases, be payable to the vicar, perpetual curate, or other incumbent for the time being of the church or chapel to which the premises shall be annexed as aforesaid. And, accordingly, such vicar, perpetual curate, or other incumbent for the time being, shall, during the continuance of such lease or leases, have all the same power for express payment of the same rent or rents, or of such proportional part thereof as aforesaid, as the person or persons by whom the annexation shall have been made, or any of them might have had in that behalf in case the said premises had not been annexed.

" Provided always, and be it enacted, that in all cases in which any rectory, or tithes, or glebe, or any rent-charge for which tithes shall have been commuted under the provisions of this Act, shall be in the hands of any lay person or persons not coming within the provisions of the said Act of the 1st and 2nd years of his present Majesty, and it shall appear to the Bishop of the diocese in which the same shall lie or arise, that the income of the vicar, perpetual curate, or other incumbent of the parish or place, where such rectory, tithes, glebe, or rent-charge, shall lie or arise, is not adequate for enabling such vicar, perpetual curate, or other incumbent efficiently to discharge the duty of the church or chapel belonging to such parish or place, it shall be lawful for such Bishop, and he is hereby directed and required, by writing, under his hand and seal, to give notice thereof unto his Majesty's Commissioners appointed to consider the state of the Established Church, with reference to the ecclesiastical duties and revenues, who shall thereupon give to the person or persons who shall be in the possession or receipt of

the rents, issues, and profits of such rectory or glebe; or in the receipt of such tithes or rent-charge, or who shall otherwise be known, or supposed by such Commissioners to be the owner or owners of, or to have an interest in, such rectory, tithes, glebe, or rent-charge, notice of the inadequacy of the income of such vicar, perpetual curate, or other incumbent, stating summarily in such notice the particulars and extent of the duty which devolves upon such vicar, perpetual curate, or other incumbent, and thereby requiring the person or persons to whom such notice shall be given to augment the income of such vicar, perpetual curate, or other incumbent, by all, or some, or one of the ways or means pointed out in the provisions of this Act: provided always, and be it enacted, that the power of annexation, hereinafter contained, shall not in any case be exercised so as to augment in value any vicarage, perpetual curacy, or other benefices whatsoever, which at the time of the intended exercise of the power shall exceed in the clear annual value the sum of 300*l.*; and shall not in any case be exercised so as to raise the clear annual value of any vicarage, perpetual curacy, or other benefice, to any greater amount than the sum of 300*l.* And be it enacted, that in every case in which it shall be desired, upon the exercise of the aforesaid power, to ascertain, for the purposes of this Act, the clear annual value of any vicarage, perpetual curacy, or other benefice, it shall be lawful for the Bishop of the diocese within which the same shall be situate, for the information of the said Commissioners, to cause such clear annual value to be determined and ascertained by any two persons whom such Bishops shall appoint for that purpose, by writing, under his hand, which writing is hereby directed to be afterwards annexed to the instrument by which the power shall be exercised. And a certificate of such clear annual value, written or endorsed on the instrument by which the power shall be exercised, and signed by such persons as aforesaid, shall, for all the purposes of this Act, be conclusive evidence of such clear annual value as aforesaid.

"And be it enacted, that in every case where the power of annexation hereby given shall be exercised, the instrument by which the same shall be so exercised shall, within two calendar months after the date of the same, be deposited in the registry of the diocese within the vicarage, perpetual curacy, or other benefice augmented, shall be locally situate. And an office copy of any such instrument deposited in any such registry as aforesaid (such office copy being certified by the registrar or his deputy) shall be allowed as evidence thereof in all courts and places. And every person shall be entitled to require any such office copy, and shall also be allowed at all usual and proper times to search for and inspect any instrument which shall be so deposited. And the registrar shall be entitled to the sum of 5*s.*

and no more, for depositing any such instrument as aforesaid, and to the sum of 1*s.* and no more, for allowing any such search or inspection as aforesaid, and to the sum of 6*d.* and no more (besides the stamp-duty) for every law folio of seventy-two words in any office copy to be made and to be certified as aforesaid.

"Provided also, and be it enacted, that this Act, so far as regards augmentations of vicarages, perpetual curacies, and other benefices, shall extend only to that part of the United Kingdom called England and Wales."

Lord John Russell said, he would oppose the bringing up of the clauses. They did not at all refer to the Bill then before the House. They referred solely to lay-impropriations, and he thought that lay-impropriate tithes could not be applied to the uses of the Church. Lay impropriate tithes were now objects of mortgage and sale like any other property in the market, and there was no power in the law to compel lay impropriators to contribute to the Church in the way which the hon. Member for Berkshire proposed. He had received a letter on this subject from a lay impropriator who had a nominal income of 500*l.* a-year, but after paying the clergyman 100*l.* a-year, he had only 100*l.* left to himself; but if the proposition of the hon. Member for Berkshire were carried, of paying the acting Minister out of the lay impropriate funds, the impropriator would have to pay the difference out of his own pocket. He (Lord John Russell) objected to the bringing up of the clauses therefore, because they proposed to deal with property which could not be considered as Church property. It was property held and disposed of under circumstances totally different from those which related to property belonging to the Church.

The question that the clauses be brought up was negatived.

The Bill to be read a third time.

HOUSE OF LORDS,

Monday, June 27, 1836.

MINUTES.] Bills. Read a third time:—Sale of Bread.

Petitions presented. By several NOBLE LORDS, from various Places, against their Lordships' Amendments to the Irish Municipal Corporations' Bill; and by several NOBLE LORDS, from a Number of Places, in favour of those Amendments.—By the Earl of HARRWOOD, from Rishy, for Alteration of Ecclesiastical Courts' Consolidating Bill, as regards Probate Duties; and from Leeds, that some Measure may be adopted for the suppression of Intemperance.

MUNICIPAL CORPORATIONS IRELAND.] Viscount Melhourne: I now rise, my Lords, for the purpose of calling

your Lordships' attention to the amendments which have been made by the Commons in the amended Bill sent down by your Lordships. The great extent and number of the amendments which were in the first instance made by your Lordships, and the great extent and number of the amendments which have been made by the other House of Parliament in the present Bill, have necessarily caused a considerable time to elapse before this matter could be brought, with all the necessary information, under your Lordships' consideration. I cannot say that I regret in any respect this lapse of time; I cannot say that in any respect I do otherwise than rejoice in this delay, because it has afforded time for anything like irritation to subside—for anything like feelings of anger to die away, and renders it more likely that your Lordships will do that which in any case I should have expected, but which I do in this respect, with the utmost confidence—namely, that you will give these amendments that cool, that calm, and that impartial consideration which their importance and the authority from whence they are derived clearly and evidently demand at your Lordships' hands. My Lords, we concur in the wish expressed by the noble Duke opposite, on the presentation of a petition in the earlier part of this evening. We hope that your Lordships will not suffer yourselves to be in any respect intimidated by clamour; that you will not suffer yourselves in any respect to be affected by threats; that you will not suffer yourselves in any respect whatsoever to have your judgments biassed, warped, or irritated by any recent propositions which may have been made, but which, in my opinion, fall in their very statement by their own absurdity, and therefore require no further allusion from me. But, my Lords, while we express this wish on the one hand, we hope, on the other, that your Lordships will not suffer yourselves to be so affected by any considerations of this nature, or by any observations that may have been made, as to be induced not to give these amendments that full, that calm, and that impartial consideration which they deserve. If you shall find, upon consideration, that you have taken a hasty and an erroneous view of this subject, you will, I am sure, be the first to act the manly part of retracting what you feel to be a mistake, and of evincing a readiness to yield to reasons which appear to you to be

more sound, more just, and better founded. With these few preliminary observations, my Lords, I will proceed to call your attention to these amendments. I think it is impossible but that you must admit the fairness and justice of the very calm and temperate statement with which the Commons have prefaced them. I think, too, that your Lordships must feel, if these proceedings should really terminate and conclude in a difference between the two Houses, that you have commenced this warfare, rather in a rough, rather in a rude, and rather in an offensive manner. My Lords, you sent down to the other House of Parliament a Bill totally changed in its nature, altered in all its provisions, changed in its title, altered entirely in the whole of its principles, bearing no resemblance or similitude to the Bill sent up to you from the House of Commons except in its subject matter, and excepting so far that it is also a Bill having reference to Municipal Corporations in Ireland. It is impossible that your Lordships can do other than feel that this is a very strong mode of proceeding, and one which, if it were adopted towards your Lordships, I feel quite certain, not only that you would refuse to acquiesce in, but that you would reject with the utmost indignation. If your Lordships do not feel on this subject that it is a strong measure you have taken, if you do not feel that it is a measure in a great degree offensive in its character, if you do not feel that it is one in which you could not expect the other House of Parliament to acquiesce—then, my Lords, I will only say, that I view with considerable surprise, and can very imperfectly understand, the nature of the judgments which arrive at such a conclusion. I have only now to state the amendments which the Commons have proposed to your Lordships in this Bill; those amendments are so very distinctly, clearly, succinctly, and fairly stated in the concluding reasons alleged by the Commons, that I cannot give your Lordships a better general idea of them than by reading the paragraph to which I allude. "In the Bill, as now amended, the Commons have consented to confine the establishment of town-councils to twelve considerable cities and towns, of which their wealth and importance render them well suited to such system of local government." Carrickfergus, I understand, possesses considerable wealth and property, and is, moreover, an assize town.

It is for these reasons that these towns have been selected for the purpose of having established in them those institutions which we contend are essential to the interests of the country at large, and which we contend are more particularly essential to the interests of Ireland, where local government is more particularly required. "The Commons have further provided for the local government of twenty cities and towns of lesser extent and population by applying to them the enactments of a statute specially relied upon in the amendments of the Lords." Seventeen of these towns are Parliamentary boroughs; three of them do not return Members to Parliament, but they are, I understand, in point of wealth and importance, next to the other towns; and therefore the Commons have thought proper to include them in this schedule, thereby insuring to them the benefit of local and municipal government, free from all the inconvenience and disadvantages of the Act to which they refer. The provisions of that Act being left to the rate-payers to carry into execution, were, as your Lordships know, very seldom adopted at all. You are very probably aware, from a perusal of the amendments, of the measures which are proposed to render the adoption of the Act compulsory, and it is therefore unnecessary for me to detail them. In addition to empowering two justices of the peace to call a meeting of persons, who are in fact compelled to adopt the provisions of the Act, there are in the amendments of the Commons others of great importance, including one in reference to the appointment of coroners, which, contrary to all former precedent, is vested by your Lordships' Bill in the hands of the Lord-Lieutenant. But as the question now is, whether your Lordships will adopt the general principle of these amendments, or whether you will reject them, I will not waste your time with minor details, which, if you are prepared to adopt the general principle, will be easily settled hereafter, and which if you are not prepared to adopt it, it is wholly unnecessary for me to repeat. This question has been already so very amply and fully discussed in so many debates in both Houses of Parliament, and the grounds on which we have argued the question are so very distinctly, clearly, and forcibly laid down in the reasons alleged by the Commons, that it would be only wasting your Lordships' time if I were to do

more than briefly recapitulate the very strong reasons which should induce you to accede to these amendments. In the first place, your Lordships' amendments adopt a different principle with respect to Ireland from that which prevails in any other part of his Majesty's dominions; different from that which prevails in England different from that which prevails in Scotland, different from that which prevails, I apprehend, in any of the colonies belonging to England. In adopting that principle, my Lords, you are taking a step which is undoubtedly hurtful and mortifying to the feelings of the Irish people. Now I ask you is that wise or prudent—is that wise or prudent in what you yourselves represent to be the state of Ireland at present? Is it wise or prudent, when the wounds of the people of that country are just beginning, as it were, in a certain degree, to cicatrise, to tear them open afresh, as you must inevitably do, by this course of proceeding? Even if your Lordships' measures were in some degree preferable to those which we propose, would it be wise to obtain them at this sacrifice? Is it, I ask you, wise or prudent to do that which, although it may not create a great feeling at the present time, (as a noble Friend of mine thinks, whether justly or not I will not say), will hereafter be referred to, and looked back upon and quoted as an instance in which the British Legislature has undervalued and insulted the feelings of the people of Ireland, by making a marked difference between them and the people of the other parts of the empire? In the next place, even if you give up the advantages of local municipal government, which we ask you to preserve, will you give up the advantage of distinction—will you give up the advantage of authority—will you give up the advantage of influence, all of which we have already argued, and I say justly argued, are more highly prized in Ireland than in any other part of the King's dominions? And further, my Lords, will you depart most plainly and decisively from the principles of the Act for the removal of the Catholic disabilities? My lords, the main principle of that Act was, that every office of distinction, every office of power, every office of emolument, should be thrown open to the whole people of the country without any distinction of religion. What do your Lordships do? You immediately make a distinction, and found it most plainly and

distinctly upon the religious differences which exist in Ireland. My Lords, I am surprised that the noble and learned Lord (Lyndhurst) who brought forward the amendments in this House, should have adopted the principles involved in them. The noble and learned Lord, as we well know, has held very different opinions at different times on the subject of these Roman Catholic disabilities. On the 6th of March, 1827, the noble and learned Lord, then Master of the Rolls, made a speech against concession to the Roman Catholics in the House of Commons; again, on the 10th of June, 1828, the noble and learned Lord, sitting on the Woolsack in this House, as Lord Chancellor, made another speech, also, against the concession of the Catholic claims. The first of these speeches appears to me to be very cursorily and imperfectly reported; the second is reported more clearly and forcibly, and seems to be sanctioned by better authority. Both these speeches go very strongly against the principle of the proposed concession; the second puts very strongly the danger of concession without adequate security; and it was on this ground that the noble and learned Lord refused his assent to the measure. On the 3rd of April, 1829, the noble and learned Lord, still sitting as Chancellor upon the Woolsack, makes a most decisive speech in favour of the concession of these claims; he puts them upon the broadest principles, and boldly states "The Roman Catholic was in no manner incapable of exercising the privileges of a free citizen in a free state. His opinions regarding civil power and civil matters accorded with those of other men; and in no manner, therefore, did they incapacitate him from discharging the duties of a legislator."* My Lords, if they do not incapacitate him from discharging the duties of a legislator, they surely do not incapacitate him from discharging the duties imposed upon him by this Bill. In mentioning the noble and learned Lord's speeches, I have no intention whatever of reproaching him for the suddenness with which he changed his opinions; such a reproach would come with but an ill grace from anybody, but perhaps it would come peculiarly ill from me, for I have myself changed my opinions on great public questions; I have felt it my duty to do so, without being actuated by any interested motives, and the allowance which I claim for myself I am perfectly

ready to make for others. But what I have always observed, and what I have always found relative to these inconsistencies in public men—which, after all, are rather awkward features in a man's public life, which always afford points upon which attacks may be made, which always require defence, the more particularly as they generally wear at first rather a questionable aspect, and one difficult to be explained—what I have always observed, and found, my Lords, has been, that the error in conduct invariably is not in the second step, but in the first. The first change of opinion is generally right; it is generally founded upon sound principles; it is generally called for by circumstances; but the error is in having rapidly, in early youth, or under the impressions of party, or perhaps in deference to the authority of others, pledged yourself irrevocably and voluntarily to measures, to opinions, and to principles, which afterwards, on maturer consideration, and under altered circumstances, you find it impossible to support or maintain. What I complain of in the noble and learned Lord on the present occasion is, not that he changed his opinions rapidly, but that in all the arguments he now advances he seems disposed to recede from those sounder and better opinions which he professed in 1829, and to return to those which he held in 1828 and 1827. And, my Lords, whatever may be the dangers of Ireland at the present moment—whatever may be the feelings of the Roman Catholic population—whatever may be the power possessed by the Roman Catholic Clergy—and whatever may be the manner in which they employ those powers, let the noble and learned Lord depend upon it that the remedy for those evils is to be found in other measures than in a return to anything like those exclusive principles which prevailed before 1829, and before the Act of 1793. My Lords, the noble and learned Lord, on a former occasion, made a speech which has excited a great deal of observation, both within and without the walls of this House. I wish to advert to it, not with reference to any expressions to which it may have given rise—not with the view of making any attack upon the noble Lord, or of exciting anything like feelings of animosity or indignation on the present occasion, but merely for the purpose of adverting, coolly and calmly, to what I conceive to have been his argument. The noble and learned Lord said—"We were told, when

* Hansard (New Series), vol. xxi. p. 215.

the Roman Catholic Relief Bill passed, that it would be perfectly acquiesced in—that it would be completely and wholly satisfactory, and that all would be peaceful and tranquil; whereas, on the contrary, we have had more tumult than ever; we have had measures most injurious to the Protestant Religion; we have had the spoliation of the Protestant Establishment; we have had all the attacks upon tithe; and now, at last, it has come to this—that the population of that country stand in array against each other, in a state of uncompromising hostility.” My Lords, I must beg leave to say, that I have some observations to make upon every stage of this speech. In the first instance, the noble and learned Lord says, “We were told,” and so forth; as if he had not himself, in the speech of 1829, to which I have before adverted, held out as strongly as any body could a prospect of the peace and tranquillity which were to ensue from the passing of that measure. My Lords, it is very natural, when people wish measures to be passed which they intend should operate as measures of conciliation, which they intend should be considered as a boon, that they should be inclined to exaggerate the effects of that boon; and in speaking of such provisions they are apt to draw pictures of tranquillity and happiness which are not likely to be realised. But, my Lords, I confess I do not recollect any sound or distinct argument which was held out at that time from which it was to be inferred that the measure would necessarily be the immediate instrument of peace, satisfaction, and tranquillity. I ask your Lordships to reflect, that it is out of the question that such results should have ensued from it, that it is totally contrary to the history of man, that it is totally contrary to the experience of ages that any such effect should have been caused by a measure which affected the situation of so large a portion of the population, and which was an admission into power of a vast number of persons who had been previously excluded from it. It would have been perfectly unnatural to expect that it should have done so at once, without any checks, without any changes, without any alterations. Look to our history, my Lords—look to those periods to which we now look back, with the greatest pleasure, satisfaction, and gratitude. Look to those events which are never mentioned in this House without praise and admiration, especially from many noble Lords whom I

see on the opposite side of the House. Consider the Reformation—consider the Revolution. Those events, when we look back upon them, diminish to a single occurrence; but they were a series of frightful and tremendous events notwithstanding. To the Reformation we all look back with the greatest satisfaction and gratitude. I, myself, am sincerely and devotedly attached to the principles of the Reformation; I am sincerely and devotedly attached to the spirit of free inquiry and the right of private judgment—principles which I consider characteristics of the Reformation—principles which I trust will be maintained by those from whom we have a right to claim their support; although feelings of a very different nature may show themselves in the bosom of the Church, or of the Universities. What, my Lords, were its immediate effects? Bloodshed, civil discord, dreadful rebellion! rebellion in the eastern and western counties, rebellion in the Scottish counties that was successful for months, and superseded for a time the authority of the King of that day in this country. A series of events occurred, my Lords, which I will not recapitulate, but which render it to my mind perfectly clear, that the benefits of the Reformation were never really felt or established until the Revolution. This great event, certainly the bulwark and security of our liberties, if not the foundation of them, was at the moment the cause of a most dreadful state of political society—father was in arms against son, and son against father, and all the ills of a disputed succession. We may call that Revolution bloodless in itself, but we must recollect that it was purchased at the expense of two long, protracted, and bloody wars, under the effects of which we are suffering at the present day. My Lords, I do not place Catholic Emancipation on the same level, but I consider it as an event of sufficiently similar character to justify me in saying that, judging from history, it was not in human nature, nor was it to be expected, that things would at once subside into that state of peace and tranquillity, the non-result of which has, according to the noble and learned Lord, occasioned so much disappointment and surprise. The noble Lord mentions, among the evils which have flowed from the Catholic Emancipation Bill, the Church Temporalities Bill, and the diminution of the Church Establishment in Ireland—

Lord Lyndhurst: Doubted he had said so.

Viscount Melbourne: Does the noble and learned Lord retract it?

Lord Lyndhurst: I do not retract. I doubt that I ever said so.

Viscount Melbourne: Of the Church Temporalities Bill, my Lords, I may say, in the first place, that it was an Act of the Legislature; and I believe the effects of that measure, notwithstanding the strong feelings that prevail in Ireland, have been in the highest degree salutary and beneficial. I believe that it has given the clergy more power and more weight, and that they are much more likely to support the cause of religion now than they were before its passing. I declare solemnly, my Lords, that in this, and in all the measures I have introduced, or may propose, I have had no other object in view than that of relieving the Protestant religion from that which evidently does not facilitate its progress, and which has been already sufficiently long tried, and applying the resources of the Establishment to means that may better conduce to the purification of the religion of the country. The noble and learned Lord, in the speech to which I refer, also alluded to the question of tithes, a most painful subject certainly, on which I will not further debate upon the present occasion. I will not ask you, my Lords, whether you might not have prevented much of this evil by seizing the opportunities which have been presented to you for that purpose. With respect to the noble and learned Lord's last assertion, that the population of Ireland stand arrayed against each other in a state of uncompromising hostility, I believe that is a most exaggerated statement, and one which is in no respect borne out by the real state of feeling in Ireland. The observations which were made by the noble and learned Lord were, as I have taken occasion to say before, of the greatest importance, from his well-known abilities and the station he has filled in this country. I have therefore thought it right, without the least degree of asperity or acrimony, and without the slightest reference to any expressions that might appear to form a ground for other observations, to state in what respect, and why, I differ from the noble and learned Lord on this occasion. My Lords, I have already stated the great principle and the grounds on which the Commons have founded their amendments. I have already stated, that your dignity, your weight, your influence, your authority in this country, are sufficiently fixed and founded upon all the advantages which

result from your character. Nobody can injure it, my Lords, but yourselves. The possession of present power and the right of individual property are apt to mislead all men. My Lords, I implore you not to be led away by the undisputed sway you possess in this House, to mistake your position with respect to the other House of Parliament. I beg leave to call to your recollection, for the purpose, if possible, of opening your eyes a little, some facts which I really think seem to have escaped your memory. In the year 1834, the Government of this country was dissolved by circumstances which it is unnecessary for me to repeat. The noble Lords coming into office chose to do that which I shall ever consider as a most violent and unjustifiable act, of which, if I were in their situation, I would not have been the author—the violent and unjustifiable act of dissolving the Parliament. My Lords, I say, that if they could not form their Government without dissolving that House of Commons, they were bound to give up the attempt. However, they did dissolve that Parliament. A new Parliament was chosen, under all the power and influence, whatever that may be (much exaggerated, I believe), which the possession of Government gives. They met that Parliament; they were in a minority of seven; they were in a minority of ten; they were in a minority of thirteen. This year their minority commenced at about forty-five, and it had grown in the last division to nearly double the number. Now, I ask your Lordships to consider, what has been the cause of this progression? I ask you to consider, whether it is not owing to your own imprudence—whether it is not owing to your own misconduct—whether it is not owing to your own blindness—whether it is not owing to the manner in which you seek to separate yourselves from the whole body of the people—from the manner in which you have tried to do every thing that is unpopular, and abstained from doing anything that has in it the elements of generosity and popularity. I wish you to consider, whether this is not the cause; and, my Lords, it will be well for you to think, of the causes which have occasioned this retrograde movement in the other House of Parliament, while, at the same time, it is very remarkable that the whole of the intermediate elections have, for the most part, been in your favour. There is another point, my Lords, to which I wish to refer. We are often told, and we have been frequently

informed in the course of the present Session, that you have with you, and we have against us, the great majority of the intelligence, the power, the weight, and the importance of the country; that you have with you the majority of the gentry, that you have with you the majority of the clergy, that you have with you, distinctly, the voice of the two Universities. My Lords, I will not deny that this may be the truth; nor will I stop to inquire what really is the truth of the matter. But if you have this support, I implore your Lordships not to be too confident, and not to rely upon it too far. I have the greatest respect for the majority of the gentry of this country; I have the greatest respect for the clergy; I have no disrespect for, nor do I feel anything of ill-will towards, the Universities; but depend upon it, my Lords, these interests are not omnipotent in this country; nor were they omnipotent when other interests, such as those of towns and cities, the interests of commerce and manufactures, the interests of the Dissenters, and the general opinion of the people, were all as nothing compared with what they are now. My Lords, great measures have been carried in opposition to their interests; whole dynasties have been changed, families have been placed, ay, and maintained, upon the throne in opposition to the majority of the gentry; most distinctly and certainly in opposition to the great majority of the clergy, and in opposition to the decided opinion of the two Universities. My Lords, I only pray you not to rely too much upon the opinion and support of your party. I earnestly entreat you, to unite together the interests and feelings of all classes of society; and I entreat you to take the first step towards this desirable result by acceding to these amendments which have been sent up from the Commons, and thus establishing your weight, your authority, your power, and your dignity in the feelings and affections of the people of Ireland. The noble Viscount concluded by moving that the amendments be now taken into consideration.

Lord *Lyndhurst* said, my Lords, the noble Viscount, instead of calling your Lordships' attention to the detailed amendments contained in the paper on your Lordships' table, has thought proper to employ the greater part of his speech in a personal attack upon myself, and the course which I have pursued upon this occasion. The noble Viscount has recalled to your Lordships the part in the proceed-

ings which I took with respect to the Roman Catholic Relief Bill, and has pointed out, for disapprobation, as I understand him, the inconsistencies of my conduct with respect to that measure, I can only say, my Lords, that I acted, in the course I followed, with men of as much honour, of as much attachment to the constitution, as deeply read in the laws and history of Britain, as independent in their views and conduct as any body of men that ever existed in this country. When that vast measure was adopted it was adopted by noble Lords in connexion with me, after a calm, cool, and deliberate investigation of the whole question; and because we felt it to be our duty to represent to our Sovereign the necessity of pursuing that course, because we felt that we had no alternative at that moment with reference to the situation in which this country was placed, it was that we adopted that measure. At the time we did it, it is quite impossible to suppose that we were influenced by interested motives, because there was not one among us who did not feel and know that the probable result of the course we were pursuing would be, that we must retire from office, and that the noble Lords opposite would succeed to our position. Still, however, considering the subject, maturely, deliberately, and in all its circumstances, we felt that we were bound to pursue that course. The noble Viscount has stated that I said upon a former night, that the consequences which resulted from that measure were contrary to the expectations which I formed. I repeat that observation. The consequences which have resulted from that measure, the conduct of those individuals who were parties to it, and who were eager for its accomplishment, have disappointed my expectations; and I cannot do better for the purpose of illustrating what I mean upon this occasion, than to recal to your Lordships' recollection a quotation made at that time, descriptive of the consequences that would result from granting the measure of emancipation to the Roman Catholics of Ireland:—

— simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor:
Concidunt venti, fugiuntque nubes,
Et minax, quod sic volvere, ponto
Unda reombit."

That was the quotation made for the purposes of illustrating the consequences that

would result from the passing of the measure of Catholic Emancipation. Mark the effects which have flowed from it, and say, whether they are not directly the reverse of all that are denoted and indicated in the passage to which I have referred. Step by step, since that time, encroachments have been made upon the Protestant establishment, and continued with pertinacious animosity, contrary to the pledges at that time made as an encouragement to pursue the course we then adopted. The noble Viscount further goes on to say, that at the time we entered office, in 1834, we pursued a most unjustifiable course in advising his Majesty to dissolve his Parliament. He made that statement and assertion, but upon what grounds he has advanced the statement, and what are the reasons assigned for the assertion, we are left in utter ignorance. What, my Lords, can be more regular, what more proper, what more in accordance with the principles of our free constitution than this—that when his Majesty is advised to make a change in his Councils, an appeal should be made to the sentiments and wishes of the people of England to sanction and support an act so done by his Majesty? It was in accordance with that principle, almost uniformly acted upon on a similar occasion, that Ministers then advised a dissolution of Parliament. It appears to me a constitutional course, a legitimate course, a wise and proper course to pursue. I state this my Lords, not in opposition to the reasoning of the noble Viscount, for he supported his opinion by no reasoning upon this point, but in opposition to the bare statement and assertion of the other side of the House. With respect to the course we are now pursuing, the noble Viscount has told us that we are not to give way to intimidation or to threats, and yet the greater part of the conclusion of his speech consisted in nothing but a series of implied threats, an attempt to inspire us with feelings of apprehension as to the consequence of the course we are about to pursue. I shall only refer your Lordships back to the commencement of the speech of the noble Viscount, in which, addressing your Lordships in the spirit in which you ought to be addressed, he told you it was impossible to abandon your judgment and opinions upon a measure of state policy from any base and low motives of that description. Contrast that part of his speech with the other—compare the

cool and deliberate commencement with the impassioned declamation with which it closed, and will any of your Lordships doubt which is the course we ought to pursue? What, then, my Lords, is that course? It was pointed out to you by my noble Friend (the Duke of Wellington) when presenting a petition in the former part of the evening. For a series of years the towns of Ireland were governed by a certain form of municipal institutions; both Houses of Parliament agreed that those institutions are vicious, and ought to be reformed. Both have assented to this proposition, but they are not agreed upon the means by which it is to be effected. What is the consequence? The present system must continue till the Houses come to a distinct understanding upon this subject. The noble Viscount seems to conceive that we are to a certain extent bound to follow the opinions of the other House upon this subject. I beg leave to say that this House also represents the nation—that we are no less the representatives of the nation than the House of Commons, which is stated to represent the people, and I believe at this moment, whatever may be the noble Viscount's opinion, that we as fully, and no less fairly represent the opinions, the sentiments, the feelings of the great body of the nation, as their representatives in the other House of Parliament. I feel, and the noble Viscount has expressed, the utmost possible respect for the opinions of the other House, and whenever I have the misfortune to differ from them upon any conclusion of state policy—and I am sure my noble Friends around me are impressed with the same conviction—I feel it to be my duty cautiously to deliberate, and fully to consider that difference; but when I am not entirely convinced by the reasons they allege, it is my duty, as an independent Member of Parliament and of this House, to act according to the dictates of my unbiassed judgment. That is the course I have pursued—the course which the noble Lords with whom I am acting, have, I am persuaded, pursued. It is because we feel that the consequence of the measure as sent up to us originally by the other House, and presented to us in its amended form, would be productive of mischief to the united empire, and of great evil and calamity to Ireland itself, and that it would be fatal to the Protestant interests of that country—it is be-

cause we are impressed with this conviction that we refused to pass the Bill in its former shape, and it is on the same grounds that we are disinclined to adopt the amendments now proposed to us. The noble Viscount employed the greater part of his speech, not in pointing out the bearings of the altered Bill now before the House, but in accomplishing a purpose to which I have referred, and in adverting to what fell from me on a former night. I am extremely desirous of saying something to your Lordships upon that subject. I am desirous of redeeming the pledge I gave with reference to it, and I am conscious that I owe it in some sort to your Lordships as well as to myself to do so, because, as what I uttered at the time was not reproved by your Lordships, I feel that the censure heaped upon me, and the attacks directed against me, are in some sort also directed against your Lordships. First, as to my accusers. The first of my accusers in order of time was a gentleman a Member of the other House of Parliament, who immediately after the Bill was sent down to the other House, was sent off to Ireland as an apostle of agitation for the purpose of creating a movement in that country. Meetings were called, resolutions were prepared, justice to Ireland,—the usual topic,—equality of civil institutions, and those words to which the noble Viscount has alluded, aliens by descent or aliens by blood, or some expression of that kind, were despatched on, for the purpose of getting up a little agitation. Unfortunately, however, the plot did not entirely succeed. But that Gentleman who had been used to missions of this kind, was not without his resources, for, as has been stated in the course of the evening, he threw another ingredient into the cauldron which he knew was powerful in its operation. He created a little bustle for a day or two, which however, happily has, since in a degree subsided. I bear no enmity to that hon. Member; he was labouring in his vocation; and if I had shown any enmity to him, it would have subsided almost in a moment, from the great pleasure I have derived over and over again from his light and brilliant eloquence, and above all from the abundant amusement he has lately afforded me by his felicitous explanations, and the extraordinary drollery by which the end of that statement was accompanied. That Gentleman was my first accuser. The next, my

Lords, was a man of a very different stamp, for nothing can be more strongly contrasted with the well-tempered weapon of the Gentleman to whom I have referred, than the coarse rusty blade of his associate. I have not powers of description adequate to the task of painting him, but I wish I were for the moment possessed of those which the noble Viscount so eminently enjoys. I shall never forget, and your Lordships, I am sure, never will, the portrait which he drew on a former night of this person—how he appeared wrapped in mystery, and heralded by potents, visiting our planet once only in the revolutions of a century—those who gazed upon him, doubtful whether he ought to be considered as a benevolent or as a malignant genius—“a spirit of health or goblin damned.” According to the quotation of the noble Viscount, the noble Lord seemed almost as if he would say, wrapt in a spirit of adjuration, pursuing the quotation—“I’ll call thee king, father!” I wish I possessed the powers which the noble Viscount displayed upon that occasion; but this person has so scathed himself, has so exhibited himself in a variety of postures, not always the most seemly and decent, amidst the shouts and applause of a multitude, that all description upon my part is totally unnecessary. But these exhibitions have not been bootless to him; he has received lavish contributions, I may say, ducal contributions from the connexions of the present Government, while at the same time he has wrung, by the aid of the priests, the miserable pittance from the hands of the starving and famishing peasant. This person has in every shape and form insulted your Lordships, your Lordships’ House, and many of you individually—he has denounced you; doomed you to destruction, and availing himself of your courtesy, he comes to your Lordships’ Bar, he listens to your proceedings, he marks and he measures you as his victims—“*Etiam in senatum venit—notat, designatque oculis ad cædem unumquemque nostrum.*” The person whom these expressions originally had at least one redeeming quality—witness the last scene of his life, if you read it in the description of the historian. Mindful of his former elevation and dignity, so able, so politic, so eloquent, he ever retained the virtue of courage. Where was the accusation against me made, and under what circumstances? At a meeting of the inhabitants of Middlesex, in the midst of the friends of free institutions, those declaimers

for justice—eternal justice—there did he for the edification of his audience, vent his coarse and scurrilous jests at the murder of a monarch, and at the same time and almost in the same breath, insulted by the insidious venom of his flattery the successor of that monarch, our present most gracious Sovereign. Such is the man who has assailed me, such the circumstances under which the assault was made. Another assailant to whom I must allude, is one of some gentler demeanour, of bland speech, of most amiable manners, a little too strongly tinged with ultra-liberalism. When I say the individual to whom I am now referring is my assailant, I mean that he is my reported accuser; for allow me to be incredulous on the subject, and I am quite sure that you will share that incredulity with me. The noble Lord to whom I refer has long been a Member of the other House of Parliament. As a Whig he must have studied the Constitution and forms of that House. As the leader of it, it is his duty particularly to attend to the order and regularity of its proceedings. He is a writer on the Constitution, and knows the importance of preserving the independence of the two Houses of Parliament. Is it possible, then, to suppose that a person so circumstanced should, availing himself of your Lordships' courtesy, come to the Bar of this House, collect words spoken in the heat of debate, and, then going to the other House, there repeat them, and attack and denounce the Speaker of them? Is that possible? Am I not doing justice to the noble Lord in supposing that he could not so have acted? But this is not all: I have another ground for my incredulity. I long had the honour of a seat in the other House of Parliament, and I know well, from my observations of the conduct of the right hon. Gentleman who then filled the chair, that if any individual, whatever his situation in that House might have been, had come from your Lordships' Bar repeating and attempting to observe upon what he had heard there, he would instantly have been called to order. I am now speaking of past times. But I know the right hon. Gentleman, who at the present moment occupies the chair of the other House of Parliament, and am proud to call him my friend. He is a lawyer by profession, and sat for many years on the Whig side of the House, and therefore must of necessity be acquainted with constitutional law and practice. I cannot, then, but suppose that he would have in-

terfered for the purpose of checking a proceeding of so much irregularity as that which has been attributed to the noble Lord. This is my second reason for being incredulous on the subject. But, my Lords, I have yet another reason. The noble Lord to whom I allude, the Secretary of State for the Home Department, presides in some sort over the justice of the country. He must be well acquainted with the first principles of justice, and no principle was more sacred than this—that a man should not be put on his trial in his absence. I cannot, therefore, easily believe that the noble Lord would have made such a charge in a place, where it was impossible for me to answer it. I am not defending the noble Lord; I am stating reasons for believing that the observations attributed to the noble Lord never could have fallen from him. I cannot, I repeat, imagine that the noble Lord had made a charge against me in my absence, when, of course, I had no opportunity of replying to it, or of explaining my meaning. I am the more confirmed in this opinion, when I recollect that that noble Lord is the author of a dramatic work, in which the grand inquisitor is made to boast of the fair manner in which his court is conducted in comparison with ordinary courts. He observes, that even an act of accusation is not allowed to issue against a person until he has been heard in his defence. The poetical lines, my Lords, are these:—

"It does not hold its prisoners accused

"Till they themselves are heard."

I do therefore think, that if that noble Lord had intended to make a charge against me, he would, in common courtesy, and in accordance with the ordinary rules which prevail in both Houses of Parliament, certainly in this, and formerly in the other, not have done so without first giving me notice, in order that I might have had, if necessary, communication on the subject with some Member of the other House. These are the reasons which induce me not to give credit to the report of a charge and accusation having been made against me by the noble Lord. Now, as to the charge itself, what is it? It is this—that I stated as a reason for not granting municipal institutions to the Irish, that "they were aliens by descent, that they spoke a different language, and had different habits from ours; that they considered us to be invaders of their soil, and were desirous of removing us from the country." I made no such statement, nor did I say anything

at all resembling it. No expressions ever fell from me upon which any person, not of a weak intellect, or not disposed to misunderstand and misrepresent what I stated, could have put such a construction. That this was the case is obvious, I think, from the conduct of the noble Lords opposite. What did the noble Viscount (Melbourne) do on the occasion when, it is said, those words were uttered by me? He remained perfectly quiet in his place, and made no comment whatever on what are now considered as most extraordinary and unjustifiable expressions. The noble Marquess, who, it will be remembered, took so active a part in those debates, remained equally silent. In fact, no notice at all was taken of what fell from me on the occasion alluded to, and no such feeling was then excited as attempts have been since made to raise. It is true that the noble Marquess some fourteen days afterwards, and subsequent to the scenes which were got up in Ireland, and before the inhabitants of Marylebone had made an allusion to what the noble Marquess has called "never to be forgotten expressions." [The Marquess of Lansdowne.—It was only a few days after the discussion that I alluded to them.] It was a great many days after, for it was on the occasion, as your Lordships will recollect, of my presenting a petition from a Roman Catholic priest. The noble Marquess then referred to those words, either in censure or in compliment, expressing his regret that I had used them, and his hope that I would explain them, I replied that I had nothing to explain, and that I would satisfy your Lordships that I had never made the statement attributed to me. The charge against me has been repeated this evening by the noble Viscount opposite. Now, let me direct your Lordships' attention to the statement really made by me, every word of which I will completely justify. It was frequently asked during the debates on the Irish Municipal Bill, and on the occasion to which allusion has been particularly made. "Will you deny to Ireland what you have granted to England?" What was the answer given to that question? It was this—that the Ministers themselves have in their own Bill proceeded on the principle of applying different provisions to Ireland, and have refused, in consequence of the peculiar state of Ireland, to grant the same powers to the Irish Municipal Corporations as they granted to the English Corporations. One of the arguments which I used on the evening

alluded to was to this effect—that it was absurd, unless the state of society in the two countries could be shown to be the same, to say that the institutions which are good in the one country must necessarily be good in the other; and I illustrated my meaning by a kind of school-boy reference to the bed of Procrustes. Again, the Ministers proposed to abolish the present Corporations in Ireland: for what reason? Because they are party institutions, and therefore productive of evil. I observed, that there were two parties in Ireland much embittered against each other; and that the establishment of new Corporations according to the Ministerial plan would be a substitution of party Corporations of a new sort, in lieu of those which might be abolished. That was my argument, and that led legitimately and properly to a description of the two parties in Ireland. And what was the description I gave of them? I do not flinch from it; I repeat it. On the one side, I said, there is one fourth of the population of English descent and habits, Protestants in religion, and adhering warmly to the connexion with this country. Is that an accurate description of one of these parties? Who were on the other side? Persons of a different, and, with regard to the English party to whom I referred, of an alien descent. The sense in which these words were used is quite obvious. They differ to a great extent in manners, language, habits, and religion, and they look on us as invaders. I admit that I said they were anxious for a separation, and desirous to drive us from the country. Is this, or is it not, a correct description of the two parties in Ireland? When I gave that description I at least acted fairly. I so thought, and so considered; and who, my Lords, were my instructors? Those persons who now denounce and accuse me. They were my instructors. Who is it that whenever it suits his purpose worked on the feelings and prejudices, arising out of a difference of descent, that called the Protestants of Ireland foreigners, Saxons, Sassenaghs? Who is it that has over and over again, whenever it suited his particular object, declared that he never would cease to excite one portion of the population against the other.

"As long as Popish spade and scythe
Shall dig and cut the Sassenagh's tilth?"

Who is it that has applied, with the same view of exciting a feeling of hostility and antipathy, the term "Sassenagh" to a noble

Lord, formerly Secretary for Ireland, and received from that noble individual such an infliction as recalled to one's recollection the lines in an ancient fable—

*"Clamanti cunctis est summus derepta per artus,
Nequicquam nisi vulnus erat?"*

Who is it, again, that has denominated this Imperial Parliament, both by word of mouth and in writings, a foreign Parliament; has called this House an assembly of foreigners, and applied the same term to the Protestants of Ireland? Who is it, that in reference to this very Parliament, has made use of the term "alien?" He who is now my accuser. This is my defence, if defence be necessary. Who is it, but another of my accusers, that, speaking of Ireland, described the Irish and the English to be divided against each other, with enmity even stronger than that felt by the Welch mountaineers for their Saxon invaders? Who told us that this enmity was not the consequence of a difference of religion, but was hereditary—that it existed when the two parties were of the same religion? One of my accusers. So much, then, as to the description of the two parties into which Ireland is divided. And now as to the use of the term "invaders." Who is it that called the English "invaders of Ireland;" that dated the misery and degradation of that country from the first day when the English banner was planted on its soil? Who is it that called the "union" an atrocious and most abominable measure; that pledged himself over and over again to repeal that union, though every man knows, and no one better than the individual I refer to, that the Repeal of the Union is, in fact, the entire and total separation of the two countries? Who is it that told Ireland that it should not be a petty and paltry province, but a free and independent nation; and that the Saxons should be taught that lesson? My accuser. His cry for repeal is now dropped, his exertions are suspended; but on what terms and conditions? Mark!—"Justice to Ireland." And what description has that individual, within a very small space of time, given of the meaning he attaches to the words "justice to Ireland?" It is this, my Lords,—the complete and entire government of that country by the Roman Catholics, the extinction of tithe in any shape or form, the introduction of the voluntary system, and the entire demolition of the Protestant Establishment in Ireland. These are his terms, the terms on which alone he is content to lay aside his exertions

at present for the Repeal of the Union and the separation of Ireland. Allow me, my Lords, before I leave this subject, to repeat a stanza out of an Irish ballad, which has been quoted in the other House, by the noble Lord to whom I have alluded in reference to this subject. The ballad was sung in the streets of Kilkenny, at the time when a man was being tried for murder, arising out of resistance to tithes.—

*"The day of ransom, thank Heaven! is dated,
These cursed demons must quit the land:
It's now these foreign and proud invaders
Shall feel the weight of each Irish hand."*

Have I not, my Lords, made out what I undertook to establish? If I expressed myself too, strongly on the subject, are not my accusers the very persons who supplied me with the language they now affect to condemn? I now quit this subject, I hope for ever. With regard to the matter upon which your Lordships will have to decide this night, I must repeat what I have already said, that the noble Viscount has not explained to your Lordships the reasons set forth by the Commons in the paper on the Table. He has, however, touched on one point, to which it is most material that I should advert, because I must say, with all due deference to the noble Viscount and the House of Commons, for which I entertain the sincerest respect, that they seem, in my opinion, to have misunderstood their own Bill, and the nature of their own amendments. The object of the Bill was, as every person who read it must have seen, to establish some system of government in Ireland which should insure peace and tranquillity. That was stated to be the object of this Bill in its preamble. How was that to be effected? By the abolition of the existing Corporations (not, perhaps, in terms but in substance, as every person reading the Bill must be convinced), the substitution of other Corporations in place of them, and the separation from these new Corporations of everything connected with the administration of justice, the entire control over which was given to the Crown. These were the three points to which the Bill was directed. It is said that we, by our amendments, have formed an entirely new Bill. Now what have we done? We have assented to the first part of the measure—the abolition of the Corporations; and to the third—the placing at the disposal of the Crown, everything connected with the administration of justice; but we have rejected the second part of the Bill—

the erection of new Corporations; and have substituted something in its stead. How the Bill, as amended by your Lordships, can be called an original Bill, I leave noble Lords opposite to explain. Do we make it an original Bill, when out of the three measures which it embraced we adopt two, and modify or amend the other part of the Bill? But it has been said by the noble Viscount that a vast number of new provisions have been introduced into the Bill by your Lordships, and this point is dwelt on in the reasons of the Commons. But it followed as a matter of course, the moment we decided that new corporations should not be created, that all the details of the Bill applicable to the construction of those corporations should be expunged, and the clauses directly or indirectly bearing on that matter amounted to no less than sixty. Again, there was property belonging to the corporations, the management of which remained to be provided for, and fifty or sixty clauses were necessary for that purpose. It is not, however, the number of new clauses that can make a bill an original one, but the object to which those clauses are directed. The noble Viscount said something about the title of the Bill being changed, and that point is also adverted to in the reasons of the Commons. Your Lordships might be led to infer from the expressions contained in those reasons, that the House of Commons thought that we were not justified in altering the title; yet there is not a single page of the index to your Lordships' journals which does not contain a great number of instances of alterations effected in the titles of Bills by this House. I will refer to one instance. A Bill came up from the other House of Parliament for disfranchising the Borough of Grampound, and for transferring the right to return two Members to the town of Leeds. That Bill, then, embraced two objects: and what was it that your Lordships did? You adopted the first part, and rejected the second; and gave to the county of York the right of returning two additional Members. Of course a corresponding alteration was made in the title of the Bill; and when it went down to the House of Commons, its reception was objected to, on the ground on which these reasons were founded. However a noble Lord got up and said, that the Bill, as sent to the Lords, was directed to two objects—the disfranchisement of Grampound, and the transferring of the right of representation to Leeds;

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the other House had assented to one part of the Bill, and had substituted something in place of the second; and he was of opinion that the Bill, as amended, should pass. Who was that individual? The noble Lord who is now the leader of the Ministerial party in the other House of Parliament. The alteration of the title of the Bill now before your Lordships was also adverted to in a former debate, and a noble Baron opposite (Lord Holland) had cited the Danby case. It appears to me that the noble Baron misunderstood the whole bearing of that case. The House of Commons sent up to the Lords a Bill of attainder, which was converted into a Bill of banishment. The Commons objected to this alteration, and gave their reasons for their objection. I should not be surprised that the noble Baron misunderstood the case, if he stopped at the end of the first reason, which stated, that the Bill appeared by its title to be a new Bill,—that it had been converted from a Bill of attainder into a Bill of banishment. The noble Lord's argument was valid, stopping there, but the Commons proceeded to say that they objected because banishment was not a legal punishment for high treason; that the alteration implied that the Commons had not properly investigated the case; and that if parties absconding from justice should be allowed to get better off than those who remained for trial, nobody would remain for that purpose. It therefore appeared, that it was not the mere alteration of the title which induced the Commons to reject the Bill, but the alteration of its enactments in a manner contrary to law, and calculated to lead to an unfair inference with regard to the House of Commons. As to the Bill now before your Lordships, I do not know what its object is in one particular. There are twenty towns in Ireland to which the 9th of George 4th is proposed to be forcibly applied. Are these towns to cease to be corporate towns? Are their charters to be taken away? I understand that it is intended to deprive them of their present corporate character, but on looking to the Bill I cannot find any clause abolishing their corporations. There are clauses depriving the corporations in these towns of their property and of all trusts under local Acts of Parliament, but I wish the noble Viscount to point out the clause by which these corporations are abolished. There are some observations inserted in the reasons with respect to the clause relating to charitable trusts which appear to me to

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have no proper application to that clause. We made no material alteration in that clause, and I am at a loss to conceive why one clause was struck out, and the original one introduced. But these are details on which I do not wish to trouble the House, because they may be the subject of after consideration. I now come to the two mainpoints for your Lordships' consideration—the application of the statute of 9th George 4th to twenty towns in Ireland, and the giving new corporate charters to twelve large towns in that country. I object most strongly to the forced application of 9th George 4th to any of the towns of Ireland. When our amendments went down to the other House, those twenty towns and other towns in Ireland were left to take the benefit of that Act if they thought proper; but the noble Viscount, and the other House of Parliament, desire to force the provisions of that Act on twenty Irish towns. I cannot bring myself to think that those twenty towns, on whom this forced application is attempted to be made, understand the nature of the provisions of the Act of Parliament; and when we are told that we ought not to introduce an original Bill in the shape of an amendment, what Bill, let me ask, could be more entirely original than this—introduced, too, in the shape of an amendment upon an amendment; and without giving the parties most deeply interested time for considering its effects? The Ministers tell us to act towards Ireland as we do to England; and this very enactment is a violation of the principle which they announce. We have in England a similar Act to the 9th of George 4th; it is called Mr. Portman's Act. Is this ever forced on the people of England? On the contrary, every security was given to the inhabitants of towns, in order that they might not be taken by surprise, and ample time was given to them for considering the effect of applying the Bill to any town. It is only when two-thirds of the population desire the application of this Act, that it can be enforced. But I object to the enactment of the Bill before your Lordships because it forces the 9th of George 4th on the Irish towns actually against the inclination of the inhabitants. The noble viscount himself has stated, that only six or seven towns in Ireland have availed themselves of the benefit of that Act. It appears from that statement, that the inhabitants of towns in Ireland, are not disposed to call that Act into operation; and yet, after they have manifested their unwillingness to have the Act applied

to their localities, the noble Viscount, by a clause in the Bill before the House, proposes to force its adoption on them. It is a clause of taxation, forcing on the people very severe, and, in some instances, oppressive taxation; and on that ground I object to it strongly. Again, the 9th of George 4th. is in its nature a local Act. It corresponds nearly, in all its provisions, with a local Act of Parliament; and how can I assent to apply a local Act directed to such objects to twenty towns at once? Your Lordships have experienced its failure in one of the towns to which it has been applied. The town of Kingstown chose to adopt it; but in a very short time the inhabitants found it to be a most pernicious Act, as far as related to that town, and they applied for an Act of Parliament to stay the operation of the 9th of George 4th in Kingstown, the preamble of which states that that statute had been productive of most mischievous consequences. And yet it is now proposed peremptorily to force that statute on twenty towns at once, with the professed intention of doing justice to Ireland. But it has been said, though I did not hear it with my own ears, yet I know, on very good authority, that it has been stated, that the compulsory application of this statute, the 9th of George 4th, would not be oppressive to the twenty towns specified in this Bill, because the charges which it would occasion would be paid out of the property belonging to the towns, which property is described as being considerable. Now, what is the fact? Six of these towns have no property at all, and nine of them have not more than 250*l.* a-year each; which property is charged with heavy debts, and includes the tolls which are to be abolished. Thus it appears, that fifteen out of the twenty towns have not funds at all proportionate or adequate to meet the charges which would by this Bill be imposed on them. I do say that the measure, as agreed to by your Lordships, leaving it to the towns in Ireland to adopt or not, as they might think fit, the provisions of the 9th of George 4th, is beyond all comparison preferable to this measure of compulsion. I have now only to say a few words on the other part of the Bill, giving new Corporations to twelve towns in Ireland. This subject has been so often considered, that it would be unpardonable in me again to discuss it. I am satisfied that if your Lordships should adopt this part of the measure, it would be productive of the greatest

possible evils. The original preamble of the Bill states the object aimed at to be good and quiet government. Do you believe that by adopting the provisions of this Bill, the towns affected by it would be well and quietly governed? Would the introduction of annual elections, carried on as elections are in Ireland, tend to order and good government, or to tumult, strife, distraction, and party and religious animosity? What would be the constitution of these Corporations? I repeat the argument which in the beginning of the discussions on this subject I urged, and with which I will conclude them—that it would be absurd, after getting rid of the present Corporations, because they are nuisances, are party institutions, to establish in their place party institutions of a nature infinitely more objectionable and mischievous. This is my great ground of objection to the present measure. To what purpose would the new Corporations be applied? Do not the people who govern Ireland say, that every measure must be carried by agitation; and when a difficulty is felt in effecting any object, do they not exclaim “Agitate! agitate! agitate?” If, then, that party should get possession of the government of these large towns, would they not be converted into the most destructive engines of agitation, and most pernicious, as far as the Protestant interest is concerned? But is not this the object of the Bill? Does not the measure speak for itself? Let your Lordships look to its provisions. Why did the noble Viscount create new Corporations by his Bill? Solely for the purpose, as he has said, of creating them. At present the Corporations have nothing to do, except to administer justice. The new Corporations would be deprived of all power in that respect. The business of watching, paving, and lighting, forms no part of the duties of the existing Corporations; that is all performed by trustees under local Acts of Parliament, and is well and effectively performed. What, then, remains for the new Corporations to do?—absolutely nothing, as the noble Viscount has stated himself; but in order to give them something to do, it is proposed to abolish the local trusts, and to make the corporators the trustees. Is it not evident, when those behind the noble Viscount, who push and goad him forward, making him come down to your Lordships’ House, and utter such extravagant speeches as the one he has delivered this night—is

it not evident that their design is to have these Corporations as places of deposit for the purpose of agitation, whenever agitation may be necessary to gain any particular object? If I were one of those disposed to say that tithes should be extinguished, that they should not be paid in any shape, that the voluntary system should be established, that the Protestant religion should be annihilated, and that, as the last step, the “union” should be repealed, as the consequence and climax of those measures, I would assent to the Bill as it has come up from the other House; I would do more—I would say, let the whole thing be accomplished at once; let us not go step by step. If you pass this measure, will you then stop? It will be impossible. Does not every concession you make add power to one party, and render it more difficult to resist the next demand? It is because I foresee, that at no distant period, this measure would lead to the consequences I have stated, because those consequences are in my mind deplorable, destructive to the interest, independence, and integrity of the empire, that I oppose the noble Viscount in what he now proposes to your Lordships. I will not take this first step. It is not a step of peace and conciliation which will soothe discontent, and lull agitation to sleep. On the contrary, it will provoke agitation, by convincing the people of its success, and encourage it by rewarding discontent. It will not disarm the Catholics, it will erect them a strong fortress, and supply them with the means of battering the Protestant religion. I have considered these circumstances with calmness, with caution, and to the best of my ability. I entertain, as I said when I set out, the greatest possible respect for the other House of Parliament—anything connected with or belonging to myself, I would at once surrender to them; but, my Lords, I am here one at least of the guardians of the interests of the empire, and I feel that it is a duty I owe to my country, whatsoever may be the consequences, and satisfied that the consequences of the measure now propounded will be such as I have pointed out, to oppose the motion of the noble Viscount opposite.

The Marquess of *Clanricarde* said, that when he ventured to present himself to their Lordships’ attention, after the eloquent speech just addressed to the House by the noble and learned Lord opposite, he must commence by observing, that elo-

quent as that speech most certainly was, still he (the Marquess of Clanricarde) had never heard a speech addressed to this or any other assembly, which contained less of argument, or more of mere assertion. The noble and learned Lord had accused his noble Friend, the first Minister of the Crown, with having, in the course of his speech, dealt with assertions. Why the noble and learned Lord had himself dealt in a whole series of assertions against the people of Ireland, while he was unable to adduce one fact in their support. He did not wish to fasten upon the noble and learned Lord the expressions as to aliens, or any other word used by him on a former occasion, and justified by him to-night; but he would say, that the speech just delivered advised their Lordships to take a step that was fraught with danger to themselves, and to the country. The arguments of the noble and learned Lord, coming from the party of which the noble and learned Lord was the champion and the organ in that House, contained nothing new; they had been used for the last fifty years, by those who maintained Protestant ascendancy, and who opposed the measure of Catholic emancipation on the same ground as that now urged—namely, that the people of Ireland were not fit to be intrusted with free institutions. A most eloquent and distinguished Irishman, now no more, had described the Tory party of that day thus:—"That party had for a time been removed, when the exertions of the country (Ireland) recovered her liberty, and in an evil hour returned again, when her exertions proceeded to excess; it returned after a long famine, and with all the poison of its old principles. Character of their own to stand upon, these veterans of power had none: but they had the excesses of some of the populace on which to build, and they formed an administration, not on their reputation, but upon the disrepute of the populace." Precisely the same was now the course pursued—charges of disloyalty, of violence, and of outrage were now advanced against the Roman Catholic population of Ireland, as affording ample reasons why they ought not to receive political power. But if he wanted a complete answer to the speech made by his noble and learned Friend to-night, he would read the whole speech delivered in 1829 by his noble and learned Friend, when he advocated the measure of Catholic emancipation, brought forward by the Go-

vernment of which he formed a part. The assertions then made by his noble and learned Friend would entirely overturn and completely contradict the assertions put forth by him to-night. But his noble and learned Friend had said, that he would not go into the details of the measure; neither would he, because the real main question and principle to be this night decided was, whether the people of Ireland were to be treated as the rest of the population of Great Britain—were they to be treated as British subjects, or as aliens? That question, and that principle, he (the Marquess of Clanricarde) warned their Lordships not to decide precipitantly against the people of Ireland. Against the views put forth on this question by his noble and learned Friend opposite, he had his own authority on a former occasion, and had the authority of almost every great statesman that had done honour to this nation—of Mr. Pitt, of Lord Castlereagh, and, in short, of all who had taken part in the passing of the Act of Union, or in promoting Catholic emancipation. But were the opinions of those great authorities necessary to be cited, when his noble and learned Friend had in his speech on Catholic emancipation himself stated, that the admission of Roman Catholics to power was but the sequence, the corollary, to that same Act of Union? Nay, more, the Emancipation Act itself—a measure which emanated from the Government with which his noble and learned Friend opposite was highly connected, specifically (and as it were with a view to the question now under discussion) and directly refers to Municipal Corporations in Ireland. The 14th section of that statute said, "that it should be lawful for any Roman Catholic to be a member of any lay body corporate, and to hold any place of trust therein, upon taking and subscribing the oath in the Act set forth." With this clause in that statute he begged to ask his noble and learned Friend, whether at the time of passing the measure of emancipation, it was intended to cheat the people of Ireland? Was it, then, intended to delude them, by declaring that they should be members of the Corporation, resolving afterwards to tell them that they were not fit to be admitted into Corporations? If that were intended, then he must say, that the measure of emancipation was a cheat—the Act of Union was a cheat upon the people of Ireland. The noble and learned Lord talked of the Roman Catholics as a

party. Grant that they were, but even then, was it on account of their numbers that they were to be deprived of the rights, benefits, and advantages, of free institutions. But he denied that this measure now before their Lordships went to give power to a party—it was not upon party, but upon the people of Ireland that it conferred power. The noble and learned Lord had also spoken of the agitation which prevailed, and the mode in which elections had been carried on in Ireland, and had urged those points as grounds for the deprivation of the people, or that country of the rights even now enjoyed by them. What had been in some instances the mode in which elections had been carried in this country? The noble and learned Lord was fond of citing the Report of the Intimidation Committee, but he would quote another authority. Some years ago two petitions were presented under the Grenville Act, complaining that at each of the then last elections for Westminster outrages had been committed by purposely armed bands, and that even murders had been perpetrated. Upon these petitions not the least redress was obtained—no censure, no punishment inflicted upon the offenders, nor was any measure adopted to prevent the repetition of similar scenes. Still less did anybody propose to disfranchise the people of England, because of these and several similar outrages elsewhere. That being so, he contended, that it was now proposed to attack the people of Ireland because they were thought to be weak, and to rob them of rights which no person would dare to attempt to take from the people of England. Again, the noble Lord relied upon the existence of agitation in Ireland as a ground upon which to justify his proposition. Was agitation, however, confined to Ireland? Had there been no agitation at Ipswich, at Glasgow, at Edinburgh, and elsewhere? Was it not, then, unfair to apply a doctrine to Ireland which no one would venture to apply to England? It had also been stated that the people of Ireland did not desire the maintenance of Corporations. He must deny the assertion, though it was well known that they had long felt the grievances in them, and it could not be disputed that the abuses of corporate trusts had been a constant source of complaint. Still, however, they desired not their destruction. On the contrary, they (to use the language of the great statesman, whose words he had already

quoted, Mr. Grattan) “knew that corporate cities and towns were the mansion and habitation of constitutional liberty.” The noble and learned Lord had alluded to the prosperity of the towns of Manchester and Birmingham, though they were not possessed of Corporations, and on their prosperity he founded an argument that there was no necessity for the maintenance of Corporations in Ireland. Now he would venture to say that no professional quibbler ever took a more frivolous ground of argument. Look what the free institutions of this country had done for the people of England, and the effect they had produced on the genius and character, and habits of the people, and, despite the instances of Manchester and Birmingham, cited by the noble and learned Lord, nobody could be bold enough to assert that by similar institutions and the same laws being applied to Ireland that country would not be benefited. This view had been taken 230 or 240 years ago by Sir John Davis, who had written upon the subject. That learned individual even then said, that “if the laws of England had been applied to and established in Ireland in the time of Henry, of John, or of Richard—if the country had then been divided into counties—if judges had gone half-yearly circuits for the trial and punishment of malefactors—if the fairs and markets had then been assimilated to those of England, and if corporate bodies had been then originated, Ireland would have been really subjected, and a perfect union between the two countries effected.” The writer added, that “Ireland never could be conquered unless she was made subject to one king, to one allegiance, and to one law.” On the present occasion, the same language had been resorted to that had been used in the discussions upon the Roman Catholic Relief Bill by the opponents of that measure. It was then said, and the same argument was repeated now, that by the admission of Roman Catholics to civil power none but Roman Catholics would be returned. But what was the fact? Why, that not one-half of the Irish representatives were Roman Catholics. Upon this point there was one case to which he must advert. There was a corporate town in Ireland situate in a Catholic district—he alluded to Wexford, which had returned to Parliament a Protestant gentleman in preference to a Roman Catholic, although there were many Catholic gentlemen of property and talent amongst its inhabitants, and some of them

members of its corporation. Again, in the choice of corporate officers, the selection had been made there without reference to religious or political distinctions, and of the corporate body there had been elected, after the passing of the Emancipation Act, by a constituency four-fifths of whom were of the Roman Catholic persuasion, four Protestant gentlemen, two of whom were of Conservative principles. Again, also, in the election of burgesses the choice of the same constituency had fallen upon three Protestant and three Roman Catholic gentlemen. There was ample proof that in every instance where there was a free election the Irish people attended as fairly as possible to the merits of the candidates without reference to their religion. He had no wish to intimidate their Lordships, but he did not hesitate to say that on the decision of to-night much of their weight and influence in the country depended. A noble Friend of his, who spoke early in the evening, suggested that it would be better to let the whole matter stand over for another year. But was that the manner in which they could be gravely wished to proceed with this matter? By the amendments which their Lordships had adopted and sent down to the other House, he found that the existing corporate officers would be continued, many of them for life, and yet they were chosen by those very corporators whom the noble Lords opposite declared had so grossly abused their trust. This would be a most dangerous course for their Lordships to adopt. He did not think that the noble Lords opposite rightly estimated the manner in which their conduct was watched by persons out of doors. They did not seem to consider that it was not only their vote, but the argument and the ground on which the vote was given, that was considered elsewhere. The noble Lord opposite said that three-fourths of the people of Ireland were Roman Catholics. He did not think that the just proportion—he thought that five-sixths of the people of Ireland were Roman Catholics. But supposing them to be only three-fourths, the noble Lords opposite said to them, “You shall not have these rights and this freedom, because you do not exercise the privileges you already possess in a way to give us satisfaction;” and he should like to know why not? Because they did not support the party of the noble Lords opposite; because they would not submit to the dominion and control of that party; because they turned that party out of

power. From the time of Mr. Pitt to the present day, the majorities in the House of Commons in favour of the Catholics upon all subjects relating to the grievances of Ireland had been constantly increasing. This was a proof that the people of Ireland knew rightly how to estimate the value of free institutions. He (the Marquess of Clanricarde) did not wish their Lordships to give undue weight to any opinions that might be expressed out of doors; but at the same time he felt that it would be idle for them to rest there, if they did not in some degree attend to the feelings of their fellow-subjects. It was absurd to say that the people of Ireland did not feel strongly and warmly upon this subject. “If you say to them that they are not fit to receive free institutions, you place yourselves directly and at once in a vital struggle with the people of that country. The question is, shall our power and influence prevail, or shall the rights and privileges of the Irish people prevail? I would have your Lordships remember that the people of Ireland are on this occasion backed by the people of England. It is my firm belief, that if the House of Commons had adopted the amendments as sent down by this House, founded upon the reasonings on which these amendments were adopted, the union between the two countries must have been repealed—there would, in fact, no longer be a virtual union between them. If Parliament had said to the 7,000,000 of Roman Catholics of Ireland, ‘You are not fit to possess the free institutions enjoyed by the people in England,’ I think, indeed, that the Roman Catholic population would be unfit to be amalgamated and mixed up with the people of this country, if they submitted tamely to such language, and did not call for a repeal of the Union. If your Lordships follow the course which the noble and learned Lord wishes you to take, you will place yourselves at once in a struggle with the Irish people, who will have enlisted on their side the sympathies of every freeman in this and every other country. It is not the language of threat or intimidation when I say that that is not the position in which any branch of a legislature ought to stand in relation to any portion of the people for whom it is to legislate. I am as sincerely attached as any of your Lordships to the privileges and to the honour of this House, but it is not too much for me to say that I love the liberties of my native country more; and it is my consolation and very comfort to-

night, when I give my vote for the extension of equal rights to my countrymen, to know that I am giving the best vote in my power for upholding the power and influence of your Lordships' House."

Viscount Falkland wished to disclaim any portion of that responsibility which he thought their Lordships would incur by rejecting or materially altering the Bill now sent up to their Lordships for a second time. He was likewise desirous of saying, that the arguments used in opposition to the Bill excited his astonishment. The whole objection raised to the measures of his Majesty's Government amounted to this—that great excitement already prevailed in Ireland—that irresponsible persons used undue influence in that country—and that by the concession of this measure that influence would be exercised in a manner detrimental to the general interests of the empire—and on these grounds it was said, that however plausible might be the demand for equal legislation for the two countries, the circumstances in which Ireland stood did not warrant it. With respect to the state of excitement which prevailed, he admitted and deeply deplored it. He also regretted that the great moral influence which, in a well regulated country, ought to be exercised by the Government alone, should be possessed by an irresponsible individual. But he at the same time felt that in order to remove that undue influence—to weaken the formidable power equal to the Government itself, it was the imperative duty of the advisers of the Crown to endeavour to allay that excitement which served to increase undue influence, and, by remodelling the laws, to leave no reasonable cause for excitement or discontent. Within his recollection Ireland had never been tranquil or quiet, and he was convinced the evil arose, not from opposition to the law, but from the law itself. He believed that if this Bill had been allowed to pass in its original form, the attempt to allay excitement would have been successful, and he still thought, that even as sent back from the other House, it would, if passed, have a most beneficial tendency. With these feelings, and also anticipating very different results from those urged by noble Lords opposite, he was most devoutly anxious for the success of the Bill. If it were passed, he was confident that the discontent which existed in Ireland would subside, and the prosperity of the country be materially promoted, not that he would undertake to say that

the measure would prove a panacea for all the evils of Ireland, but it would tend to their alleviation, and it could not be denied consistently with the welfare of Ireland. Indeed it could not be denied with any degree of consistency or sound policy. Their Lordships had already given to the people of Ireland Catholic emancipation, and they had also granted them an equal share of Parliamentary reform. The people of Ireland were now in possession of those rights, and the power resulting from them. It was too late for their Lordships to think of retreating from the consequences of the measures they had granted. As to the assertion that when Ireland was in a more tranquil state, a measure similar to the present could be applied to the country, he was not, on his part, disposed to question or doubt the fulfilment of any pledge their Lordships might give; but he apprehended that the people of Ireland might not have the same confidence, and instead of the establishment of tranquillity, they would have a strong feeling of dissatisfaction, with all its distracting consequences. In conclusion, he expressed a hope that their Lordships would not place themselves between the people of Ireland and a measure to which they undoubtedly looked with a strong national interest.

The Earl of Ripon need hardly say that the speech of the noble Lord who had just sat down, after addressing their Lordships for the first time, was one which would make their Lordships always anxious to hear what he wished to say whenever he thought fit to deliver his sentiments upon any subject, and if he was not convinced by the arguments which had fallen from the noble Lord in the course of his speech, it was not from the lack of ability or the want of candour with which he had urged those arguments. He had to address himself to certain topics which had been suggested to him by the observations of his noble Friend who had spoken last but one, and who had expressed his fears that by adopting that line of conduct which he seemed to think their Lordships would pursue, they would lose the respect of the friends of freedom, who took a different view of the subject to that which the majority of their Lordships' House were likely to entertain. He certainly should be sincerely sorry if any act in which he participated should expose him to the danger of forfeiting the esteem of the friends of freedom, and he flattered himself that on the ground of the regard he had

shown to the public interest, and especially in the case of Ireland, with respect to the course he had pursued on the Emancipation Bill, he was not likely to take a course which ought to forfeit for him the respect of the friends of freedom. But it was his lot to differ from his noble Friend upon this occasion, taking as he did a different view of the practical effects and consequences which would follow close upon the heels of this measure. His noble Friend had told their Lordships, and in pretty plain terms too, that a refusal to pass this measure would be justly looked upon as an insult to Ireland, and they were told that they would offend public feeling and compromise their own existence. But for his own part he did not entertain the same apprehensions with which his noble Friend seemed to be overpowered; because he believed that the people of England, and the people of this empire collectively, before they condemned their Lordships, before they consigned them to the extinction with which they were threatened, and under the ban of which he was then addressing them, would not forget what the House of Lords had done for the country, and that they had always shown themselves to be the real friends of freedom. It was, as his noble Friend had stated, perfectly true, that in discussing a question of this kind, their Lordships had differed from the House of Commons. But what then? The House of Commons had over and over again differed from itself; and therefore, it surely could not be said that, for that reason, forgetting everything that that House had done to promote the welfare of the empire at large, and the innumerable Bills which it had passed for the advantage of the subject, the House of Lords, instead of receiving credit, ought to get nothing but reproach. There was another reason why he did not feel the apprehension which oppressed his noble Friend. It was indeed rather an old story, but there was nothing said last year on the subject of the English Municipal Bill, when it seemed most advisable to their Lordships to introduce some amendments into the Bill which was sent up to them from the House of Commons. His noble Friend, it was true, had not been sparing of his warnings and admonitions, and another noble Friend, the cause of whose absence he in common with their Lordships deeply regretted, used much more forcible, and, he might say, indignant, language in conveying the same warnings and the

same admonitions. But their Lordships did amend that Bill, although they had been accused, in proposing the amendments which they had thought it their duty to introduce, of an intention to subject it to an emasculating mutilation. Now, was there any honest man who would say that any of the amendments which were introduced into the Bill in its passage through their Lordships' House did emasculate or mutilate that Bill, or deprive the public of those advantages which were expected to result from its adoption? He had been a good deal surprised, he must confess, in listening to the speeches of his noble Friends who spoke from the other side of the House, when he observed, how entirely they had set aside all that had been done to those portions of the Bill to which that House had assented. The object of his noble Friend's argument was to show that their Lordships had destroyed the Bill, and, waving all that had been said and written on the subject in other places, that whereas they had acknowledged that the Corporations of Ireland did not represent the popular voice, in refusing to create new Corporations, they were careless of the feeling of the people, and indisposed to apply a remedy to grievances of which they admitted the existence. But he apprehended that the real question upon which their Lordships had to decide was—what was the nature, and what the peculiar composition and circumstances under which Corporations in Ireland existed, and not whether the constitution and character of English Corporations were suitable to the circumstances of this country. It was perfectly notorious that Corporations were established in Ireland for the purpose, in the first place, of firmly fixing the domination of England; and, in the next place, of establishing in that country the Protestant religion. It was perfectly obvious, that in the course of time institutions founded with a view to the furtherance of these objects might, in a country like Ireland, be found unsuitable to the purposes which they were designed to promote, and that grievances would arise which it would be the duty of Parliament to remove. These grievances they admitted and were prepared to remove, and while they were ready to act on the broad principles of justice, and to remove from Ireland any just cause of offence, their views were not thought inexpedient, but when they were

called on to discuss the second part of the question—what should be done after the extinction of the Corporations now in existence?—it became a question, as he might call it, of common-place expediency, not, as it was pretended, whether justice should be done to Ireland, but whether Corporations should or should not be established there. He was aware what arguments had been used on the other side in favour of the establishment of Corporations in Ireland. He was quite aware that it might be urged, that Corporations were good things in themselves—that they had been good things in England, where they had been lately remodelled, and that, as Ireland was part of the same empire, she was entitled to have the same privileges as the former country. But he was not ready to agree with those who maintained that England had Corporations, and therefore it would be an insult to Ireland if she also had not Corporations. If they looked at the functions which a Corporation had to perform, they would see that good internal regulation and quiet government were among the first objects which municipal government ought to secure. Among these objects we might naturally turn to the ordinary objects of a municipal form of government—namely, the lighting, paving, and cleansing of a town, and other objects of that kind. But what was the condition of Ireland with respect to Corporations? The fact was, they were regulated according to Local Acts of Parliament. He would ask, if their Lordships had repealed those Acts of Parliament and transferred the duty to the new Corporations? Far from it, for the words they had put into the clause, said, that whereas it might be expedient to alter the regulations of Municipal Corporations in Ireland, it should be competent (the Act did not say imperative) to the Commissioners under the 9th of George 4th to transfer the powers with which they were invested to the new Corporations, and if it should so happen, as might very well happen, that the Commissioners were not willing to give up the trust which was placed in their hands, he should be glad to know what these Corporations which noble Lords opposite wished to establish would have to do? What had they to do, as far as the Bill went, with the maintenance of internal tranquillity? They actually refused these Corporations the power of voting for a Watch Committee,

at the very moment when they introduced an universal Constabulary Bill. It was impossible that these systems could work together. After all, what was the most important concern? The administration of justice was not to be intrusted to these Corporations. The Bill, which was considered of so much importance that their Lordships were not to be allowed to interfere with it, deprived Corporations altogether of one most essential particular of self-government—namely, the administration of justice. The Corporations in Ireland were not to be permitted to choose Sheriffs or the Clerks of the Crown, and he would put it to their Lordships, whether it was prudent or expedient to create a Corporation which was acknowledged to be unfitted for the administration of justice. There was another point to which he wished to advert—namely, the administration of property. Anybody who heard all that had been said on the subject of Irish Municipal Corporations, might suppose that everyone of the towns to which it was intended to apply the provisions of this Bill were like the Corporation of Liverpool or the Corporation of London. Now, he would take the liberty of alluding to two or three cases in order to assure their Lordships, that a Corporation was quite unnecessary for the welfare of a town. He would refer to the case of Belfast, which was a very wealthy and thriving town. Now, what would be its situation under the new Bill? Everything connected with the administration of justice was conducted through the instrumentality of Local Acts, and the Corporation really had no property to deal with. If, then, the Corporation had nothing to do—if it had nothing to do with the cleansing of the town, nothing to do with the paving or lighting, and no property to administer, he could not understand how this fallacious notion about an insult to Ireland could have originated. Suppose this new Corporation obtained, how were its officers to be paid? Paid they must be, if the Corporations were established; it would be necessary to pay the Mayor, to pay the Recorder, the town-clerk, the town anything; in fact, to find a salary for any office they might choose to create, and next to defray the expences which were likely to be incurred, and which must be incurred, in carrying this Act into effect, and then to apply the surplus revenue for the benefit of the town. But there would be no surplus revenue, it was clear, because there would

be no revenue, and so Belfast must be taxed in order to support a Corporation. And yet their Lordships were told, that if they did not give Ireland Corporations, they would insult her. He was aware, that in one part of the world it was considered an insult to ask a gentleman to pay a debt; but he had yet to learn, that to excuse a number of persons from paying a tax was to be looked upon as an insult. Now, with respect to the city of Londonderry, the whole of the property of the Corporation was mortgaged to the creditors of the Corporation. He did not think that this new scheme would be agreeable to the inhabitants of Londonderry, and he rather thought that they had petitioned against the Corporation with which noble Lords opposite wished to endow them. He would next refer to the case of a Corporation which had some property to administer. That Corporation was the Corporation of the city of Cork, and as it appeared that it had very large property, he had made a memorandum of it which was worth noticing. The Corporation of Cork had property to the amount of 6,237*l.* a year; but in looking at the property of a Corporation, it was very material to consider from what source their revenues were derived. Now of this 6,237*l.*, no less than 4,976*l.* were derived from tolls, from which the freemen of Cork were exempt, and this would leave about 1,260*l.* applicable to corporate purposes. But it so happened that the Corporation of Cork was blessed with a debt, not very large indeed, but somehow or other the debts of a Corporation were apt to increase instead of diminish. This debt amounted to 7,247*l.*, bearing an annual interest of 362*l.* There remained then for corporate purposes about 900*l.*, and after all the necessary expenses had been defrayed, there would remain the mighty annual sum of 103*l.* to pay the Mayor, the Recorder, and the town-clerk. The Commissioners had stated, that this branch of the corporate revenues was falling off, and was extremely uncertain and precarious, and yet this was just the time when they were going to create a new charge on a decreasing revenue. The Commissioners classified these as gateage tolls, as market tolls, and as out tolls, which were not collected without extortion, violence, and oppression, and paid by ignorant and poor persons; and yet their Lordships were called the enemies of Ireland because they did not think it right to establish or support Corporations which

drew their revenues from such sources as these. In the town of Galway the whole revenue of the Corporation was derived from tolls, and if the Bill were to pass, he did not know how the Corporation would manage, because its property was in Chancery, and at any rate he very much questioned whether it were likely to get possession of its income at any very early period. He was therefore, taking all that he had shown to be the case into consideration, entitled to ask, whether they thought that tolls were a safe and available property, and whether they might not, in fact, be said to be dead and gone, condemned as they were by the Bill of the Government, condemned by the Commissioners, and condemned by the Bill which had passed their Lordships' House; and they might depend upon it, that whether this Bill passed or not, it would not be possible to collect tolls. They must perforce abandon the collection of tolls, because they could not get anybody to pay them. There was yet another case to which he would call their Lordships' attention, that of the Corporation of the city of Dublin. Now, any person who was unacquainted with the peculiar circumstances of the case would be naturally inclined to compare the Corporation of the city of Dublin with the Corporation of London. As yet the English Municipal Corporation Commissioners had not favoured their Lordships with a Report of the state of the Corporation of London; but he must say, that he had not heard that there was anything so monstrous in the constitution of the Corporation of London as to require any very sweeping or extensive changes. Alter it as they pleased, they would still leave it all those functions which naturally belonged to a Corporation. They would leave it the control over the lighting, the paving, and the cleansing of the city, the navigation of the river, and the exclusive management of the police and the administration of justice, together with an immense property. But what would be the condition of the Corporation of Dublin? It was to have nothing to do with the paving, nothing to do with the lighting, nothing to do with the improvement of the city; nor would it have any thing to do with the management of the police; for by the Dublin Police Bill, which was passed the other day, the Corporation of Dublin was deprived of any share which it formerly had in controlling and organizing the police of the

city. Now, if a Corporation were to be formed which was not at liberty to exercise these functions, it would be nothing but a mere *caput mortuum*, a shadow of a Corporation; its bones would be marrowless, it would have no speculation in its eyes. Why, gracious Heaven! what was the reason for establishing these Corporations? He knew very well what his noble friends would say—he knew they would say, that the principles of the Constitution required that in all these matters the elective principle should be carried into effect in municipal offices, in order to show the attachment they had to public liberty. He really thought that there was something like a fallacy in that argument. Did not the notion of an elective body depend essentially upon some duties to be performed? Those were the principles on which every thing of that nature was conducted in England; and he would ask, whether it was wise or prudent that Corporations in Ireland should be cribbed, cabined, and confined, and tied down with nothing to do? When Ireland was under Poyning's law, all the forms that were observed in the British House of Commons were maintained, but the Parliament had no power to pass a single Act without the consent of the English Privy Council. Their right to deliberate was rendered therefore almost valueless, and it was therefore no wonder that they asserted the principle for which he was contending, that when there was an elective body they ought to have something to do—a maxim which applied not only to the other House of Parliament, but to every municipal and parochial office. Upon these grounds, without entering into other arguments which might have a tendency to increase the irritation which existed and to aggravate the ill feeling which unhappily prevailed on this subject—without touching upon the topic of the danger that might arise from granting Corporations to Ireland, he felt justified in saying, that whilst he was prepared to act in conformity with the great principle of equal government, which required the destruction of existing Corporations, he considered it highly inexpedient and unjust to establish Corporations which would have no duties to perform.

The Earl of *Winchilsea* declared, that he fully entered into the feelings expressed by the noble Lord who had spoken previously, and was equally impressed with

the propriety of taking every care in putting an end to a system which, however sound and useful heretofore, was yet exclusive—to avoid establishing another which might be equally objectionable in the latter point of view. A transference of such exclusive power was equally as bad in practice as its previous existence. It had been abused, and the wisest plan was to abolish it. He would ask their Lordships, whether it were politic to extend that agitation which had already inflicted such injuries in Ireland, and had afforded to one individual such facilities of exercising his talents, for the disturbance of the social relations of the two countries? That individual had said, that as the Bill for the reform of the Corporations of England was intended to extend the effects of agitation begun by the Catholic Relief Bill, and was introduced as the precursor of similar changes in Ireland, if they now refused to follow it up by the Bill before them, they ought to follow it up by an abolition of the measure of 1829. He heartily hoped that the effect of their Lordships' deliberations that evening would be to correct, as far as lay in their power, the baneful legislative influence that had been thus admitted to interfere in the direction of the national councils, and he hoped they would not forget the argumentative necessity which that individual had impressed on them. He thought that if they looked around calmly and steadily, not only out of the House but within it, they would find a sufficiency of indications to convince them that, in refusing to sanction the continuance of arrangements in Ireland for the purpose of maturing the views of revolutionary agitation, they were discharging a great duty to the satisfaction of all whose influence was real and decisive through the country, and whose approbation was creditable and desirable. He would only ask them to look to the public expression of opinion in their favour, and to proceed in their course of prudent legislation, undaunted by the clamours of individuals. He should not trouble their Lordships with any further observations, and should merely state his intention of voting for the amendment proposed by the noble and learned Lord.

Earl *Grey*: I can assure your Lordships that it is with great reluctance I rise to address you. In doing so, let me first disclaim being actuated by any personal

or party motives. In political contention it has been too much my lot to be engaged throughout life; but I trust I have done with it for ever. The only feeling which actuates me on the present occasion is, that standing aloof as I do from all party passion and bias, I am desirous for a short time to trespass on your Lordships' attention, in the hope that I may suggest something that may allay the heats and animosities which on this and on other occasions have been but too prevalent. I repeat, my Lords, that it is in the true and sincere spirit of peace and conciliation that I now rise to address you. I ask your Lordships if you think that the course you are pursuing is likely to lead to that end at which I am persuaded you all of you aim—the pacification of Ireland, and the general establishment of peace and tranquillity in the empire? Into the details of the Bill which was originally sent to us by the House of Commons, and which was returned by us to that House, I will not say amended, but totally changed, or into the alterations which have since been made in that changed Bill by the other House, it is not my intention now to enter. These are matters which may with more propriety be considered at a future period, if the measure shall proceed. I agree with the noble and learned Lord that there are at present two points for our consideration, although I shall describe those points in terms somewhat different from those used by the noble and learned Lord. The first point is to consider the object and tendency of the measure before us. The next and the more immediate and urgent point is, to consider the measure with reference to the feeling which unhappily has been excited on the subject in the other House of Parliament. As to the object and tendency of the measure which ought to be adopted, I feel that I cannot be contradicted when I state, that the existence of abuses in the Corporations of Ireland being acknowledged by all parties, it is proper that we should consider which are the best means of applying a remedy to those abuses. All agree in that. The difference between us is this—whether we shall proceed by altering the constitution of those Corporations; or whether, that being deemed hopeless, we should entirely abolish them? And here I must dissent from the noble and learned Lord's description of the difference between the two measures—of the mea-

sures proposed by this side of the House, and of the measure carried by the other side of the House. I dissent from the statement of the noble and learned Lord, that the Bill sent by this House to the House of Commons was merely an alteration of the Bill which had been sent by the House of Commons to us. The noble and learned Lord asserted that the Bill, as sent up by the other House of Parliament, involved three principles;—the first, the abolition of the existing Corporations of Ireland—the second, the substitution of other Corporations—the last, the administration of justice. To two of those principles the noble and learned Lord asserted that your Lordships agreed, and that you rejected only the second. Now I put it to your Lordships whether, in rejecting that second principle, you did not reject the whole essential principle of the measure. The state of the fact is this:—Abuses are universally acknowledged to exist in the Corporations of Ireland, which you find it necessary to correct, and in order to correct them your Lordships propose to take from the people of Ireland all corporate institutions whatever, instead of reforming those institutions, so as to leave the people in the enjoyment of the same local rights and privileges as are enjoyed by their fellow-subjects in England and Scotland. Is not this an essential difference from the principle of the Bill as sent up to your Lordships by the other House of Parliament? It may be exceedingly proper to abolish, not entirely but in part, certain of those Corporations; but to destroy all corporate rights and institutions throughout the country would surely be contrary to every principle of policy and of justice. The principle of the measure sent to us by the House of Commons was, that the people of Ireland were entitled to have the same privileges conferred upon them as had been conferred on the people of England and Scotland by the Municipal Corporation Bill. It is most extraordinary that when a proposition is made to correct abuses in ancient institutions, that proposition should be met by noble Lords on the other side of the House with a proposition to extirpate them. Consistently with the political doctrines which had been usually maintained by those noble Lords, they are the very last persons from whom I should have expected such a suggestion. I am far, however, from wishing to cast any injurious imputation upon anybody.

It is undoubtedly true that principles cannot change; but it is also true, as has been said this evening by a noble Lord, that the application of principles may vary according to circumstances, and that under some circumstances it may be considered fit and expedient to pursue a certain line of conduct, which, under other circumstances, would be neither fit nor expedient. That is the ground on which I am desirous of understanding the noble Lords opposite as resting their hostility to the original measure. Into the details of that measure, which have already been so ably explained by my noble Friend, it is not my intention to enter. I have neither the power nor the inclination to do that. But this is the first time that I have heard it asserted that Corporations in Ireland must in any shape be an evil. This is the first time I have heard it asserted that because they have few functions to discharge, they must therefore be dangerous. Hitherto your Lordships have been accustomed to consider corporate dignity as valuable; and I could not have imagined that you would have been induced to deprive the people of Ireland of them by one sweeping act of legislation. It is somewhat extraordinary, also, that the proposition of the noble Lord is neither more nor less than this, "reject this Bill in order that those Corporations which have nothing to do, and which I therefore maintain are a nuisance, and an evil may be continued for at least another year." See, my Lords, the situation in which Ireland at present stands. That there were rights and privileges due to the people of Ireland—rights and privileges established by Catholic emancipation, I have not heard any one deny. That those rights and privileges would be conferred by a great majority of your Lordships, but for the existence of particular circumstances is equally evident. The question is, however, whether, or not, notwithstanding those circumstances, it is sound policy to deny to the people of Ireland, that equality of rights which all acknowledge to be their due? The people of Ireland feel it to be their due—they claim it as their due—they assert it, and justly, to be the natural consequence of the state of freedom in which they were placed by Catholic emancipation. Your Lordships acknowledge this equality of rights to be the due of the people of Ireland—but you withheld it on the ground of particular circumstances. It was admitted by a noble Friend of mine, who

addressed your Lordships for the first time this evening, and in a manner which must induce every one to wish that he may do so frequently, that the people of Ireland, if they were in another condition, might justly claim the same rights and privileges as the people of the other parts of the empire, and that the time might arrive when those rights and privileges might probably be conferred upon them. My Lords, I freely admit, and I deeply lament the fact, that the people of Ireland are at the present moment, divided and distracted. No body feels and laments that fact more than I do. But I ask your Lordships, whether the course which you are pursuing is likely to remedy a state of things, the existence of which we all deplore? I am sure I deeply deplore it. Now, my Lords, I will go further. I will admit, that under the present circumstances of Ireland, the apprehensions urged by the noble Lords opposite, as their reasons for not agreeing to the measure proposed by the other House of Parliament, are not wholly undeserving of attention. I do not pretend to deny, that after long excitement, long agitation, long contention, if these rights are suddenly given to the people of Ireland, they might in the first instance be exercised indiscreetly. But, my Lords, while I allow there may be some ground for this apprehension, I contend that it has been greatly exaggerated by the noble Lords opposite. And what we have to consider is, what must be done for the purpose of rescuing the people of Ireland from the state of discontent in which they now are—what must be done for the purpose of re-establishing law and order in Ireland, and of making the people of that country fit for the enjoyment of the rights which are their due? Now, my Lords, I again ask you, is that an object which is likely to be obtained by the course which you are pursuing? You find the people of Ireland discontented and agitated; you are called upon by them to reform their Corporations; but you will not do so, for fear of consequences; and by your refusal, you continue the discontent and agitation which you wish to see terminated. You admit, that, but for that temporary obstacle, you would adopt the course recommended to you by the other House. Nay, if it were not for those circumstances, it would be a mockery and insult to withhold from the people of Ireland, that which Catholic emancipation taught them to expect. But, my Lords, what will be the

result of allowing the continuance of the existing agitation and discontent? We have been told also that the aversion to the measure proposed by the House of Commons, is nearly general throughout this country. I deny it. I believe that the reverse is the case. I know that there are many persons, not only among those who in general concur in political opinion with his Majesty's present Government, but among those who differ from them, who feel very sensibly the deprivation of right to which the people of Ireland are at present subjected. I have had the names mentioned to me of persons of influence connected with what is called the "Conservative interest," who have put themselves forward in requisitions for public meetings, to petition Parliament to pass this Bill. The people of Ireland are a generous, a brave, and a highly excitable people. My Lords, I will not speak of individuals. It has been too much the practice, of late, to do so in this House. But this I will say, that if there are any persons whose objects are hostile to the peace and tranquillity of Ireland, I do not know how your Lordships could better consult the views of such persons, than by giving them the means of appealing to the sensibility of the people of Ireland, and of persuading them, that they are not treated with equal justice. And here, my Lords, I beg leave to guard myself against being supposed to join in the common-place declamation on this subject—that until the present moment justice was never done to Ireland. In answer to that declaration, I refer those who will exercise their reason, to the course, which, for the last ten years Parliament has pursued—I will not say of concession, for I dislike the word, but of originating discussions, and passing laws, the object of which has been, to give to the people of Ireland the rights, of which they had hitherto been deprived, and which they claimed on the ground of justice. To me, therefore, it appears to be most unjust to say that now, for the first time, justice is done to Ireland. I am quite sure, that my noble Friends in his Majesty's Government disclaim any participation in such a sentiment. I am quite sure, they will not deny, that while I had the honour to be at the head of that Government, a constant anxiety existed to adopt such measures, as might do that very justice to Ireland which it is now said was never contemplated till

this moment. I say, my Lords, that if it be the agitated state of Ireland which deters you from doing, what you would otherwise do, if you wish that agitation to cease, if you wish the people of Ireland to become fit for the full enjoyment of their rights, pass this Bill. To refuse to do so, will be to lead to fresh agitation, to fresh excitement, to render the people of Ireland ten times more unfit for the enjoyment of their rights, and to render the evil which is now comparatively slight and temporary incurable and interminable: until at last, you will find, that that which you are now called upon to do as an act of justice, you must do as an act of necessity, when it will entirely fail in producing that salutary effect, which at the present moment may reasonably be expected from it. I am well aware, my Lords, that in all I have said upon this subject, I have been anticipated by others, and that much more might easily be added; but I will not trespass on your Lordships' time, especially as I am anxious to proceed to that other and most important consideration—namely, what course it is advisable for your Lordships to pursue with respect to this Bill. The noble and learned Lord and the noble Earl opposite have expressed their hopes, that your Lordships will firmly adhere to your former determination on the subject. Another noble Lord has said, that this House should yield nothing to threats or intimidation. In that sentiment I completely concur. If I thought any attempt were making by threats to induce your Lordships to consent to any improper concession, I should be the first man to oppose it. I am anxious to maintain the honour of this House; I am anxious to maintain the just influence of this House; but I know that that honour and that influence can be maintained only by the general respect of the people, and by their conviction that we are exercising our high privileges for their benefit, not for our own. But any attack on your Lordships' House, any denial of your Lordships' legal authority, I should be one of the first to meet. On that point I adhere to the sentiment which I formerly expressed, and which has been frequently quoted, sometimes for the purpose of censure and sometimes for that of approbation.—I feel bound to support the order to which I belong against any unjust attack which may be made upon it. I feel bound to resist any attempt, by undue means, to make us do that of which we disap-

prove. If, for instance, under the name of a reform of this House, a proposition were to be made which would be in its consequences not reform but destruction to this House and to the Monarchy, and if all experience be not false to the freedom of the people, I should be found in the ranks of its most determined opponents. But is there any such danger in the present case? I am sure that if your Lordships will reflect a moment you will acknowledge that there is not. The Bill which was sent up to you from the House of Commons your Lordships entirely changed. You altered its preamble, you altered its principle; and notwithstanding the gloss of the noble and learned Lord, you altered nine-tenths of its enactments. My Lords, such a proceeding as this I can never understand but as a total rejection of the measure, and a substitution of another measure entirely different in principle and character. This is not exactly the way to conciliate. Nor did you alone send the Bill back to the House of Commons entirely changed. You changed it by the introduction of a principle which, after several discussions and divisions, the House of Commons had rejected. Now, my Lords, when you say, that the feelings of this House ought to be respected, you should at the same time respect the feelings of the other House. How did the House of Commons act? They received this altered Bill in a manner and a spirit—I do not speak of the violent conduct of individuals, which I condemn—but the House at large received this altered Bill in a manner and a spirit which I must characterise as that of moderation. They did not immediately reject your alterations. They proceeded calmly to consider them, for the purpose of ascertaining how far, consistently with their own views of right and justice, they could modify the Bill so as to meet your wishes. My Lords, the alterations then made by the House of Commons have not been fairly, have not been generously represented by the noble and learned Lord. It must be evident to every impartial man, that those alterations indicate the desire of the other House of Parliament to go as far as they could to meet your Lordships' objections; and you, my Lords, are called upon to meet them in the same spirit. For what did the House of Commons do? Out of the fifty Corporations comprehended in the original Bill they retained only twelve, and those of the most populous, wealthy, and commercially important places in Ireland. To twenty others

they applied the compulsory enactments of 9th George 4th. To this the noble and learned Lord objected, on the ground that they were free before. But that was not the case. The objection was to the placing of the whole of the property of the Corporations in the hands of Commissioners of the Crown, instead of allowing that property to be administered by Commissioners of their own choosing. This, however, the noble and learned Lord said was a hardship, for that they had an option in the original Bill. That I deny. They had no option. For although they might apply for Commissioners to manage their property, under the Act of the 9th Geo. 4th, still that property was not to be taken from the management of the Commissioners of the Crown, if the Crown withheld its approbation. It was a great amendment, therefore, in the Bill to correct the violence and injustice of taking from all the corporate towns the management of their property, and placing it in the hands of Crown Commissioners. The question for your determination is, whether you will consent, with reference to twelve of the most important places in Ireland, to act upon the principle on which you have acted universally with reference to England and Scotland, or whether you will make an invidious distinction, by which the people of Ireland will find themselves excluded from a participation in the benefits to which they were justly entitled. My Lords, I am not at all surprised at the strong feeling which the course you have taken has excited. I do most seriously hope that you will reconsider your determination, and that you will look carefully at the measure in a sincere spirit of conciliation, and with a desire to see if it be not possible to come to some agreement with the other House upon the subject. The details of the measure may admit of alteration; but what I especially entreat you to examine is, the practicability of leaving the enjoyment of corporate rights open to the people of Ireland, instead of increasing discontent by refusing them. Whatever concessions your Lordships may think fit to make, I hope the House of Commons will be prepared to receive in the same spirit of moderation which they have already manifested, in order that this unhappy question may at length be brought to a happy termination. Recollect, my Lords, that if you have thought it offensive to you that a proposition should be made to you which you had already rejected, the House of Commons

must have felt it offensive to them to have a proposition made to them which they had already rejected. When a difference arises between two co-ordinate branches of the Legislature, how is it possible that such a difference can ever be reconciled, if each sternly and solemnly declares its determination not to yield anything to the other? Under such circumstances what course can be adopted but a middle course, each party giving something and receiving something? The House of Commons have set your Lordships an example. They have given up much. They have endeavoured to remove your Lordships' objections. They now call upon your Lordships to consider the Bill in its modified form. I hope you will consider it, and that you will try whether it may not be made acceptable to both Houses. You fear agitation in Ireland, as the consequence of granting these rights to the Catholics. You fear the creation of what have been called, how wisely I will not say, "normal schools of agitation." I repeat, that I consider your apprehensions to be exaggerated. What is the real state of the case? What means or what opportunity will there be of mischief? The attention of the individuals on whom rights will be conferred by the measure will be chiefly, if not entirely, confined to local matters. In my opinion the effect will be rather to direct active minds from evil to beneficial pursuits. That I believe will be its effect, and at least I am convinced, that there is no reasonable ground for expecting such an increase to agitation in Ireland, as should induce your Lordships to reject the measure. But if you do reject it, does the noble and learned Lord, or does the noble Earl, or does any other of your Lordships imagine that the interval between the present and the next Session of Parliament will not be filled with disaffected meetings, with inflammatory speeches, and with all the other apparatus of agitation, to a degree tenfold greater than we have hitherto witnessed? My Lords, I have already said, that I wish this question to be taken up in a spirit of peace and conciliation; in that spirit I am myself desirous of taking it up. I have not been unwilling to consider how far the Bill might be advantageously modified. There is one suggestion which I will venture to offer to your Lordships, for which suggestion I alone am responsible, not having communicated to my noble Friend my intention of making it, and not having any reason, except the con-

viction of its expediency, to believe that it will be acceptable to either side of your Lordships' House. In the Bill, as it last left your Lordships' House, and as it now stands, there is a clause regulating the voting for auditors and assessors. Now, in another Bill, ordered to be brought into the House of Commons by Lord John Russell, the Attorney General, and Mr. Vernon Smith, a Bill for regulating charitable trusts, there is a clause providing that every person entitled to vote shall vote for only half the number of trustees. I wish your Lordships would consider if it might not be practicable to add clauses to this Bill of a similar character, but bearing on the election of town councillors, which would in a great degree remove the objections to the measure which some of your Lordships entertain. Suppose, for instance, that every voter was restricted to voting for only half the number of town-councillors. The consequence would be, that there could be no exclusive party established, but that a minority in any Corporation, of whatever persuasion they might be, could retain their due share of influence. My Lords, I believe it is an overstatement to say, that even if the Bill were carried in its present shape its effects would be exclusive, because it would be only a transfer of authority from one party to another. Many of the Corporations in Ireland are divided into wards, and in many of those wards the Protestants would have the preponderance, I am told, that even in Waterford, where the Catholics are most numerous, the elections would not be of that exclusive character apprehended. But even if that were the case, the proposition which I have ventured to throw out would remedy the evil. It is obvious, that if a voter were restricted to vote for only half the town-councillors, unless the majority of one opinion could be swelled to two to one, no principle of exclusion could be established. What I propose, however, is, that the voter should be restricted to vote for five-eighths of the town-councillors. My Lords, I throw out this proposition in the crude and ill-digested form it suggests itself to me; and, if it meets with your concurrence, I shall suggest that the further consideration of the subject shall be adjourned to a convenient but early day, when clauses can be introduced into the Bill to carry it into effect. I shall, however, certainly (until I know how far it may be thought proper to come to an agreement of this sort, in

the way of concession) pause before I take upon myself any motion of this sort. And here I should certainly refrain from longer troubling your Lordships, but that there is one other point to which I would beg your particular attention. It was stated by a noble Lord opposite, in presenting a petition in the earlier part of the evening—from whom, by the way, I gather that he has not voted on the previous questions in connexion with this measure—that noble Lord ventured an opinion, that it was not a satisfactory proceeding, and that it was a measure to which he was adverse, to take from the people of Ireland all Corporations, and then he expressed a hope that in another Session some measure which should have the effect of conciliating all parties might be passed. Now, my Lords, let me beg of you to consider, whether, if you see before you the possibility; and, still more, if you see the necessity of being obliged, at some future period, to pass some such measure as this, it is wise or expedient to defer doing so even for another Session? Wait for another Session, my Lords, and what shall we gain in the interval. Have we, my Lords, no experience as to what may be the result of putting off our decision where we see an eventual necessity for concession? How was it with respect to the Catholic question? Was not that measure resisted by your Lordships for years, and were you not in the end compelled—most unwillingly compelled—in consequence of a pressure, that you could not oppose, to grant a much larger measure of relief than was at first called for? But, my Lords, there is a still more recent case, from which we ought, if we are wise, to gather experience—need I say I allude to the Irish Church question? Consider what has been the consequence of your rejection of the measure proposed to you on this subject in the year 1834. Acting upon the advice of those who now call upon you to resist the proposals of the House of Commons, you refused to adopt the Tithe Bill proposed to you in that year; in the next year you found that those very persons who so advised you, were compelled, most reluctantly but irresistibly compelled, to propose to Parliament a measure far more extensive, in regard to the adoption of the principle contended for, than that of the previous session. But that was not all. No, my Lords; by a large majority of the other House, even to that extended measure a condition was annexed—I may say a new

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principle was introduced, from which your Lordships felt bound to withhold your assent, and to which you still object. To that principle, upon the policy or expediency of which I shall at present offer no comment, my feelings and opinions respecting it are well known—to that principle the other House of Parliament continues to pertinaciously adhere, and while you continue to object to it, it is evident no settlement of the question can take place. And now, my Lords, what is the state of Ireland in consequence of this disagreement? Look to the situation in which it has been placed by the decision of your Lordships. The state of Ireland, my Lords, is this: the law is either openly and successfully resisted, or it is enforced in a manner which puts to rout all that good feeling and love of order in which the best Government consists, and in which, as was well observed by Mr. Burke, “the cheapest defence of nations” is centered. My Lords, let us take warning by these results, let us apply ourselves to concession while concession not opposed to principle is open to us—let us apply ourselves to the effecting of an agreement, while the means of forming it with honour and credit is offered to our acceptance. It is with this view, my Lords, I have suggested a measure to your consideration. I think as it is that you might adopt the Bill as it now stands, but with the alterations I suggest I am of opinion that you can have no reasonable ground of objection to it. But “wait,” it is said, “till another session.” Are you sure, my Lords, that in another session the proposals now made to you will give satisfaction to the people of Ireland? Are you sure that you will not then be required to go much farther, and that the concessions you can now make with honour and credit to your legislative characters, will not be forced from you without regard to either the one attribute or the other? I propose a compromise in every way consistent with your honour, and it is in your power now to avail yourselves of it; but if you wait for another session, with all the agitation, with all the clamour that will take place in the interval, I will not answer that any measure of the moderate kind I now suggest will be accepted by the people of Ireland. As one nervously anxious for the maintenance of peace, good order, and prosperity in these realms, as one zealous for the honour, dignity, and station of the assembly to which I belong, I do most earnestly call upon you, my Lords, to consider whether

that peace, good order, and prosperity, and whether that honour, dignity, and station may not be fearfully endangered by your rejecting instead of receiving the Bill as sent back to you from the Commons. Yes, my Lords, these are my concluding words to you. Consider whether some means may not be found by which an agreement might be brought about without the sacrifice of principle, or the concession of privileges. If so, for the sake of all you hold dear—for the sake of honour—for the sake of justice—for the sake of that country in whose tranquillity and prosperity you have from your station a deep and absorbing interest, at once come forward, and by meeting the other House of Parliament in a spirit of honourable concession, at once put an end to a dispute which cannot be continued without danger to that constitution under which these realms have so long prospered; and, my Lords, to come nearer home, without danger to the station in which that constitution has placed you.

Lord *Ellenborough* thanked the noble Earl for the tone and temper which he had recommended so strongly by his authority and example, and responded entirely to the cheers which greeted the concluding sentiment of his address. He must first express, what was not only his own feeling, but the feeling of every noble Lord who had voted against the opinions of the noble Earl upon the first discussion of this question, namely, that nothing was further from their feelings than that of disrespect to the House of Commons in the manner with which they had dealt with the measure. He did not wish to revive feelings which must have been excited by the expressions which, unfortunately, had fallen from the noble Viscount who spoke at the commencement of this debate; he would much rather bear in mind the expressions which had fallen from the noble Earl who had just addressed their Lordships' House, because he agreed with that noble Earl, that in order to come to a correct decision upon this question, they must conduct the discussion in the way in which he had described, with temper, calmness, and serious reflection. The points of difference between the House of Commons and their Lordships were easily enumerated. He should endeavour to meet and reconcile them where possible; and he should concede everything which he could for the sake of conciliation. The House of Commons and their Lordships' House were of perfect agreement in some respects in regard of the measure under

consideration. The House of Commons for instance, voted the abolition of all Corporations in Ireland. The House of Lords did the same. The House of Commons had thought fit to separate the judicial functions in cities and towns in Ireland from the administrative functions of each locality; so did the House of Lords. Thus far there was a complete agreement between both Houses on two most important points. But the House of Lords and the House of Commons could not agree on one principle—on one principle alone they essentially differed. The natural and usual course for the House of Lords to have taken in regard to a difference of the kind was to reject any measure in which it was on the second reading. But they did not choose to take that very obvious course in regard to the present measure. They did not do what the noble Earl opposite, or those noble Lords who supported the Bill, might perhaps have termed a discourtesy or want of due deference to the House of Commons. On the contrary, they paid every respect to its opinion of the great importance of the Bill, and took as conciliatory a course as could be followed. They suffered the Bill to be read a second time—they allowed it to go into Committee—and then they proceeded to make those amendments in its enactment which they deemed necessary to insuring its efficacy for the object for which it was intended. They thought that course would be much more respectful to the House of Commons, and they adopted it accordingly. In all this nothing could be farther from their thoughts than any appearance or intention of disrespect to the House of Commons. He would be very glad to have it in his power to accede to the suggestions of the noble Earl opposite, but their practicability should first be considered. He should ask their Lordships to look at the nature of the propositions before they adopted them, and also to the character of the amendments submitted to their consideration by the other branch of the Legislature. The House of Commons and the House of Lords agreed in one thing—that Corporations in Ireland should be abolished. There was no difference of opinion between them as regarded the principle. Did the amendments on the measure under discussion adhere to that agreement? On the contrary, it reserved Corporations in twelve cities and towns. The Bill sent down from their Lordships was more in unison with the principle than that returned by the Com-

mons; and therefore no charge of departure from it for the sake of disagreement could fairly be brought against them. The House of Commons and the House of Lords agreed on the principle, that the administration of justice should be separated from the local administration; and that it should be entirely under the control of the Crown. There was no difference there either; and he was disposed to acquiesce, therefore, in the objection of the House of Commons to the amendments of their Lordships in that respect. The noble Lord opposite had said, that the difference between the House of Lords and the House of Commons, was not whether there should be a local government in the cities and towns of Ireland, but whether it should be of the form pointed out by the latter; and the noble Earl, in stating it, had stated rightly and clearly that there was no objection on the part of their Lordships to a local government in the cities and towns of that country. The difference, then, was as he had stated, and the only question was on the form. The House of Lords placed the surplus of corporate property under the control and at the disposal of the Commissioners appointed by the 9th George 4th; but the noble Earl and the House of Commons said, that the whole of the property, and not the surplus alone, should be so appropriated. In that arrangement he (Lord Ellenborough) was disposed to acquiesce; and therefore that objection was got rid of at once. There was another objection by the House of Commons with respect to the amendments and the clause concerning composition. Their Lordships had thought it right to introduce these amendments, and he believed that they bettered the Bill; but as the House of Commons thought differently, and as it was opposed to them strongly, he was of opinion that there would be no hesitation on the part of their Lordships to forego them, and to re-introduce the clause in the form and in the very words in which it originally came before them. So far for that cause of disagreement. Another clause, that respecting the retention of certain officers in the employment or under the control of the present Corporations, weigh-masters, &c., was the next which the House of Commons objected to, as amended by their Lordships. Their Lordships, in amending that clause, had considered that some of these officers, though acting under the Corporations, were appointed and empowered under certain Statutes; and doubt-

ing, therefore, whether they could strictly be termed corporate officers, or these officers corporate officers, they had given them the benefit of the doubt, as it was but justice to do, and retained them in their situations. It was thought right by their Lordships to do so, and he perfectly agreed with them in the principle; but as it was not a point of paramount importance he did not choose to differ from the House of Commons on it. On that, also, he was disposed to yield his own opinion for the sake of peace, and make that sacrifice for the purpose of conciliation. The noble Earl opposite would now, he trusted, perceive that, consistently with adherence to primary principles, there was every wish on the part of the House of Lords to meet the views of the other House of Parliament on the subject, and he hoped that those who charged it with the contrary would do it the justice to retract their wrong opinions. The noble Earl had concluded his speech by a proposition, which he stated that he had communicated to no one previous to his propounding it to that House. The noble Earl was, of course, quite correct in what he had stated with regard to it; but still he felt bound to say, that the matter of it was not new to him. He had heard it before; he had heard it some time since, and he had always considered it as the principle on which the two Houses of Parliament were most likely to come to a compromise. The opinions of the noble Earl agreeing with his on the subject strengthened him the more in that belief, and he had now little doubt of it. But he still thought that the propositions of the noble Earl should be accompanied by other provisions, to make them acceptable to their Lordships; he was of opinion that, unless they were modified by suggestions to be found in other Acts of Parliament, they could not consistently be adopted by that House. If these modifications were made in them—if these provisions were sought out and added to the propositions of the noble Earl—it would be found that a cheap form of local government, open to no objection—a form of government which would leave no room for the bitterness of religious or political party strife—which would afford no facility for agitation, might be obtained and substituted in the place of the abolished Corporations; and that Ireland, under its influence, would enjoy peace and tranquillity. But, notwithstanding what the noble Earl had alleged, he did not conceive it would be possible to come to any satisfactory arrangement of the

question in connexion with the Bill immediately before the House. The House of Commons had sent the measure to the House of Lords, incorporating in their amendment of it the 9th Geo. 4th. That Act contained a voluntary principle, and of course was only applicable to the cases for which it was framed and intended. Yet what did the amendments propose to do? To make that voluntary principle compulsory; in other words, the House of Commons required the House of Lords to force a voluntary principle on the acceptance of a people; and to compel twenty cities and towns in Ireland to accept it whether they willed or not. If the Legislature contemplated a compulsory measure, he need not observe that they would not frame it as a voluntary one; the measure proposed to be forced was framed on the voluntary principle—therefore it was entirely and completely inapplicable to the purpose for which it was intended. Besides which another strong objection might be taken to it. It forced an anomalous form of local government on those towns and cities which did not desire to accept it. Perhaps that might weigh with the House, in addition to the other objections to it which he had stated. To frame a general Statute, applicable to the case of Ireland, founded on the suggestions of the noble Earl, would require time and due consideration. The House was not in a position to draw up one which would meet the view he took of the case, in consequence of the course of proceeding taken by the House of Commons. To adopt the measure on the table would not, in his opinion, be doing what all desired to do—equal justice to Ireland. No one believed that the same measure which would be efficacious as applied to England, would have the same effect as applied to Ireland. From the variety of circumstances in which the latter differed from the former, there was no parity between them. No sane legislator would say, for one moment, that the same object—good local government, for instance—could be attained in both by applying the same means to one as to the other. If their Lordships wished to have contentment in Ireland, if they wished to have peace among its people, they would frame a system of local government for that country, which would have the effect of excluding religious or political partisanship, and putting an extinguisher upon agitation. If they framed any measure to that end which would not effect those salutary

purposes, they would be injuring rather than serving Ireland—they would be bestowing a curse rather than a blessing on it;—the boon would be bitterness and evil. He did not see how the House could proceed with the Bill, to effect the object embraced by the suggestions of the noble Earl; but he thought that that object might be still effected in the following manner:—If a motion were to be made by the noble Viscount opposite for an adjournment of the further consideration of the question for several weeks, to give him and his colleagues time and opportunity to frame a measure which would be duly considered, and worthy of the adoption of the House, he thought it would give satisfaction to all parties. It was quite clear that the details could not be considered at present. That there was every disposition on the part of the House of Lords to concede to the other branch of the Legislature, where the sacrifice of a great principle was not required, he hoped he had no occasion further to insist on. The object of both was the same; the good government of the people of Ireland was the end proposed by each, but the means advocated were different. He was most anxious that the people of Ireland should have all that their most ardent advocates desired—good local government and equal justice; but he would give them these things, not in the way proposed by the House of Commons—not in the way suggested by the noble Earl—but in the way which he thought best adopted to secure them. Unless those modifications which he had suggested were identified with the noble Earl's proposition he could not consent to its adoption; neither could he consent to accept the measure as returned to their Lordships by the House of Commons. If his Majesty's Ministers were really willing to avoid any cause of difference between the two Houses of Parliament—if they were sincere in their wish to give good government to the people of Ireland—if they truly desired to promote the peace and happiness of that country, they might effect those objects by the means he proposed—moving an adjournment of the question, and then bringing in a Bill framed in a different manner, and capable of meeting the exigency of the case; framed perhaps partly upon the proposition of the noble Earl—partly, perhaps, upon the Acts of Parliament to which he had alluded; one which would meet the views of both branches of the Legislature, and give satisfaction to the people of Ireland.

Lord *Holland*: The noble Lord who has this moment sat down commenced his speech with a very just and feeling encomium on the temper, candour, and good feeling evinced in the observations of the noble Earl who preceded him in the debate—an encomium, my Lords, in the propriety of which I believe there is none present who will not concur. The noble Lord then very kindly proceeded to display a little candour of his own, and he told us of a variety of instances in which he had shown a great disposition to meet the concessions of the Commons. "In all little, minor things," quietly observed the noble Lord, "we concede with a most lavish hand; but with respect to principle, there we cannot yield at all." Yes, my Lords, I repeat it—with respect to principle they will yield nothing at all. Now allow me to state what has been the nature of this transaction in the consideration of which we are at present engaged. The House of Commons sent to you a Bill founded on certain principles. The one principle was, that it was expedient to do away with the corrupt Corporations that at present prevail in Ireland; and the other that it was desirable to grant to the people of Ireland living in towns, local Corporations, responsible to and founded on popular election. The latter of those principles the proceedings of the noble and learned Lord opposite upon the Bill being so sent up to us, called upon the House of Commons to give up. The House of Commons does not give up that principle, and when they tell us that they cannot give it up, the answer of the noble and learned Lord and his Friends is—"We will grant you a concession upon all the details of the measure upon which we are at variance; but upon this principle, of giving the people of Ireland the advantage of local Corporations—this principle which you say is indispensable, and which you tell us you will not surrender—upon this principle we will not give in." The noble and learned Lord says precisely to the House of Commons what Mark Antony said to Ventidius.

"I will allow you licence of free speech,

But for your life no word I like not."

This is the principle on which the noble Baron who last spoke would meet the House of Commons. I must, however, do him justice. I must admit that he does not seem to adhere so entirely to

this principle as some others by whom he is surrounded; for if you consider his speech well, he evidently agrees much more with the noble Earl who sits behind him, and who admits that we may consider this measure next year, than he does with others of his party. Why then, my Lords, what are we to gather from this? Why, that all this sturdiness on the subject of principles resolves itself into this: "I will not give it up this year, but I hold out to you the chance of my doing so in the next." This is the sort of hope the noble Baron holds out—this is the wise and plausible course he proposes, with the view of conciliating the branch of the Legislature with which we are at issue. The only result of such a plan will be general—in every sense general dissatisfaction. It will please no one. It will not satisfy those who have the principle of the annihilation of the existing Corporations deeply at heart, and who think that Ireland does not deserve to be treated like England, and to have its people intrusted with the management of their local affairs. And still less will it please those who think that such a principle is founded in justice, and that it is rendered necessary by the present state of Ireland, that the laws of the two countries, in this and in every other respect, should be as closely as possible assimilated. Neither of these two parties will the noble Lord's proposition satisfy. In fact, my Lords, his plan seems to me to unite all the meanness and pusillanimity of a compromise, with all the rashness, folly, and obstinacy of pride. I think the suggestion of the noble Baron is the very worst that could have been proposed. I know well that we labour under considerable disadvantages in attempting to dissuade men who have taken up a false position, from persevering in their error; and that, therefore, I shall have much to contend with in persuading your Lordships to reconsider your former decision upon this question. But actuated by the belief that the present is the last opportunity you will have of repairing the injury you have done to your legislative character, and that the step now taken must decide the position your Assembly shall hereafter occupy in the estimation of the people, if not in the constitution of the Legislature, I have resolved to encounter these difficulties, and to make that attempt. My Lords, I have somewhere read, that there is no instance in which greater proof of the favour of the gods is

afforded to a general, than where an unexpected opportunity is afforded him to retrieve a false step. My Lords, I think that opportunity is now afforded to us. I must say, I think the House of Commons, in reference to this Bill, has acted with a temper that does its Members immortal honour, and with a good sense and judgment which it should become the object of every Assembly in this or any other country to imitate and rival. The course which that House adopted has been this—not allowing itself to be carried away by the consciousness of its power, or the dictates of anger; it has sent up to us such amendments as it conceived were best calculated to meet all the objections that you made to the Bill, consistently with the principles upon which it was originally framed. These facts have been so ably and distinctly stated to you by the noble Earl who last spoke from this side of the House (Earl Grey), and they are at the same time, so obvious, that I will not trouble your Lordships with any further observations upon them. I cannot, however, help observing, that we have not as yet, this evening, reverted to the real question at issue. As yet, the whole discussion has turned upon a point of honour—upon a trifling consideration of dignity. God forbid, my Lords, that I, or any man in this House, should recommend you to adopt any thing from intimidation or clamour; but I see no intimidation in what has been proposed; and if there be clamour, it is but the clamour of a friendly voice importuning you to reconsider the steps you have taken. But what is the real question awaiting our decision? It resolves itself simply into this:—"Are the principles which induced your Lordships to introduce amendments into the Bill originally sent up to you, compromised by your assenting to the measure as it stands?" And here, before I proceed farther, let me assure you that I do not wish to depart from the temper and moderation so commended, and, I must add, adopted, by the noble Baron who preceded me. I must say, I perfectly and entirely agree with the noble and learned Lord (Lyndhurst) that it is highly unparliamentary, improper, and irregular, to allude to what another does or says in his absence, and when he can have no opportunity of defending himself if wrongly accused, or setting himself right if misrepresented. I confess, that often in the present and in former

Sessions, I have felt great regret, that, forgetful of the *soubriquet* which some of your Lordships have been facetiously pleased to attach to my name—that of a "Lord of order,"—I did not interrupt a great many noble Lords in the observations they indulged in; and I confess, that had I, in this respect, discharged my duty, the noble and learned Lord, who this evening so eloquently preached forbearance, would have come under my ban. My Lords, it was with something like surprise, that I, in the course of the speech of the noble and learned Lord to whom I allude,—a speech abounding, I must say, in wit, and eloquence, and quotation; but, unfortunately, equally replete with invective and abuse—I say, my Lords, it was with surprise and, indeed, with regret, that I heard in that speech, observations rendered cruel, unworthy, and offensive, by the circumstance that they were levelled against a man who, in all probability, was not present, but who, if present, could not rise to defend himself. My Lords, in what has consisted one-half of the arguments which the noble and learned Lord used; nay, what has been the nature of almost every argument used by the other side of the House during the last two years? I shall answer my own question. It has been one continued outpouring of invective and abuse against an unfortunate individual, who was not present to defend his conduct. The individual to whom I allude, has been in words, but in words alone, accused of sedition, disrespect to the law, nay, high-treason itself; and in his accusation, every term of contempt, of scurrility, and of abuse, has been raked up with an eagerness worthy of a far more worthy cause. My Lords, the person to whom I allude may deal to a great degree in scurrilous language for aught I know; but I am sure that others use language of as strong a character in abuse of him, as he can in abuse of any man or thing existing, either in reality or in imagination. It was the boast of Falstaff, that he was not only witty himself, but the cause of wit in others. Following his example, loudly may Mr. O'Connell—for I need not say it is to him I allude—boast, that if he is indecent, improper, and intemperate in the language he occasionally employs, he has the satisfaction of making grave and respectable persons, ex-Judges and ex-Lord-Chancellors, and other Lords, learned and grave persons

ages, equally, if not more so than himself. But I shall here leave this topic; before I sit down I shall have an opportunity of remarking upon it, and others of the like kind, in a different way, and address myself to the point from which I diverged. I was proceeding to observe upon the object which the noble and learned Lord and his Friends would appear to have in view. It is twofold. The first point they seem to insist upon is, that the people of Ireland are not in a condition to have these Corporations. This was the position of the noble and learned Lord, and to it I must in the first instance address myself. My Lords, I do not wish to allude to any remark made use of by any noble Lord in a former debate, and above all, I should prefer not to allude to what on a former occasion fell from the noble and learned Lord. I must, however, say, that the feelings, and the arguments which those feelings too plainly prompted, as to its being childish to legislate with respect to Ireland, as you would for England, because that three-fourths of its people were of a different religion (I forbear to use the stronger expressions), was one in every sense unworthy of that noble and learned Lord's ability and station. This observation was confined, it should be observed, to the question of Corporations. He did not appear to think it would be bad policy to assimilate the laws between the two countries in other respects; but to give the people of Ireland Corporations like those accorded to their brethren of England, that idea was childish. Such a proposition deserved but to be scouted. Now, my Lords, I must say this seems to me to be rather an odd way of legislating on this subject. But even putting this consideration (no very absurd one, by the way) out of the question, how weak, how trifling are the arguments of the noble and learned Lord and his colleagues in opposition. The noble Lord tells you, that it would be highly inexpedient to grant Corporations to Ireland on the plan proposed by the House of Commons, because, forsooth, three-fourths of the people of that country were aliens in blood, religion, and language, or, in other words, because he expected, that into the hands of those three-fourths the proposed Corporations would fall. Indeed, now that I recollect myself, the noble and learned Lord had distinctly stated, that he was not disposed to give Corporations to Ireland

on the same principle that they were given to England, because, if so, their management would fall into the hands of the majority—namely, the Catholic majority, and so give them a triumph over the Protestant party. Now, my Lords, in the name of reason and common sense, let us examine this argument. It is maintained—we Whigs (as we are called, and I see no reason why I should not adopt the term) maintain that the government of towns and cities ought to belong to the inhabitants or people residing in those towns or cities. We are now, all of us, agreed that the abuses and corruptions of the existing Corporations (forgetting, by-the-by, that those abuses and corruptions arose entirely from the circumstance of a paltry oligarchy being the usurpers of just rights) should be swept away, and the question between us only is, as to whom the power of local management shall be entrusted. We, on this side of the House, contend that the majority of the residents in the towns have a title to this privilege. For what do you on the other side of the House hold out? By admitting, that the existing Corporations should be abolished, you, as a consequence, acknowledge that those who now hold the reins of power are unworthy of their trust. It is admitted, that they are an exclusive body, and, consequently, undeserving of being retained in power. The natural presumption then would be, that those who admitted the exclusiveness of the existing bodies, would seek to remedy the defect by opening them to the great body of the inhabitants at large. But no! They tell us with one breath, that we must not call into existence the corporate system proposed by this Bill—because, forsooth, the three-fourths of the population in whom it was proposed to vest the new bodies, were of an exclusive sect, while with the next they inform us that for the same reason the remaining fourth were unworthy of the trust. You are not to have in power one-fourth of the population, because they are exclusive. You are not to have in power the remaining three-fourths of the population, because they would be exclusive. Who, then, my Lords, are to be the governors, if the majority are not to be? We are told, gravely told, that neither the large portion nor the small portion are worthy of the trust. Who, then, are so? Why the result must be a despotism—nay, the very

worst species of despotism. But I wish, without farther delay, to come to the main object of the noble and learned Lord and his colleagues. My Lords, the real object of those noble Lords seems to be founded on two propositions, both of which appear to me absurd and fallacious. The one is, that Corporations responsible to and elected by the people of Ireland are calculated to prove but hot-beds of sedition, tumult, and agitation. The other is, that the privation of the advantages arising in England from such bodies, is sure to secure tranquillity and prosperity in Ireland. Now, my Lords, both of those principles are contradicted by reason and truth, and are, in fact, most extravagant paradoxes. On a former occasion I endeavoured to prove, from history, that those propositions were capable of direct contradiction, and since then I have much reflected on the subject in the hope of discovering an historical illustration of my position nearer home than those I on that occasion mentioned, and I discovered one well adapted to my purpose. It refers to a city of no less importance than the city of London, and to no less a personage than the celebrated John Wilkes. Now, my Lords, let us look what was the conduct of that person when unconnected with the corporation of London, and when he was a Member of it, and let us see if we may not judge therefrom of the effect of these "normal schools of agitation." I shall not go through the very long history of the hon. Member's life, though it is very important as regards the history of the times, and let me add, very instructive. It will suffice for me to commence my narrative from the period when, after being outlawed and exiled, he returned to this country on the eve of a general election. It pleased him, outlawed as he was, to set up for the city of London. What was the consequence? He was beaten by a large majority, as might be expected. Upon the poll being declared, the Government thought it their duty to take fresh proceedings against him, and in consequence he was arrested. Here his triumph commenced. Immediately on his arrest, he began to be regarded as the victim of persecution; and the mob, ever ready to assist the apparently unfortunate, having rescued him from the sheriff, a scene of riot, confusion, and violation of the law, such as, by the way, no town in Ireland

presents now or heretofore an example of, commenced in the good city of London. The mob paraded him in triumph through Mary-la-bonne, Westminster, Lambeth, Southwark, and Middlesex; their Lordships perhaps recollected, "*Numeris fertur lege solutis*," in fact, they paraded in all parts of the metropolis but the city of London, where the normal schools of agitation prevailed. Shortly after this event he stood for the county of Middlesex, where there was no Corporation to resist him, and although he bore with him the character of a slanderer, a blasphemer, and the insulter of Royalty even in the palace, and had thrown the whole country in a state of confusion and uproar from which it did not recover for ten years, he was for that county returned to Parliament—and for that county—through the good humour and good sense of Lord North—sat in the House of Commons. But he sat not only there. He also succeeded in obtaining a seat in the Corporation of London, having been chosen not only an alderman, but the Lord Mayor of the great metropolis.

"*Fuit Ilium et ingens gloria Teucorum*."

Well, my Lords, in the year 1780, a period of carnage and horror, such as, I believe, finds no parallel in history, followed by a scene of conflagration and ruin which for ever must disgrace this country, took place. This event, though it has been so alleged, was not urged on by any Catholic priest, or by any Catholic agitators. No, my Lords, it was the cry of "No popery" that was nearly laying in ashes at that period this great metropolis. And to whom did the Government in their emergency have recourse to check this scene of bloodshed. To the agitator, the blasphemer, the slanderer of Royalty and the leveller of good order and good institutions—John Wilkes. The then Lord Mayor of London had a constitutional timidity which prevented him from taking any decided step, and the Horse Guards had scruples about marching troops into the city without a warrant from a magistrate. The civic functionary could not be found, nor was he willing to sign the warrant. An attack on the Bank of England was known to be in contemplation, and the city and all it contained seemed devoted to destruction. Where in this emergency did the gentlemen go?—where but to the incendiary, the outlaw, the blasphemer. Wilkes at once came forward, and on being told that the troops could not march

without a warrant, said "Well, they shall have one. I, as an alderman, am a magistrate of the city of London, and I will not only sign you a general warrant, but myself march at the head of the troops acting under it." Thus, my Lords, did the man who for ten long years they had been abusing day after day in the House of Commons—whom they had described as an agitator, a breaker of the peace—the man whom they had called every bad name and loaded with every opprobrious epithet, save the city of London from the fury of a mob, and the torch of the incendiary. And how was it, my Lords, this change was brought about in him? By his becoming connected with the Corporation. He became not only a pupil in the school of normal agitation, but an actual usher; and the consequence was, he felt responsible for the honour of his order, and he determined to maintain it. My Lords, these are my morals to be derived from this history. There are some, perhaps, present who sat in Parliament at the period to which I allude, and I should not be much surprised if I now spoke in the presence of some who turn up the whites of their eyes, and affect the utmost horror at the idea of drinking a glass of wine or bowing or shaking hands with an agitator, who did not think it any disgrace to have the good city of London saved by a blasphemer and an abuser of royalty. My Lords, I have not been speaking of Mr. O'Connell, but of John Wilkes, though I admit *mutato nomine*, the same story might be told of him; and yet, my Lords, such is said to be the reason for denying to Ireland the advantages of good government. With respect to the proposition for postponing the question of Reform in those Corporations, I confess I should not be inclined to leave them for another year under the government of those persons whom I will not advert to more particularly, lest I might be betrayed into that species of language which I have already alluded to as having been used by Mr. O'Connell on the one hand, and against him on the other. I confess I am not inclined to hand those institutions over to this band of corporators for another year; for, during that time, I believe they are just the sort of people who would be likely to revel in a good deal of iniquity. I do not believe that the danger which has been represented as likely to accrue to your Lordships' House from agreeing to the measure, as sent up

from the House of Commons, is at all to be apprehended. My Lords, I will not attempt to use any very strong expressions on this subject. I will say that my affection and regard for this House—my respect for it as a useful branch of the Constitution—have grown with my growth, and strengthened with my years. It would be more than marvel if I did not deeply feel the great indulgence which I have received from your Lordships ever since I have taken a part in your debates; and, indeed, I feel more particularly sensible of it, since I presumed to take part in those debates with a shattered frame, and still more shattered constitution. But I pray of your Lordships to remember that it is not for yourselves you hold the power and distinction with which you are invested; and that it does not suit your dignity to meet the measures which come before you with a proud and repulsive rejection, and with harsh and violent language. You should remember that the chief reproach which you make towards those whom you charge with using such language elsewhere is, that they attempt, by calumny and vulgar abuse, to punish those who have not exposed themselves to the punishment of the law. If you yourselves indulge the full extent of your feelings, because you are exasperated with such persons, do you not stand convicted of the very offence with which you so indignantly charge them? If this House should act upon such a principle, if it couple with adverse votes, violent declamation and invective of this sort—if we tell three-fourths of the people of Ireland "you are three-fourths of a nation, but we are in no degree bound to administer to such a class of people as you the same laws and the same justice which we give to the others," would not those three-fourths of the nation have full reason to complain of a wrong done to them? It is pitiful to talk about the Bill as it originally came from the Commons, or as it now stands,—legislating in one way for one part of the country, and in another way for another. All the noble and learned Lord's eloquence has failed to make out his case upon such an argument. He lays down a rule from which no circumstances will cause him to swerve. My Lords, there is a story I have read about some Chinese manufacturer rather in point:—An English gentleman wanting a dessert service, made after a peculiar pattern, sent over to

China a specimen plate, ordering that it should be exactly copied for the whole service. It unfortunately happened, that in the pattern plate so sent over, the Chinese manufacturer discovered a crack: the consequence was, that the entire service sent over to the party ordering it had a crack in each article carefully copied after the specimen crack. So the noble and learned Lord seems to say, that if this Bill were not marked in every part with the Crack *à la Chinoise*, it shall be called "not according to pattern," and not be accepted at all. My Lords, if we continue to act upon such a principle as this, I do feel that we shall go well nigh to forfeit the respect for our character, which it should be our constant aim to perpetuate. My Lords, much has been said in reference to alleged menaces directed against this House:—as, on the one hand, anything approaching to menace should be regarded with some degree of suspicion, so, on the other, judicious and respectful admonitions should not be treated with scorn. There have been men high in rank, in power, and in talent,—as Burke, Fox, Lord Chatham, the Duke of Richmond,—who have held it to be their duty to direct strong admonitions to this House; and, my Lords, had these admonitions been attended to, what stores of gold, what streams of blood would have been saved to this country! My Lords, my belief is, that this House is at present safe in the affections of the people; but still it must not attempt to legislate in a spirit of hostility to the people, nor too far presume upon the affection which I have said I believe the people at large entertain towards us. That affection is still strong in the people's hearts; but I cannot refrain from stating my conviction, that the course which noble Lords opposite have so often pursued, and still more, the arguments and the language which they make use of in defending that course, are not calculated to give additional strength to that affection. My Lords, I conjure you, if there be time—I conjure you to change the resolution which you have unhappily adopted in reference to the present subject; and I implore of you to grant to the people of Ireland that justice to which they are so eminently entitled, and to which, in my conscience, I believe this country believes them to be entitled.

Lord *Lyndhurst* begged to say, that the noble Baron had forgotten, that he (Lord

Lyndhurst) was upon his defence when he had spoken, and that he had been invited to that defence. Perhaps, the noble Baron would allow him also to remind him, that the first time the name of that individual to whom he had alluded in the course of his observations, had been mentioned in terms of reproof, [was in the speech dictated by the noble Baron himself.

Lord *Holland* said, in explanation, that he merely had complained of notice having been taken of proceedings in the House of Commons, and of the expression of "normal schools of peaceful agitation." With regard to the speech dictated by his noble Friend's Administration, he could say, there was not the shadow of foundation of truth for stating, that the individual to whom the noble Lord referred, had been directly or indirectly alluded to in that speech.

The Duke of *Wellington* observed, that the noble Baron having been absent from the House during the greater portion of the evening, and more particularly during the early portion of it, he had heard none of those addresses which had been presented to that House, entreating their Lordships not to attend to the threats which had been levelled against them. The noble Baron must elsewhere, however, have heard of those threats, and yet he said that their Lordships had for their object, the crushing of an individual. Now, he had heard no speech to-night, on the part of any noble Lord, which had for its object any thing, except the defence of the character of that House, and the character of a Peer, from the attacks of that individual. As for his own part, he had already expressed his sentiments, with regard to those threats, which had met with the approbation of noble Lords opposite, and likewise of the noble Lord who sat upon the cross bench. He had entreated their Lordships not to attend to those threats or menaces on the one hand, and on the other, he had entreated them not to be swayed by the apprehension that it might be said that they had attended to those threats; but that they should follow the course they thought most proper, according to the best of their judgment, for the interests of the country. One would suppose, from what the noble Lord had said, that the people of Ireland, that was to say, the majority, or three-fourths of the people of Ireland, had always been in the enjoyment of local government and Corporations. Now, that

which he and his friends were prepared to admit was, that the existing Corporations in Ireland, had been conducted on a very exclusive principle, and in a manner which afforded a very reasonable ground for dissatisfaction in the country. They were prepared in consequence of this, to put an end to these Corporations. They had heard a great deal about the rights of the people of Ireland, in connexion with Corporations, but he knew of no right they had in Corporations, excepting, in those granted by the King's charter, or by Act of Parliament. He was disposed to put an end to these Corporations, on account of the principle upon which they were established, having been exercised contrary to the spirit of different Acts of Parliament, from the year 1793, down to the present time. But the noble Viscount (Melbourne) and the Bill sent up from the House of Commons went further. They went so far as to say, that you shall not only put an end to these Corporations, on account of their exclusiveness, owing to which three-fourths of the population never derived any advantage from them, but you shall form other Corporations in their stead, the governing power of which shall be elected by that part of the population, which had previously never derived any advantage from Corporations, and shall be placed exclusively in the hands and under the control of the three-fourths. Noble Lords opposite had drawn a comparison between this measure and Catholic Emancipation, which was nothing more nor less than a measure for enabling a class of persons, who had long had a right of voting for Members of Parliament, to sit in Parliament, and to hold all corporate offices, which, by the bye, they also had under the operation of the Act of 1793. But what did this measure propose? Why, not only that they should have the right of sitting in Parliament and electing Members to serve therein, but that they should also have the right exclusively of governing all those towns from the government of which they had been excluded, almost to a man, from the remotest period, down to the present. The noble Baron (Holland) said, that it had not at all been shown that the persons who would be elected to govern those towns, would all be persons of that description or class, and he had endeavoured to prove it by a variety of anecdotes, through which he (the Duke of Wellington) would not

follow him. The noble Baron said, too, if it even were shown, that still it did not signify in the least, because on the government of towns, being once made over to that class of persons, they would soon become the greatest people in the universe. He wished to call to their recollection who those persons were, by referring to former transactions, and to those they saw going on every day; and then to ask their Lordships, was it possible they could transfer those towns over, to the government of those persons, with justice to the other classes of the community, who were those who, at present, wielded the power. The House would see, that the lower classes of persons who would elect the town-council, were almost entirely Roman Catholics, and that the persons to be most affected by taxation, the power of which would be placed in the Corporations, would be Protestants. If noble Lords would look to the Report of the Committee of the House of Commons, they would see it was absolutely impossible that the great body of those who were to govern those towns could be of any other persuasion than that, of Roman Catholic. He would say, then that the Bill before the House, would give to the poorer classes of the community, the power of taxing their more wealthy fellow-citizens, a system to which he could never consent. It would be a most monstrous power to confer. The lowest class of persons were to elect these town-councils, and the town-councils were to have the power of levying taxes, not equally upon all the people, and in the form of county-rates, or as the town-council had in England, but according to the principles of the 9th of George 4th. by which men would have to pay singly, doubly, trebly, and quadruply, in proportion to the amount of the property of which they happened to be possessed. Now, he would say, that that was a most unjust system of taxation. It was very well when carried on under the operation of the 9th George 4th, voluntarily applied, but when the provisions of that Act regarding taxation came to be forced upon the people by these town-councils, elected as he had described, then would he protest against it as one of the most unjust principles that had ever been adopted by any Legislature. He begged their Lordships to observe, that this principle of taxation was by the Bill, as it now stood, to be forced, for instance, upon the citizens

of Dublin, Belfast, or Cork, and other towns now governed by Local Acts of Parliament, in addition to the taxes already imposed by those different Acts; and if any towns should happen to have adopted the 9th of George 4th, and voluntarily submitted to be taxed according to its provisions, by the persons and for the objects therein recited, they would besides have to be taxed over again by these town-councils. It was, therefore, upon this ground—the Corporations being formed for no other purpose whatsoever, but for the purpose of taxation, every thing else to be provided for having been positively taken away from them by the Bill and handed over to the Lord-Lieutenant—it was upon this ground that he for one would support the measure as formerly sanctioned by their Lordships, and reject the amendments sent up by the House of Commons. But there were other parts of this subject to which he thought it necessary to advert, although they had been already fully discussed by his noble Friend on the floor (Lord Ellenborough), and by his noble and learned Friend behind him (Lord Lyndhurst). The noble Viscount (Melbourne) who commenced the debate, as well as the noble Earl (Grey) who spoke from the cross-bench, expressed their great satisfaction at the moderation which had been shown by the House of Commons with reference to this subject. He was not disposed to state any thing at all calculated to create or increase any irritation between the two Houses of Parliament; but he must be allowed to say, that he did think, when the House of Commons charged their Lordships' House with a departure from precedent, they ought to have stated some point or other on which they had departed from precedent; because he considered a departure from precedent by that or the other House of Parliament a most serious charge; it was neither more nor less than an usurpation on the part of either House when it did depart from precedent in relation to its proceedings with another. But he maintained, their Lordships' proceeding in this instance was in no degree to be considered as a departure from precedent. In the first place, it was no departure from precedent to instruct the Committee to make an alteration in the Bill; in the next place, it was no departure from precedent to strike out one of the principles of the Bill; and it was no departure from precedent to make the most extensive alterations

in the Bill; nor was it any departure from precedent to alter the title of the Bill. On all these points the House had proceeded according to the usual practice in such cases, nor was there in any one respect the slightest departure from established precedent. The noble Baron who had just sat down, indeed, endeavoured on a former occasion to prove that the instruction to the Committee was a departure from precedent, and he quoted a passage from the Journals of the House, which, however, the noble Baron did not apply quite correctly. The passage, as stated in the Journals, did not go the length of declaring that the whole proceeding in question should not be drawn into a precedent; but merely that one particular part of it, which did not at all bear on this question, should not be so interpreted. [Lord Holland: The case refers to the whole proceeding.] He begged the noble Baron's pardon. He was perfectly master of the case. The very next day after the quotation had been made, he had the honour of meeting the noble Baron, when he referred to the Journals and found that the precedent did not bear out the noble Baron's assertion. That was what was stated in the proceeding; but he repeated nothing had occurred in the whole history of this matter which could on the part of that House be deemed a departure from established precedent; and when such a charge was made against the House of Lords, some notion should in justice to them be given in what that departure from precedent really consisted. It was perfectly true, as stated by his noble Friend, that it might not be desirable to make very extensive alterations in a particular Bill; but if Bills were sent up from the other House of such a character or in such a shape as rendered it necessary for them to make great and extensive changes, their Lordships should boldly and fearlessly introduce those alterations, and trust to the good sense of the other House and of the public to justify them for having honestly discharged their duty. But in this case the House having made those extensive alterations in the Bill, found it to be their duty to alter its title; and that certainly was not in any way inconsistent with precedent. His noble and learned Friend (Lyndhurst) had referred to the Gram-pound case, which had occurred within a very few years, and where the title of the Bill, as well as one of its principles, had

been changed. Under all these circumstances, he could not see that any departure from precedent had taken place. But there was another point well worthy their Lordships' attention—he alluded to the clause which had been inserted in the Bill, as amended by the House of Commons with respect to the 9th of George 4th. The 9th of George 4th was merely a permissive Act—it was forced upon no one. The towns might accept it, or let it alone, as they pleased. But what did this Bill do? It imposed the provisions of that Act on twenty towns in Ireland, whether they approved of them or not, whether governed at present by Local Acts or not; in every one of those cases the Act was imposed on them, and they were to be governed by it in future. What his noble and learned Friend had stated upon the subject of Local Acts was well worthy their Lordships' consideration. There was no instance in which a proposition was made for governing a town by the provisions of a Local Act of Parliament in which all the parties had not previous notice of the inclination to apply for that Act, and in which they were not heard if they thought proper before Committees of both Houses of Parliament, and in which they had not every opportunity they could wish of deciding for themselves whether or not they would accept the provisions by which they were in future to be governed. But was this the case with respect to those twenty towns? None of them had accepted this Act, yet with all its enormous taxation, it was to be imposed on them without their consent. The 9th George 4th being optional, it was by virtue of an alteration in a clause proposed by the House of Commons to be made permanently compulsory; the House of Commons taking the matter once into consideration, and their Lordships only allowed to take it into consideration once—without, therefore, he must be allowed to say, the due and adequate consideration of Parliament, it was to be at once imposed on those twenty towns in Ireland. That was a most material consideration with respect to the Amended Bill. The noble Earl (Earl Grey) who spoke from the cross-bench, and whom he (the Duke of Wellington) always heard with the utmost satisfaction, and particularly on the present occasion, had proposed to their Lordships a plan for carrying this measure into execution, of which he had heard

something before, but which he could not but consider altogether impracticable. It appeared to him, in the first place, that in the existing state of this proceeding it was absolutely impossible for the House to adopt such a scheme. He entertained objections to such a scheme under any circumstances; but he was quite certain it was wholly impossible at present for the House to adopt that proposition. What they had before them now was a proposal made by the House of Commons to alter certain amendments made by their Lordships in the original Bill; and care should be taken not to depart from the usual rule of proceeding on such an occasion. He believed he was not mistaken in saying, that those rules of proceeding would totally prevent the adoption of the noble Earl's plan. But if those rules permitted its adoption, he confessed he had other objections to it; to some of which the noble Earl (Earl Grey) had himself adverted, and which were perfectly conclusive against it in his (the Duke of Wellington's) mind. That measure must at all events be connected with the forced imposition of the 9th of George 4th, and all its accompanying taxation on the several Corporations, and to that he could not feel other than the strongest objection. The noble Viscount thought proper on a former occasion, upon discussing this measure, to state that the amendments proposed to this Bill had not, he was convinced, been suggested by a right hon. Friend of his who first mentioned them in another place; that they were stronger measures than either his right hon. Friend or he himself would have thought of proposing, and that they must have been suggested by others who were younger, and possibly not quite so cautious. He must be permitted, however, to say, that he believed his right hon. Friend in the other House was the person who originally proposed them, while he would tell the noble Viscount that the present was only a modification, and a very bad one, of what, on a former occasion, had been rejected by their Lordships. Their Lordships' Bill certainly went the length of destroying the Corporations, because they had been the cause of dissatisfaction in Ireland; but they did not propose to put the inhabitants of the towns in Ireland under the government of the adverse sect, who were supposed to have been oppressed by the former Corporations. They desired

towns should, in

the first instance, be governed—the noble Lord (Lord Holland) said despotically; but he said not despotically, but governed by the King, as Westminster, as Southwark, as Finsbury, as Manchester, as Birmingham were, and if the towns in Ireland were governed as well as any of those places he had mentioned, there could not, he conceived, be much ground of complaint. At all events they saved them from the grievance which the noble Lord would inflict on them, that of being taxed by a town-council, elected by the lowest orders of the people, upon a principle admissible, perhaps, where the provisions of the Bill were voluntarily adopted, but altogether unjust, if forced by Parliament upon any one without their consent. Their Lordships having on a former occasion fully considered this measure, and the House of Commons having done no more than proposed to them a modification of what had previously been rejected, he recommended their Lordships to persevere in insisting on their amendments.

The Marquess of *Westmeath* was of opinion that their Lordships had the interest of the people of Ireland at heart, or otherwise he would not sit among them. It was mere gibberish to talk of justice to Ireland in the way it had been spoken of by certain agitators, and he was glad that their Lordships distinguished between them and the people of Ireland. He quite agreed with the noble Duke who had just sat down, and nothing should induce him to consent to a Bill which gave such vast power of taxation.

The Duke of *Richmond* felt the deepest regret that their Lordships had not, on a former occasion, acceded to the proposal which he had made upon this subject. The House of Commons had given way much more in their amendments than their Lordships were called upon to do. What was the principle they were called on to concede to the House of Commons? So far as he understood it, it was a true and just one—the principle of giving to the people of Ireland the power of managing their own local concerns. Was there any one in that House who would say that after having conferred on the people of that country the power of voting for Members of Parliament, they should be deprived of the power of appointing a Mayor, a Town-clerk, and perhaps an individual, to take care that just weights were used in the town? The principle of the Bill

was to give to them the same advantage which had been conferred on England and Scotland; and although the noble and learned Lord declared that he meant not by his opposition to the Bill to insult Ireland, he might agree with him as to the intention, although the effect which would be produced in Ireland was altogether a different question. He asked whether those persons who wished to agitate in that country would not make use of this effect to rouse up the people of Ireland? The House of Lords unanimously declared, that those who had the management of Corporations in Ireland had been guilty of the grossest abuses through which they had been reduced to a state bordering on insolvency—that was universally admitted—it could not be denied; but they would neither agree to the proposal of the House of Commons, nor adopt the course recommended by his noble Friend on his left (Earl Grey), which he could not think inconsistent with the orders of that House. They would agree to neither; and by rejecting both plans, they insisted on giving Ireland the benefit of those rotten pauperised Corporations for another year. Was that reform? Would any man in the country call that reform? Noble Lords on the other side said very readily, show us abuses, and we will be the first to correct or get rid of them. How different was the course which they were now pursuing? Upon this he took his stand; there had been abuses and great consequent inconvenience; but noble Lords would not repair, they would not reinstate the old institutions of the country, they would destroy and sweep them from the face of the earth, whether established by royal charters or acts of Parliament. They would get rid of them because they would not admit the principle that the people of Ireland had a right to manage their own municipal affairs. He entirely concurred in what the noble Duke (the Duke of Wellington) had stated, that their Lordships ought not to be influenced by threats or intimidation; in his opinion there was not a greater coward on the face of the earth than the person who feared to do his duty lest his motives might be misinterpreted. The Commons had gone farther than their Lordships were now called on to concede; and he asked them seriously to consider whether they did think collisions between the two Houses of Parliament were very safe and altogether

have their municipal affairs managed under Act of Parliament, and their property shall be put into the hands of those trustees whom the Commons propose." But the Commons did not approve of this, and required that the towns should place themselves in the hands of certain persons, to be taxed to a considerable amount. It appeared to him extraordinary that one of the amendments of the Commons went to repeal, or alter entirely, an existing enactment; for the 9th of George 4th said, that if a certain proportion of the inhabitants consented to be taxed in a particular way, they might adopt that Act, this amendment said they must be so taxed, whether they wished it or not. The objection entertained by the noble Lords near him did not apply particularly to such towns as Belturbet and New Ross; but if it was true that the power to be conferred by the Bill would be made use of in the way they apprehended, the danger was in the larger towns. With all respect for the Commons he must say, that, while they affected an appearance of candour, they resorted to what, in fact was a subterfuge. He now came to a new feature in the debate. He had heard with great satisfaction the speech of the noble Earl (Grey) his noble Friend, if he would allow him to call him so, on the cross bench. He witnessed the return of his noble Friend to the House with great pleasure. The sound of his noble Friend's voice delighted all within those walls. His noble Friend had suggested an alternative which he thought might get rid of the difficulty. He himself was one of those who thought that almost all political matters must at last be decided by compromise. If the Commons and the Lords were at variance on a principle, there was no means of getting rid of the difficulty but by a compromise. But that compromise must be honourable to both parties. The proposition of his noble Friend was, that, by a new mode of voting, one of the great objections of the noble Lords at that side might be obviated. He confessed that he did not altogether agree with the noble Duke behind him. He thought that at a future time this might be a fair subject of consideration; but he did not believe that at the present moment, in the existing state of the matter, and the situation in which the two Houses were placed, the adoption of that proposition would be sufficient to reconcile their difference. But if there was any motion of the sort he should have been glad to learn from

noble Lords on the opposite side, that something like an adoption of it was proposed. He should like to hear the noble Baron say, that the Friends of the Government in the House of Commons were ready to adopt it. For his own part, he did not see so much harm in waiting for a few months. He would rather encounter all the danger to be apprehended from agitation, in order that at the end of that time they might arrive at a conclusion that would be satisfactory. He could only say, so far as he was concerned—and he was sure he might say, as far as those with whom he acted were concerned—it was their anxious wish to avoid, as far as possible, a collision with the Commons. But he would conclude as he had begun, by saying that if the House of Lords had a particular opinion upon any one measure, they, as a second branch of the Legislature, were there for the purpose of giving their opinion on that measure and no other, and they were bound to act upon the opinion which they so conscientiously entertained.

Viscount Melbourne said: I beg to be allowed to trespass on your Lordships' attention for a few moments—and it will be for a few moments only—especially as your Lordships seem to have made up your minds as to the course you will pursue, and I feel it is most improbable that I shall be able to produce any conviction which the eloquent and powerful appeal of my noble Friend on the cross benches—an appeal characterised by the soundest wisdom, combined with the greatest temper—has failed to produce, to induce your Lordships to pause in the career which your Lordships seem to be bent on pursuing. I should be happy if I could acquiesce in the admonition given by the noble Lord whom I see opposite, who recommended that this debate should be conducted in a tone entirely free from any thing like heat or violence; but there have been some statements made by the noble and learned Lord who spoke second in the debate of this evening, which I cannot altogether pass over, and which I cannot refer to without some feeling. I must here declare, that I do not by any means agree with the noble and learned Lord in his constitutional doctrine, that a change of Government necessarily calls for, or justifies, a dissolution of the House of Commons. I beg to say, that I by no means admit that doctrine, and I may add, that when a change in the Government brought us into power we did not act on that principle. We were able to send the Members of

nicated to the Government, I certainly must say, in candour, that I see some difficulties in the way of its adoption; but if noble Lords on the other side of the House had shown themselves willing to consider it, we, also, should have been willing to have given it our calm consideration. I cannot, however, consent, according to the suggestion of the noble Lord, to stop short in the measure now before us—to postpone the further consideration of this measure, which I believe to be founded on right and justice, and which has for its object the benefit of the country. I cannot consent to do this for the purpose of introducing an entirely new measure. The noble Duke urged several objections against the measure, which in my opinion are not tenable, as for instance his objections to the power of taxing given to the new boroughs, and to the imposition of corporation officers upon those boroughs which had accepted the Act of the 9th of George 4th. These contingencies are amply provided for. Some of the objections which have been urged are greatly exaggerated, if not without foundation. The reason why the tolls cannot be collected, is, that there exists a general impression as to their misapplication; but if their management be intrusted to a body in whom the people have confidence, there is reason to believe that there would be no longer the objections to the tolls which now exist. As to the objection that these new Corporations would have no duties to perform, it has been sufficiently answered by the statement of my noble Friend, that in Dublin and other large towns the powers of some of the Local Boards may be beneficially transferred to the new Corporations. There are points connected with this subject as was suggested by the noble Baron the other night, which it would be necessary to reconsider. Permit me to conclude by saying, that I hope your Lordships will reconsider what you are doing. The way for you to act is to trust the people of Ireland—the way for you to act is to trust the great body of the people. It is the only way to govern the people under a popular form of government. If you think there are other evils which may arise, if there be such a state of circumstances, then you will find other remedies for those evils. But depend upon it you cannot go back to a system of exclusion.

Their Lordships divided—Content 123; Not Content 220;—Majority 97.

List of the CONTENT.—Present.

Lord Chancellor	Say and Sele
DUKES.	Teynham
Norfolk	Howland (Marquess of
Richmond	Tavistock)
Grafton	King
Cleveland	Holland
Sutherland	Vernon
MARQUESSSES.	Ducie
Lansdowne	Foley
Breadalbane	Suffield
Westminster	Dundas
Northampton	Lilford
EARLS.	Dunalley
Shrewsbury	Glenlyon
Thanet	Crewe
Carlisle	Gardner
Scarborough	Hill
Albemarle	Melbourne (Viscount)
Ilchester	Somerhill (Marquess
Radnor	of Clanricarde
Clarendon	Rosebery (Earl)
Charlemont	Kilmarnock (Earl of
Grey	Erroll)
Minto	Sefton
Stradbroke	Kenlis (Marquess of
Burlington	Headfort
Litchfield	Chaworth (E. of Meath
Spencer	Poltimore
Chichester	Segrave
Fitzwilliam	Templemore
VRSCOUNTS.	Dinorben
Torrington	Hunsdon (Visc. Falk-
Leinster	land)
LORDS.	Boyle (Earl of Cork)
Howard of Effingham	Solway (Marquis of
Sundridge (Duke of	Queensbury)
Argyll)	Denman
Minster (Marquess	Hatherton
Conyngham)	Strafford
Glenelg	Langdale
Duncannon	Clements (Earl of
Dacre	Leitrim)
Stourton	BISHOPS.
Paget	Chichester
Petre	Bristol
DUKES.	Proxies.
Sussex	Granville
Bedford	Craven
Devonshire	LORDS.
Marlborough	Dudley
Brandon	Arundel of Wardour
MARQUESS.	Dorner
Winchester	Byron
EARLS.	Ponsonby
Derby	Sherborne
Huntingdon	Carleton (Earl of Shan-
Suffolk and Berkshire	non)
Essex	Dorchester
Oxford and Mortimer	Auckland
Ferrers	Lyttleton
Gosford	Mendip
Mulgrave	Wellesley
Camperdown	Erskine
Durham	Granard
	Lynedoch

St. David's
Worcester

Salisbury

Lord *Ellenborough* moved for the appointment of a Committee, to draw up the reasons for their Lordships differing from the Commons' amendments. He thought it of importance that the communications they had to make to the Commons should be made as speedily as possible.

Motion agreed to.

HOUSE OF COMMONS,

Monday, June 27, 1836.

MINUTES.] Billa. Read a second time:—Paper Duties; Ottoman Dominions Consul; Bills of Exchange; Entailed Estates (Scotland).—Read a third time:—Loan Societies (Ireland).

Petitions presented. By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By several HON. MEMBERS, from various Places, praying the House to Adhere to the Provisions of the Irish Municipal Corporations' Bill as originally passed by them.—By Mr. *EWART* and Mr. *POULETT THOMSON*, from Liverpool and Manchester, in favour of Jewish Civil Disabilities' Bill. By Mr. *FERRIS*, from Anstruther and Allandhyke, for Alteration of Stamp Duties' Bill.—By several HON. MEMBERS, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. *HURST*, from Horsham, for Revision of Criminal Code.—By Mr. *A. CHICHESTER*, from Chard, for Measures to improve the condition of Pauper Lunatics.—By Mr. *BARLOW HOY*, from Southampton, complaining of the Regulations of the Post Office for Southampton.—By Mr. *BROTHERTON*, from Manchester and other Places, against the Factories' Act Amendment Bill.—By Mr. *VERNON SMITH*, from Kettering; and Mr. *THORNELEY*, from Bilston, for the Abolition of Church Rates.—By Mr. *GEORGE PALMER*, from Merchants of London, deprecating all attempts to overawe the House of Lords; and by Mr. *THORNELEY*, from the Staffordshire Banking Company to require from private Banks an Account of their Assets.

TRADE TO JAVA.] Mr. *Patrick Stewart* presented a Petition signed by 150 of the most respectable merchants and manufacturers of Glasgow complaining of the infraction by the Dutch of the Treaty of 1824, regarding the importation of British goods into Java, and calling on the House to compel the Dutch Government to adhere to the terms of that treaty. The cession of that island to the Dutch took place at the close of the war, and subsequently the Dutch made several successive efforts to impose higher duties on the British goods imported there, especially on woollens and cottons, than they had agreed to levy in the first instance. Then came the Treaty of 1824, which was negotiated by Mr. *Canning*, who agreed that English goods should be admitted there at a duty of six per cent. where Dutch goods were admitted free, and that where Dutch goods were subjected to a duty, English goods should only have to pay double such duty. The Dutch Government had en-

deavoured to saddle English goods with a duty of twenty-five per cent. The subject had been a matter of negotiation for the last twelve years, and as yet scarcely a single point had been gained with the Dutch Government. The petitioner trusted that Parliament and the Government would at length compel the Dutch Government to act in accordance not only with the spirit, but the letter of the treaty of 1824.

Mr. *Barlow Hoy* said, that the petitioners appeared to assume that the King of Holland was bound by all treaties into which he had entered as King of the Netherlands. Now, he apprehended that was a position that might be questioned.

Viscount *Palmerston* apprehended that there could be no question at all about the matter, and that the King of Holland was as much bound by such treaties as if there had been no revolution in Belgium at all. He would detain the House for only a few minutes on this subject. It was true that for a great number of years the Dutch Government had violated the treaty to which his hon. Friend had adverted. The matter had been for a long while the subject of negotiation. The Dutch Government at last admitted that their former regulations were incompatible with their engagements under the treaty of 1824, and they had altered them, but not as yet, as he (Lord *Palmerston*) would contend, in such a manner as to render them conformable to the letter of that treaty. He had no doubt that, upon further representation being made to it, the Dutch Government would see the propriety of rendering the regulations respecting the importation of British goods into Java conformable to the letter of that treaty, and no efforts should be wanting on the part of His Majesty's Government to bring about that end.

Petition laid on the Table.

BUSINESS OF THE HOUSE.] Lord *John Russell* said, he would now make the motion of which he had already given notice, that Orders of the Day have precedence of motions from the 1st of July next. It had been usual, of late years, to make such a motion at an advanced period of the Session, and it was obviously of great advantage to send up to the House of Lords the Bills which were to be pressed through at as early a period as possible, in the month of July. Undoubtedly, should they

be delayed till the month of August, there would then be good grounds for the other House to postpone the consideration of them to another Session. As there was an anxiety on the part of hon. Members that the Bills now before the House should be forwarded without delay, it was his intention, after this motion was carried, to propose that the third reading of the Registration of Births and of Marriages Bills should take place to-morrow, and have precedence of all other motions.

Mr. Robinson said, he would not oppose so desirable a step on the part of the Government with a view to getting through the business of the Session; at the same time he thought it rather hard upon those hon. Members whose motions stood upon the notice book, and many of which had been postponed till the present late period with the expectation of bringing them on.

Mr. Hume thought it extremely desirable that they should endeavour to get through the public business. He had already presented a petition from Upper Canada, and he had given notice of a motion as soon as the papers were on the Table; with the exception of that urgent question, he pledged himself that he would not interfere with the Orders of the Day.

Sir George Sinclair observed, that the motion of the noble Lord opened an extensive field for argument, and might give rise to an adjourned debate of at least two nights, as it was in the power of any or every Member to select as many of the notices as he thought proper, and urge the importance of each as a ground for resisting the noble Lord's proposition. He (Sir G. Sinclair) was one of the noble Lord's earliest victims, as he had a notice on the books for the 5th of July, with respect to the College of Maynooth. He was, however, quite satisfied with the noble Lord's arrangement, as far as he was personally concerned, for he had previously determined, at the suggestion of some respected Irish friends to postpone, until next Session, a formal motion on that subject, and then to move for a Select Committee to inquire into the system of instruction pursued at that establishment, an inquiry which it would be impossible to enter upon with advantage before the prorogation. It would also be perfectly competent for himself, as well as for any other Member, to state on the Irish miscellaneous estimates the grounds on which a grant for such a purpose as that to which May-

nooth is devoted appeared to be altogether inexpedient.

The Motion carried; and it was resolved that, from and after July 1st, Orders of the Day have precedence of notice of motions on Tuesdays and Thursdays.

REGISTRATION OF VOTERS.] On the motion of Lord John Russell, the House went into Committee on the Registration of Voters Bill.

Sir James Graham adverted to the clause which he had brought forward on a former evening as declaratory of the meaning and intention of the 25th Clause of the Reform Act. His noble Friend had stated on a former evening that he would consult with the Attorney-General as to whether such a Clause were necessary to give effect to the original design and intention of the Reform Act; he wished to know whether the noble Lord would now support the clause?

The Attorney-General said, that he had considered the clause to which his noble Friend had drawn his attention, and it was extremely difficult to say what construction should be put upon it. It was a question upon which the Revising Barristers had differed, and it was one upon which much might be said on both sides. He was not prepared to say what was the intention of the framers of the Reform Act, as he was not then a member of the Government. The interpretation of the Clause must be considered a *questio vexata*.

Sir James Graham said, he should then press the declaratory clause of which he had given notice, as he considered it consistent with the spirit of the Reform Bill, and calculated to prevent the increase of mushroom votes. The hon. Baronet moved a clause to the effect that no lease or assignment of a term of sixty years or twenty years respectively, or any unexpired portion of such terms which confer a right of voting for a city or borough, shall confer a right of voting for the county in which such city or borough is situated.

Mr. Warburton was inclined not simply to negative the proposition of the right hon. Baronet, but to extend the right of voting as at present possessed by leaseholders, if such a matter could be introduced into the Bill before the House. He contended, however, that in a Bill of this kind no clause of such a description could be introduced. The clause of the hon. Baronet, he had heard, would in one

county disfranchise 1,000 electors, and anxious as he was to see the present Bill pass, if the right hon. Baronet's clause were to be carried, he would rather see the Bill thrown out altogether.

The Committee divided on the question that the clause be inserted. Ayes 100; Noes 133:—Majority 33.

On that part of the Bill which vests the appointment of the Revising Barristers in the Crown,

Sir Robert Peel said, that on the bringing up of the Report he should call the attention of the House to the clause which gave the appointment of the Revising Barristers to the Crown. He felt a very strong objection to enactments which delegated a power of legislation to persons out of that House. With regard to the appointment of those gentlemen, he would infinitely prefer that the selection should vest in the Lord Chancellor, and not in the Home Secretary, because he entertained a conviction that, were such the case, the appointment would be freer from political bias, and consequently a smaller extent of political effect would arise at elections.

Sir James Graham thought, that the proposition of the hon. Member (Mr. Warburton) would lead to very unnecessary extravagance. He thought that, instead of creating a new court of appeal to revise the decisions of revising barristers, they might be referred to the Court of Review in Bankruptcy, and thus a saving of 5,000*l.* a-year be effected. The Court of Review had at present nothing to do, and with the additional business which they would get as a court of appeal they would still be but partially occupied. He would move a clause to that effect on the third reading of the Bill.

Mr. Warburton did not consider his plan justly liable to the charge of extravagance. As far as his own opinion went, it was decidedly in favour of having but one judge to sit on appeals, but let that one be fully competent to perform the duties that would be imposed on him.

Sir Robert Peel said, that at present they had three Judges in the Court of Review, who were but very partially occupied, and they were about to create three more, who would have but very little more to do; he really did not think that such a multiplication of judicial authority was necessary.

The Attorney-General admitted, that at present the Court of Review was very im-

perfectly occupied, but he hoped that before long, by the alterations that were intended to be made in the law of debtor and creditor, the Court would be fully and usefully occupied. With respect to the proposition of having but one Judge sitting in the Appeals, he must say, that in the Courts of Common Law the determination of one single Judge was not treated with very much respect; if, however, the majority of the Committee were in favour of having but one Judge, whatever his own opinion might be, he would offer no opposition to the proposition.

The clause was agreed to, as were the other clauses and the schedules.

The House resumed, the Bill to be reported.

COMMUTATION OF TITHES (ENGLAND) BILL.] On the order of the day for the third reading of the Commutation of Tithes England Bill, having been read,

Lord John Russell said, that in moving that the Bill be read a third time, he should state to the House that he meant to propose the introduction of the clauses which he had referred to on a former occasion. One of them was on the subject of coppice wood, the value of which he proposed to estimate according to the average value of the years 1834, 1835, and 1836. This was in conformity with the suggestion of the right hon. Baronet, the Member for Tamworth. The other clause gave a power to the occupier of the land to deduct the amount of rent-charge he should have paid, from the owner of the land. Having explained the nature of the clauses, the noble Lord concluded by moving the third reading of the Bill.

Sir Robert Peel was anxious to say a few words on the general question as to whether this Bill should be read a third time or not. In the anterior part of the Session he had introduced a Bill, the provisions of which were identical with the Bill he had introduced last year, when he had the honour of being a Minister of the Crown. The object of that Bill was to facilitate the voluntary commutation of tithes. He stated that the principle of a compulsory commutation might be made the subject of a future Bill, when the experience of voluntary commutation would have suggested the most equitable principles on which compulsory commutation might be applied. He still preferred the Bill he had himself introduced, to the Bill

of the noble Lord. He felt great difficulty in determining without the experience of voluntary commutation, and without the advantage of minute local inquiry—he felt great difficulty in determining the principle upon which compulsory commutation should be forced upon the country, consistent with justice, and to the satisfaction of all parties. The question, however, which he had to ask himself was, whether, now that there was a prospect of their coming to an arrangement on this great and complicated question, he would incur the responsibility of attempting to defeat this Bill? The Bill proceeded upon the principles of his (Sir R. Peel's) Bill, as far as voluntary commutation was concerned. It proposed to effect it for a limited period, through the intervention of Commissioners. His own Bill proposed that two of these Commissioners should be appointed by the Crown, and the other by the highest representative of the interests of the Church, the Archbishop of Canterbury, and on this point the noble Lord had adopted his suggestion. This Bill gave till October, 1837, for the purpose of voluntary commutation. This Bill, did away with 75*l.* and 65*l.* as a *maximum* and a *minimum*, and proposed instead the amount of tithe taken in kind for the seven years preceding 1835, and that the sum paid should rule the future payments. That arrangement was still open to this objection—that where there had been great forbearance on the part of the tithe-owner, he would permanently suffer, and where there had been greater rigour, and extreme rights had been exacted, there he would gain, and the permanent rent-charge would be governed on that principle. There was to be sure, a power of relaxation to the amount of twenty per cent., and to that extent the parties would have an opportunity of mitigating the severity of the Bill. He found that the Bill had arrived at this stage without any division being taken against it. He hoped, sitting there in an assembly of landlords, that he need not conceal that his object was to protect the interests of the Church. He considered the Church the weaker party; he considered that the great majority of the House were interested in this question, and therefore he felt specially bound to take care that the interests of the Church were attended to. He did not find that there was on the part of the Church any decided objection to

the principles of this Bill. None of those hon. Gentlemen who more particularly watched over the interests of the Church materially dissented from the principles of the Bill. Amongst the tithe-owners and the tithe-payers, there was an impression and he believed a similar impression prevailed amongst the public generally, that this question should be settled on a satisfactory principle. There was a general concurrence of all parties in the House in favour of the settlement of this question, and it appeared that they were now approaching to an agreement on amicable principles. Under these circumstances, considering the little difference there was between this Bill and his, the question for him to consider was, whether he should press upon the House the adoption of his measure, to which he doubted that the assent of the House would be given, or whether he should give up his opposition to this Bill. He thought he was consulting the interests of the Church in acceding to the third reading of this Bill, as it appeared to him to be the general wish of the House to come to a settlement on this long-agitated question, and he felt that the longer they suffered this agitation to continue, the longer interval of time that was suffered to elapse before it was settled, the greater would be the difficulties of the ultimate settlement, and it might not be so perfectly settled to the advantage of the Church. Retaining, therefore, his preference for his own measure, thinking that a voluntary commutation would suggest the means of a more just application of the compulsory principle—still, not finding on the part of those more immediately interested any very strong expression of dissent, he was unwilling to interrupt the progress of the House towards the present experiment.

Mr. Hume was also very anxious to see a settlement of this question. The right hon. Baronet was perfectly right in stating, that if a settlement of this question were not come to now, and if agitation were allowed to continue, the Church would be the sufferer. He did not rise to oppose the third reading of the Bill, but he must say, that if the two clauses proposed by the noble Lord were allowed to be inserted, the agitation would only begin. He entertained the noble Lord to reconsider this question with respect to market-gardeners and hop-grounds. If such lands were brought in under the special exceptions,

the Bill would meet with general approbation, and would put an end to agitation. After the Bill had been read a third time, he should feel it his duty to take the sense of the House against the 37th and 38th Clauses, in the hope that extraordinary tithes levied on all species of property would be provided for under the 35th Clause.

Mr. Warburton had, too, like the right hon. Member for Tamworth, a plan of his own, but he would not bring it forward for discussion, as he feared it would not lead at present to any practical result. He did not despair, however, and at no distant time, to see tithes totally abolished, the Church provided for out of the Consolidated Fund, and the Corn Laws abolished. This was the only way in which the question could be finally and satisfactorily adjusted.

Sir Robert Inglis said, that, notwithstanding the resistance to tithes in Ireland, their payment was now enforced by the power of the law, and he should be sorry to think that law would not have the same power in England. He objected to the basis of the commutation, as not being a fair one. In a recent period, as contrasted with the present, the produce of the land was as four to seven. If tithe, then, was, as he firmly believed it to be, the first lien on the land, why should the owner of such property be so unfairly dealt with? If a proposition like the present had been made formerly, in what condition would the Church be now? There was a case in point, which would serve to illustrate his argument. There was a parish which paid 5*l.* 10*s.* for its tithes, by agreement, in 1707. It was afterwards raised to 24*l.*, and, by a subsequent agreement, to 120*l.* This might be a particular case. He did not know whether it might be paralleled, but if there were many cases even approaching to it, they were such as should be provided against. There should be a progressive prosperity in Church property as well as in every other, or else in the course of two generations the relative positions of the clergy of the Church and the other classes of the community would be exceedingly different from what it was at present. He would not, however, object to the third reading of the Bill, as any further opposition that he should offer would be only a waste of the time of the House.

Mr. Bennett said, that he had been strongly in favour of the present Bill, and

should have continued so but for the clauses which had been lately introduced, to which he could not consent, because he considered that by them a vicious principle would be embodied in the Bill, the tendency of which would be to perpetuate tithes for ever. He contended that the clauses were defective, inasmuch as it would be difficult to decide what was garden and what agricultural produce. There were other defects which he might also notice, but, at the same time, he was bound to say that he approved of the compulsory part of the Bill. He thought it very creditable on the part of the Church that no petitions from that quarter had been presented against the measure, and before he sat down, he could not but express a hope that some alterations would be made in the 36th and 37th Clauses of the Bill, so as to render them less obscure, and more in conformity with the principle upon which it was founded.

Mr. Parrott owned, that he also had entertained objections to the Bill when it was first introduced, but they had all vanished during its progress through the House. The Bill was as fair to all parties as it could be made.

Lord Ebrington congratulated both his noble Friend and the House generally on the prospect of bringing this most important question to a final and satisfactory conclusion. He considered that the Bill now under discussion was calculated to effect more real benefit than any other measure upon the subject of Tithe Commutation which had been introduced for years; and as regarded the Church, he must say, that its warmest friends had good cause to congratulate themselves, not only on the passing of the Bill, but on the calm and tranquil manner in which the discussions upon it had taken place. The agricultural interest would also have cause of congratulation in the final adjustment of the question, and he considered that the Government by whom it was introduced were entitled to the thanks of the country.

Mr. H. Curteis thought, that the Bill ought to be thankfully received by those parts of the country where low tithes existed; but sure he was, that as regarded the landowners of his part of the country it would not be received as a boon at all, because it went to fix a portion of the tithe unjustly as regarded the owners of the soil. At the same time he thought the Government deserved the thanks of the

country for bringing the measure to this point. He could not, however, allow this Bill to go up to the other House, without saying that he felt very doubtful as a landlord at that moment, whether he should rejoice or regret if the measure was lost. As regarded the present, he would rather have it lost; but looking to the future, and to the interests of those who would hereafter stand in the situation he occupied, he thought it might be better to take the Bill as it stood, rather than refuse it. He did not wish the measure to go up to the other House, without stating his opinion as to whether it was a boon to the land-owners or not.

Mr. *Baines* considered, that if any body of men were indebted to his Majesty's Ministers for having brought forward the present measure more than any other, it was the clergy of the Established Church. He called upon hon. Members to show him any measure that had passed in any age which had conferred so great a benefit on the clergy. When tithes were taken in kind by the clergy, they were looked upon as the fleecers, rather than as the protectors of their flocks. It had been said, and it was cited as a friendly feeling on the part of the clergy towards the present measure, that the clergy had not come forward and petitioned against the measure. All he could say on that subject was, that he was sure that it would be received as a boon by the Church. Neither had the Dissenters petitioned against it; and when the discussion of their claims came on, he was satisfied the clergy would manifest similar feelings to those which had been displayed by the Dissenters in reference to this subject.

Captain *Pechell* was glad that the Bill had been brought to its present stage, as he had no doubt of its effecting a great deal of good. He hoped, however, that the tithe on fish would be reconsidered, and that Government would send a Commission into Norfolk and Cornwall to institute an inquiry with regard to the state of the fisheries in those places.

Lord *John Russell* agreed with the gallant Officer, that the tithe on fish ought to be made the subject of further inquiry. He fully concurred in what had fallen from several hon. Members in the course of the discussion, that, whether the present Bill affected the interests of the clergy or the landholders, there was no question whatever but that it was one of a most import-

ant description. Such was the opinion of his Majesty's Government when the measure was first introduced, and he could not agree with the right hon. Baronet (Sir R. Peel) that the compulsory part of the Bill ought to have been omitted. On the contrary, his own opinion was, that a Bill on this subject ought to be compulsory, and that its utility would chiefly depend upon its being so. He was happy to find that so much unanimity prevailed with regard to the measure, a result which was the more gratifying, when he reflected that so many hon. Members were intimately connected with the Tithe Question, and entertained, of course, different views with regard to it. He had, however, anticipated such a result when he introduced the Bill, and he rejoiced to find, that his expectation had not been disappointed. The measure had been discussed throughout with a spirit of fairness and moderation which was equally creditable to Members on both sides of the House, and party and political feelings seemed to have been wholly set aside in considering the measure. By that wise and temperate course, his Majesty's Government had been enabled to bring the Bill to its present stage, and he could not let the present opportunity pass without congratulating the House on the satisfactory result of the measure. He considered that the Bill afforded a fair foundation for an honest and equitable adjustment of the Tithe Question on the principle of commutation, and he fully agreed with those hon. Members who had borne testimony to the manner in which this Bill had been viewed by the clergy, and he must say, from his own experience, that the clergy of this country had in most instances in which the question of Tithes had been raised, evinced the greatest moderation and forbearance. They had not interposed any objections to the present measure, and he would say, that had the clergy required for themselves what the hon. Member for the University of Oxford appeared disposed to insist upon for them, his Majesty's Government would, no doubt, have felt it extremely difficult to have brought the present measure to a satisfactory settlement. The Dissenters had also acted with great and praiseworthy forbearance as regarded the measure, which he was quite sure would ultimately tend to the benefit both of the landed interest and the clergy.

Bill read a third time,

Lord J. Russell brought up some clauses, which were agreed to.

Lord J. Russell brought up a clause, which related to the mode of distraining on the rent-charge for the recovery of rates. Upon this a division took place :—Ayes 107 ; Noes 39 ;—Majority for the Clause 68.

List of the AYES.

Adam, Sir C.	Lynch, A. H.
Ainsworth, P.	Maher, J.
Alston, R.	Marshall, W.
Baldwin, Dr.	Marshall, H.
Baring, F. T.	Moreton, hon. A. H.
Barnard, E. G.	Mosley, Sir O.
Barry, G. S.	Mullins, F. W.
Bennett, J.	Murray, rt. hon. F. A.
Bentinck, Lord G.	North, F.
Bernal, R.	O'Connell, D.
Bewes, T.	O'Connell, M.
Biddulph, R.	Oliphant, L.
Blamire, W.	O'Loghlin, M.
Blunt, Sir C.	Parker, J.
Brabazon, Sir W.	Parrott, J.
Brooklehurst, J.	Pease, J.
Brotherton, J.	Pechell, Captain
Buller, E.	Pendarves E. W. W.
Burton, H.	Potter, R.
Campbell, Sir J.	Poyntz, W. S.
Cave, R. O.	Price, Sir R.
Cavendish, hon. G. H.	Rice, rt. hon. T. S.
Childers, J. W.	Roche, W.
Clayton, Sir W.	Rolfe, Sir R. M.
Clive, E. B.	Rooper, J. B.
Collier, J.	Rundle, J.
Crawley, S.	Russell, Lord J.
Curteis, H. B.	Seale, Col.
D'Eyncourt, rt. hon. C. T.	Sharpe, Gen.
Dillwyn, L. W.	Smith, B.
Donkin, Sir R.	Spry, Sir S. T.
Duncombe, T.	Stewart, P. M.
Elphinstone, H.	Strickland, Sir G.
Ewart, W.	Talbot, J. H.
Fergusson, rt. hon. R. C.	Thomson, rt. hon. C. P.
Folkes, Sir W.	Thompson, Col.
Fort, John	Thornely, T.
Goring, Harry Dent	Trelawny, Sir W.
Grattan, H.	Troubridge, Sir E. T.
Guest, Josiah John	Turner, W.
Gully, John	Tynte, J. K.
Hastie, Archibald	Villiers, C. P.
Hawkins, John H.	Wakley, T.
Hector, Cornthw. J.	Walker, C. A.
Hodges, T. L.	Warburton, H.
Howard, hon. Edward	Williams, Wm.
Howard, Philip Henry	Williams, W. A.
Hume, Joseph	Wilson, H.
Johnstone, J. J.	Winnington, Sir T.
Knox, hon. J. J.	Wood, C.
Lee, J. L.	Wrightson, W. B.
Lennard, T. B.	Wrottesley, Sir J.
Lister, Ellis C.	

TELLERS.

Hay, Sir J. L.
Stanley, E. J.

List of the NOES.

Alsager, Captain	Inglis, Sir R. H.
Arbuthnot, hon. H.	Irton, S.
Bailey, J.	Knatchbull, right hon. Sir E.
Bramston, T. W.	Law, hon. C. E.
Brownrigg, S.	Lawson, A.
Buller, Sir J. Y.	Meynell, Capt.
Calcraft, J. H.	Palmer, G.
Chichester, A.	Peel, E.
Compton, H. C.	Price, R.
Curteis, E. B.	Pringle, A.
Duncombe, hon. A.	Pusey, P.
East, J. B.	Rushbrooke, Col.
Forbes, W.	Scourfield, W. H.
Gordon, hon. W.	Sheppard, T.
Goulburn, rt. hon. H.	Sibthorpe, Col.
Goulburn, Mr. Serg.	Wynn, rt. hon. C. W.
Halford, H.	York, E. T.
Halse, J.	
Hay, Sir J.	
Henniker, Lord	TELLERS.
Hogg, J. W.	Greene, Mr.
Jackson, Mr. Sergeant	Ross, Mr.

Mr. Hume moved that the two Clauses 37 and 38, which had been added to the Bill since it was first printed, being a provision for the charge of hop-grounds and market-gardens, should be rejected. He considered that the retention of these clauses would break into the principle of the Bill, that they would keep the door open to irritation and altercation, whereas the question ought to be settled at once and for ever.

Mr. Bennett seconded the motion. This provision would place landlords in a worse situation than before. He had expected that the Bill would make a complete commutation of tithes ; instead of which, unless those clauses were struck out, it would be a mischievous measure.

Mr. Hodges defended the clauses. There were only three modes ; one was the abolition of tithe on market-gardens and hop-cultivation ; but this would insure the rejection of the Bill in another place : the second was that proposed ; and the only other course was the clauses as they stood. There would be no hardship in paying a few shillings per acre on hop-grounds, and as to market-gardens, there could be no difficulty in distinguishing who were market-gardeners.

Mr. Warburton said, that there were 50,000 acres used in the cultivation of hops, and that the land employed as market-gardens might be taken at 10,000 acres. By allowing these clauses to remain they would be for the protection of the growers upon those lands, and render the whole of the lands which might be here-

after applied to the cultivation of hops and market produce, liable to tithe, and so fritter away the principle of the Bill. That principle was this, that by taking on himself the payment of a fixed rent-charge, the cultivator might improve his land as he pleased, and do with it what he liked; these clauses went to impose a tax on the application of increased capital and industry to the cultivation of land. It was as absurd to require an increased tithe on land hereafter employed in the cultivation of hops and market-produce, as it would be to require an increased tithe upon all waste and pasture land, which might hereafter be applied to the growing of corn.

Sir *R. Peel* observed, that the hon. Gentleman had himself shown that it was not necessarily as absurd to subject lands hereafter employed in the cultivation of hops and market-produce to an increased tithe, as it would be subject to hops, waste, and arable land which might be hereafter employed in the cultivation of corn, because he had himself stated that hop and garden grounds were of a special nature—there being, indeed, as he had said, only 50,000 acres of the one, and 10,000 acre of the other. He could not, therefore, contend that it was right to assimilate the two cases. It would be manifestly unjust towards that land which was now employed in the cultivation of hops and market-produce, and which consequently would pay tithe as such; if they allowed other land to be employed in the same species of cultivation, and get free from tithe, they would be, in fact, offering a positive premium on the application of unfit land to the cultivation of certain articles. He would not deny, that the arrangement proposed by these clauses was likely to occasion some inconvenience; but still he felt that it was more reconcilable to justice than any other which had been proposed on the opposite side of the House. No difficulty, he apprehended, could arise in regard to hop-grounds; nothing could be easier than to determine hereafter what was a hop-ground. But he admitted, that there was some difficulty in defining by law what should be hereafter considered as a market-garden. There might be land at the distance of twenty miles from a town, not coming under the designation of a market garden in the conventional interpretation of the term, and being cultivated as a field, but from which

the owner might hereafter be enabled, under the system of communication by railroads, to pour into that town a large quantity of market-produce. However, he trusted much to the good sense of the Commissioners, and if difficulties were found to arise which they could not remove, Parliament might interfere hereafter.

Mr. *Lennard* said, there were other cases in which it would be difficult to say whether fields did not come within the description of market-gardens. The clauses broke into the principle of the Bill; they would continue the exactions of tithe-owners, and perpetual disputes.

Sir *Robert Price* supported the amendment. The clauses would introduce an ordinary charge and an extraordinary charge in the same parish on account of a single field considered as garden.

Colonel *Thompson* could not vote for a Bill which, professing for its object the remedying the pressure on agriculture, perpetuated it in the case of hops and market-gardens.

Mr. *Curteis* said, that if these clauses were struck out of the Bill it would oblige many persons to vote against it.

Lord *John Russell* said, that these clauses, which had been complained of as but recently introduced, were not new, and he need only refer to the fact that they were ordered to be printed as far back as the 18th of May, and it was then the 27th of June. Upwards of a month had consequently elapsed since their principle had been divulged. He contended that the clauses in question were framed as much for the benefit of those classes who were subjected to the higher rent-charge, as of those who were liable to the smaller rate of charge. The hon. Member for Bridport had not supported the amendment proposed by the hon. Member for Middlesex, but had come forward with an entirely new proposition. He trusted that the House would not, by rejecting the clauses, place the parties who were more immediately affected by its provisions in a position of such extreme risk as must inevitably be the case were the amendment to be agreed to. He did not see how those persons could be guarded from very considerable loss, unless by the preservation of these clauses, founded as they were upon the principle on which they were avowedly framed.

The House divided on Mr. Hume's motion—Ayes 39; Noes 153; —Majority 114.

List of the NOES.

Adam, Sir C.	Grosvenor, Lord R.
Agnew, Sir A.	Hale, R. B.
Alsager, Captain	Hamilton, G. A.
Alston, R.	Hawkins, J. H.
Angerstein, J.	Hay, Sir J.
Anson, hon. Col.	Hay, Sir A. L.
Astley, Sir J.	Henniker, Lord
Bagshaw, J.	Hodges, T. L.
Bailey, J.	Hogg, J. W.
Baines, E.	Howard, P. H.
Baring, F. T.	Hurst, R. H.
Baring, H. B.	Inglis, Sir R. H.
Beckett, rt. hn. Sir J.	Johnstone, J. J. H.
Biddulph, R.	Johnston, A.
Bish, T.	Jones, T.
Blamire, W.	Knatchbull, right hon.
Bolling, W.	Sir E.
Bowes, J.	Knox, hon. J. J.
Bramston, T. W.	Labouchere, rt. hon. H.
Brownrigg, S.	Lambton, H.
Buller, E.	Lawson, A.
Buller, Sir J. Y.	Lefevre, C. S.
Burton, H.	Lefroy, A.
Buxton, T. F.	Lemon, Sir C.
Calcraft, J. H.	Lincoln, Earl of
Cavendish, hon. C.	Longfield, R.
Cavendish, hon. G. H.	Lowther, hon. Col.
Chalmers, P.	Lushington, C.
Chichester, A.	Maher, J.
Childers, J. W.	Manners, Lord C. S.
Clayton, Sir W.	Marshall, Wm.
Clerk, Sir G.	Moreton, hon. A. H.
Clive, hon. R. H.	Morpeth, Lord Visct.
Codrington, C. W.	Morrison, J.
Colborne, N. W. R.	Mosley, Sir O.
Cole, Lord Viscount	Mostyn, hon. E.
Compton H. C.	Mullins, F. W.
Cripps, J.	North, F.
Curteis, H. B.	Oliphant, L.
Curteis, E. B.	O'Loghlin, M.
Dalmeny, Lord	Palmer, G.
Dillwyn, L. W.	Parker, J.
Donkin, Sir R.	Peel, rt. hon. Sir R.
Duffield, T.	Pendarves, W. W.
Dunlop, J.	Pigot, R.
East, J. B.	Pinney, W.
Eaton, R. J.	Plumptre, J. P.
Egerton, Lord F.	Ponsonby, hon. W.
Elwes, J. P.	Poyntz, W. S.
Etwall, R.	Price, Sir R.
Fazakerley, J. N.	Price, R.
Ferguson, G.	Pringle, A.
Fergusson right hon.	Pusey, P.
R. C.	Rice, right hon.
Fitzsimon, N.	Roberts, A. W.
Folkes, Sir W.	Rolfe, Sir R. M.
Forster, C. S.	Rooper, J. B.
Gladstone, T.	Rushbrooke, Colonel
Gladstone, W. E.	Russell, Lord J.
Gordon, R.	Scott, J. W.
Goulburn, rt. hon. H.	Sharpe, General
Goulburn, Mr. Serg.	Shaw, right hon. F.
Graham, rt. hon. Sir J.	Sheppard, T.
Greene, T.	Sibthorp, Colonel
Grey, Sir G.	Smith, R. V.
Grimston, hon. E. H.	Smith, B.

Steuart, R.	Wilkins, W.
Strickland, Sir G.	Williams, W. A.
Talbot, J. H.	Williamson, Sir H.
Thompson, right hon.	Wilson, H.
C. P.	Winnington, Sir T.
Tooke, W.	Wood, C.
Townley, R. G.	Wrightson, W. B.
Tynte, J. K.	Wynn, right hon. C.
Tyrrell, Sir J. T.	W.
Vesey, hon. T.	Yorke, E. T.
Vivian, J. H.	
Vivian, J. E.	TELLERS.
Wigney, I. N.	Maule, hon. F.
Wilbraham, G.	Stanley, E. J.

List of the AYES.

Attwood, T.	Lennard, T. B.
Bainbridge, E. T.	Lister, E. C.
Bewes, T.	Marsland, T.
Blake, M. J.	Pease, J.
Blunt, Sir C.	Potter, R.
Bowring, Dr.	Rundle, J.
Bridgeman, H.	Ruthven, E.
Brotherton, J.	Seale, Colonel
Browne, R. D.	Thompson, Colonel
Collier, J.	Thornely, T.
D'Eyncourt, right	Trelawny, Sir W.
hon. C. T.	Tulk, C. A.
Duncombe, T.	Wakley, T.
Elphinstone, H.	Wallace, R.
Evans, G.	Warburton, H.
Ewart, W.	Wason, R.
Goring, H. D.	Williams, W.
Gully, J.	Wrottesley, Sir J.
Hawes, B.	
Hector, C. J.	TELLERS.
Hindley, C.	Hume, Mr.
Kemp, T. R.	Benett, Mr.

Bill passed.

HOUSE OF LORDS,

Tuesday, June 28, 1836.

MINUTES.] Bills. Read a third time:—Entails Relief (Scotland) Bill; Waste Lands (Ireland) Bill.—Read a first time:—Tithes Commutation (England).

Petitions presented. By several NOBLE LORDS, from various Places, against Universities (Scotland) Bill.—By the Earl of BROWNLOW, from Spilsbury, that the House will resist all attempts to interfere with its Rights, Independence, and Privileges.—By the Earl of ABERDEEN, from the Marischal College, Aberdeen, against Universities' (Scotland) Bill.

RAILROADS.] The Duke of Richmond laid upon the Table the first Report of the Committee on Railroads. On moving that it be printed,

Earl Fitzwilliam was glad to find that this subject had engaged the attention of their Lordships. It had not been his lot to attend their debates during the present Session; but he had not been inattentive to those measures which had come before their Lordships as Railroad Bills, and which, though they were technically private Bills,

were still of great public importance. He could not help anticipating, that by means of this great instrument of railroads, the wealth, the enjoyment, and the comforts of England would be increased to an amount which no man living at present could pretend to calculate. But their Lordships must not conceal from themselves that these great national objects would in some cases be arrived at through great individual suffering and injury. He confessed that it appeared to him, that, if he had not taken a wrong view of the objects of those who had originated these measures, Parliament had considered them far too much as insulated measures. In order that the nation might reap the full benefit of the genius, enterprise, and ingenuity of the projectors of these measures, the highest authority of the country should be brought into action, so as to have them all arranged in one continuous and well-connected system. From what he had seen in some instances which had come under his own observation, he was convinced, that though the construction of a Railway in one direction might increase and facilitate the communication between places in that direction, it might obstruct and impede the communication between places in a different direction. For instance, by making communications by Railway from north to south, you might render it difficult to make them from east to west. He could illustrate his meaning by referring to a case within his own knowledge. There was a line of Railroad proposed to be carried through, or rather to come in contact like a tangent, with the town of Sheffield, at a level of not less than seventy feet above the main entrance into that town. The mere effect of constructing a Railway upon a level better suited for a balloon, was to render it impossible to make any other Railway communicate with it. Again, their Lordships would observe, that the same effect would be produced if the Railway were sunk as much below as this was raised above the ordinary level. The Railroads differed from all the ordinary roads of the country, and also from its inland navigation in this respect, that it was impossible to make one Railway communicate with another unless all Railways were made at a proper height. It was exceedingly possible that he took an improper view of what ought to be done on this difficult, but very important, question. Nevertheless, it appeared to him worthy of the interference of the highest authority in the country—whether that interference

should come from the Executive Government, or from the two Houses of Parliament, he was not at that moment prepared to say — yet, however much he might admire the genius and enterprise and speculating spirit of the projectors, he was certain that unless they were directed by the supreme authority of the country, and unless care were taken that the speculations of one party should not interfere with and injure the speculations of another party, these projects, instead of being beneficial, would become injurious to the country. There was another reason why he thought that Railroads ought to be all conducted on one system. Their Lordships were aware of the advantage which they, in common with the public had derived from having all the turnpike-trusts in the neighbourhood of the metropolis consolidated into one general trust; indeed, there was not one of their Lordships who travelled down into the country, who did not feel grateful to those who had consolidated those trusts. Now, he begged them to consider what would be the effect of letting all the Railways in England be considered as separate trusts. They would pass five miles along one Railroad, and they would then pass five miles into another, and the result would be, that they would pay twice as many tolls for travelling that distance on two Railroads that they would pay for travelling half the distance upon one. The main point, however, to which he wished to call the attention of their Lordships was the obstacles which would be thrown in the way of future Railroads, in case they were not made upon such a system as would enable one Railroad to dove-tail in with another. He expected that it happened very frequently that their Lordships, from want of sufficient information, sanctioned a Railroad on one line, when, if they had had the benefit of better surveys, that line would not have been adopted. Unfortunately, however, the evil of such a practice did not immediately come to a conclusion. The result of having adopted an inconvenient line would often prevent their Lordships from adopting another line which would be far more convenient. His noble Friend at the head of the Government knew that he had long ago suggested this matter to his consideration. He hoped that he should not be considered as intruding unnecessarily on the attention of the House in calling its attention to a subject on which, if we legislated wisely, we should increase the wealth and prosperity of our posterity much more than the

wealth and prosperity of the past and the existing generation had been increased by the system of inland navigation, and on which, if we legislated unwisely, we should not derive the advantages which we ought from this new system.

Lord *Kenyon* would move that the Grand Junction Railway Bill be now read a third time. If that motion were carried, he should move certain clauses, by way of rider.

The Marquess of *Clanricarde* had no objection to make to the motion of the noble Lord who had spoken last. He could not, however, agree entirely either with the noble Lord who had just sat down or with the Report which the noble Duke had just laid on the Table. That Report said, that no Railway should pass through a populous district without precautions being taken against the fire which came out of the chimnies. Now, there was no Railway that did not pass through a populous district. Yet this doctrine was to consider each Railway on its own particular circumstances. It was impossible for their Lordships to establish one uniform system of Railways, and to hold out such a hope was only throwing unfair obstacles in the way of future projects for Railways. He held with the Report of the House of Commons on Railways that they must pay their best attention to each individual Bill, and that they must enact such peculiar clauses as the demands of the locality might require. His noble Friend had said, that if they did not establish an uniform system for Railroads they would, in establishing communications between the north and south, prevent communications between the east and west. Now that could not be the fact. The tunnel, the bridges, the trams, could not interfere and had not in any existing Railroad interfered, with any of the existing modes of public communication. Indeed, it was the duty of all Committees upon Railroads to see that they did not interfere improperly with existing interests. He thought, that in consideration of the immense capital which was ready for investment in schemes of domestic improvement, and which, if not so invested, would go for investment in foreign countries, the public ought to know, before the close of the Session, what their Lordships intended to do on this subject.

The Duke of *Wellington* said, that all he had done was to leave the door open upon this subject. The noble Marquess had adverted to the provisions made in Railway Bills for carrying existing canals and roads

across the Railway where the two lines intersect each other. But he begged to observe that he knew large tracts of country through which it was proposed to carry Railways and through which there were few communications, where the formation of communications must be prevented unless Parliament should make some provisions to enable those who projected them to deal with Parliament regarding the making of those communications. He made this remark for the consideration of the noble Marquess, and to point out to him that the case was not quite so clear as he appeared to think.

The Duke of *Richmond* said, that his noble Friend appeared to object to this Report. The Committee was not yet prepared to lay before their Lordships any detailed view of the subject. Perhaps those of their Lordships who were in the habit of attending Railway Committees might be aware of the fact, that several serious accidents by fire had occurred from locomotive engines, although the public were ignorant of it. Cotton goods to the value of 3,000*l.* had been lost near Manchester in consequence of such an accident, and a farm house in the county of Leicester was consumed from the same cause. Such accidents had occurred, and perhaps from negligence, and he was not at all certain that the best plan in the rural districts, would not be to make a law, that whatever damages ensued from that cause should be paid by the Company. This law might apply very well to the country, but in a large city, in London for instance, no Company yet formed could afford to pay for the injury that might be caused. If the Directors of Insurance Companies should find that Railways increased the danger from fire, they would raise the rate of their Insurance, and thus a whole neighbourhood might suffer great hardship. This question had certainly a paramount claim to the consideration of the Committee. He believed, that if the attention of scientific men were turned to the subject, a remedy for these evils, might be discovered, which would obviate the inconveniences likely to arise.

The Marquess of *Clanricarde* observed, that there was scarcely one instance of a Railway passing through a district so populous as to occasion danger of fire. He thought it would not be possible to lay down any general rule that would guard against the anticipated danger in the case of every Bill.

The Report to be printed.

or affect the rights, privileges, control or superintendence at present exercised or which may lawfully be claimed to be exercised, by the Church of Scotland, the General Assembly, Synods, or Presbyteries of the Church, over any of the Universities and Colleges of Scotland." He should certainly be the last man in the House to agree to this or any other Bill which could have the effect of severing the connexion, or weakening in any way the control and influence which the Church at present possessed over the education of the country. The next amendment would be to prevent the Boards of Visitors proposed to be constituted from interfering with the details of University discipline, and to confine their functions to the distribution and management of the property and funds of the University, having regard always to the charters and foundations under which the Universities acquired and held that property. The next amendment would be to limit the right of appeal to this Court conferred by the Bill to sentences of expulsion, dismission, or suspension, in the curriculum of study pursued. By another amendment he would propose to limit the duration of the Commission of Visitation to three years, instead of five; for he could not conceive that more time could be required to accomplish all the objects of the Bill, and carry into effect the suggestions contained in the Commissioners' Report. He considered that the preamble of the Bill clearly pointed out the duties of this Board. It stated, "Whereas it is expedient that the alterations and improvements proposed in the Report, applicable to the said Universities, should be gradually carried into effect, with such modifications as may seem expedient to the visitors to be appointed for these purposes." The foundation of their proceedings should be the Report of the Commission to which he had alluded, and among the Members of which were ministers of the Church of Scotland, fully competent to give advice on the practical details of education. These were the chief amendments he thought it necessary to introduce; but he should be happy to support others, if any should be made calculated to render the Bill wholly unexceptionable. There were one or two points on which, though they had been much discussed, he would refrain from giving a decided opinion; but he must advert to that portion of the

Bill which deprived the professors in some Universities of the right they possessed at present of electing to vacancies in professorships as they occurred. He believed he was not in error when he said, that this was the only provision of the Bill which rendered an Act of Parliament necessary, as the prerogative of the Crown was sufficient to carry into effect all the recommendations of the Commission with this single exception. This was a subject on which there was great difference of opinion, and he did not mean now to give any decided judgment as to whether the appointment to professorships should continue with those who now held the right, or be vested in the Crown; but it was a point well worthy of consideration. This was perhaps the only point on which the Commissioners did not specifically report their opinion, and therefore, instead of finally deciding on the abolition of the present system of patronage, he should propose that the Board of visitors should be required to make a special report on this subject, and on the practices prevailing with regard to it in each University. Whether the present custom were right or wrong, it was one deserving of the most serious inquiry. It had been suggested, that instead of the four Boards proposed by the Bill, there should be one Central Board of Visitation similar to the Commission issued by his right hon. Friend (Sir R. Peel) when Secretary of State for the Home Department. He was however, inclined to think that the separate Boards, as proposed in the Bill, would be more convenient; though, if a central Board would give more satisfaction to persons interested, he did not see why it should not be adopted. The great sensation and even disapprobation excited in all quarters by the very attempt to reform the Scotch Universities was such, that he had pleasure in stating that he had that day received a letter from a noble Lord whose absence from that House all must lament, particularly when matters connected with Scotland were under discussion, and one equally distinguished for the soundness of his judgment and the moderation of his opinions (Lord Melville, we believed), expressing his general approval of the measure. He thought it right to state this, as the noble Lord was as little disposed to put confidence in noble Lords opposite as himself. In conclusion, the noble Earl said, he should

could be received from Scotland of the conclusion of the sittings of the Commission. Their Lordships, therefore, would not be surprised that a measure supposed to be buried in one House, but which had undergone this extraordinary resurrection in another, had excited so much alarm. He would ask the noble Viscount, if any practical inconvenience would ensue from allowing this measure to stand over till another Session? They were fast approaching the termination of the present, and it was impossible to suppose they could deal with the subject in a manner likely to be satisfactory to the feelings of the people of Scotland, in less than many weeks. Would their Lordships gravely propose to go into this measure, to examine all its details, and consider the arguments advanced in favour of it and against it, in the midst of all the enormous mass of other most portentous business now pressing on them? He really thought that nothing but absolute necessity should induce them to entertain this measure at the present period. He could not understand, since there was no imperative necessity for the measure, why it should be pressed forward against the feelings of the people of Scotland. And he begged to conclude by moving, that the Bill be committed that day six months.

The Earl of *Haddington* said, that the Church, the Universities, and the people of Scotland were much indebted to the right rev. Prelate, for the interest he had taken in this Bill. He was sure that the right rev. Prelate had not made his observations, or the motion with which he had concluded, with any view whatever to the prevention of any salutary measure being passed, either in this or any future Session of Parliament, in reference to national education in Scotland. He had heard, with great satisfaction, the noble Viscount state, that it was not his wish or intention to proceed with any undue haste with this Bill. He was, however, himself the more anxious for delay, because he was convinced that the more the matter was examined into, the more it would be found susceptible of such amendments as would finally allay that panic which now existed in Scotland upon this subject. He felt assured that by delay the present excitement would die away, and nothing would remain, except that feeling of distrust as to the composition of the Commission to be appointed by the Crown. That feeling of distrust never would be allayed, until

the names of the Commissioners appeared before the House and the public. Whenever the Commission did appear, he hoped that the names of the Commissioners would satisfy the public mind. He felt assured that the noble Viscount would make the appointments with perfect fairness and impartiality. He was also satisfied that the learned Lord Advocate, who had the management of this Bill in the other House of Parliament, had no intention to do anything that could tend to injure the just influence and authority of the Church of Scotland over the national education in that country. It was, nevertheless, quite obvious, that if a Board of Commissioners should be created by Parliament, to supersede the authority of the professors in the Universities over that national education, it would occasion an interference with the present course of study established in Scotland, of which the Church of Scotland would have good reason to complain; and he never would consent to anything that could by possibility impair the just influence of the national Church of Scotland over her national Universities. With respect to the motion of the right rev. Prelate, his objection to it was, that it would stop the Bill at a stage when it might receive many improvements. He would therefore suggest to the right rev. Prelate, the propriety of withdrawing his motion, in order that the Bill might go into committee, and be made as complete as possible. His noble Friend had adverted to that power given by the Bill, which he said was the only one which required an Act of Parliament to create, namely, the power that deprived the professors of the patronage which belonged to them. But the Bill did not purport to take from the professors that patronage, it only provided for the gradual abolition of it. He owned that he did not think it a good thing that the instructors of youth should possess such patronage. But the Scotch Universities were established on royal foundation, and were endowed with royal patronage, and he thought it very questionable, whether, under those circumstances, that patronage ought to be taken from them. As at present advised, when the Bill came into Committee, he was much disposed to think he should propose to strike out the clauses relating to this part of the subject. The noble Viscount had said, that he did not seek for this Bill—that it was not his Bill, but the Bill of the Commissioners: that it was not introduced by the present Govern-

this purpose. For many years the only mode which had existed for enforcing discipline among the clergy, had been by the very feeble, expensive, and unsatisfactory proceedings in the Ecclesiastical Courts. That circumstance alone made it expedient to adopt some alteration in the law; but this had become still more necessary, inasmuch as their Lordships had read, a second time, a Bill for the purpose of consolidating the Ecclesiastical Courts, and for taking away from the Diocesan Courts that jurisdiction which they had hitherto possessed, for enforcing Church discipline. The question, then, was, what tribunal should have jurisdiction by which discipline might be effectually enforced against individual members of the Church? There were two ways in which that object might be attained. They might vest it altogether in the hands of the Bishop, and in former times that authority was exercised by him; or they might establish another tribunal which should give the parties accused that security which was possessed by other members of the State, of being tried by those who were their equals in rank and profession, and who were, therefore, interested in the due administration of justice towards the accused. He was satisfied that their Lordships would feel, and he hoped that the right rev. Bench would also feel, that it was not expedient to repose the power altogether in the hands of the Bishops; because, however well it might be exercised, it was not congenial with the other establishments of the country to vest such power and influence in the hands of an individual. For these reasons it had been considered that the most effectual way to enforce the due discipline of the Church, and at the same time to secure the accused against any improper judgment being pronounced against him, would be to appoint, under the superintendence of the Bishop, a tribunal, consisting of a certain number of their own body—namely, nine clergymen, and providing that no sentence should be passed, unless with the concurrence of six out of the nine. He thought this would be an effectual tribunal for the redressing of offences, and one also to which the clergy could look up with confidence. The rest of the Bill was for the purpose of carrying that object into effect, and if their Lordships should approve of the principle of the Bill, which was to establish a tribunal in each diocese, such as he had described, the details might be considered in Committee. It was further proposed to

give a power of appeal to the Archbishop of the province. The noble and learned Lord concluded by moving that the Bill be read a second time.

The *Archbishop of Canterbury* said, that it would not be necessary for him to detain the House at any length after the speech of the noble and learned Lord on the woolsack, who had explained the nature of the measure to their Lordships with so much clearness and ability. He rose merely for the purpose of expressing a hope that noble Lords would give their most considerate attention to the Bill. This was a subject on which legislation was peculiarly required, because the clamour about the offences of the clergy generally had arisen from particular cases of clergymen escaping punishment; it was required, for the sake of the Church, and for the interests of religion, which were always prejudicially affected when there was any clamour upon subjects of that kind. The present Bill had been under consideration for some years, and was founded upon the recommendation of the Commissioners of Ecclesiastical Law—a Commission, which consisted of two Justices, all the Judges of the Ecclesiastical Courts, several Bishops, and other persons well versed in Ecclesiastical Law. Many different Bills had been proposed in successive years; and had been abandoned one after the other, on account of the difficulties with which the subject was surrounded. This Bill had been drawn up with great care; and the greatest attention had been bestowed upon it by persons whose extensive knowledge and talents could not be doubted. It, however, must be allowed that the measure was not perfect; there were many imperfections in it. Whether they could be remedied was a matter of some doubt, for the subject was one of great difficulty; but he trusted that both the spiritual and lay Lords would give their attention to the clauses, and assist in making it as perfect as possible—and, for his own part, he could assure their Lordships he should feel extremely obliged to any noble Lords, learned in the law, who might give such assistance—for the Bill was one of great importance to the country. With the advantages of such aid, he sincerely hoped that they might be enabled to impart to the measure the power to increase the efficiency of the Church, and keep up the character of its ministers.

Bill read a second time.

prosecuted by the Government for the alleged offence of cow-stealing, and that a suspicion prevailed in the colony that he was persecuted because he was a relative of Mr. Bryan, the former petitioner. Some strong remarks on the subject having appeared in the petitioner's paper, he was brought before the court in Hobart-town, and subjected to interrogatories, one of which was whether he was not the author of a certain article in his paper. The petitioner having first protested against the principle of compelling him to answer such a question, stated that he was. He was then sentenced to be imprisoned twelve months, to be fined 100*l.*, and to give sureties for his good behaviour. It was certainly true that there had been since a remission of the petitioner's sentence, but it was necessary that there should be an expression of the public feeling in this country on the point, in order to curtail such an exercise of the prerogative as was here complained of in our distant colonies. The petitioner prayed for a remedy for such an evil in future. He had also to present a petition from the free inhabitants of Hobart-town, praying the attention of the House to Mr. Melville's petition. He must acknowledge that there was a technical objection to the reception of the latter petition, as all the names to it appeared to be written in the same hand. There was no doubt, at the same time, of the petition being a genuine document, and he was equally certain that the persons whose signatures were to it, and who were all individuals that took part in public affairs in Hobart-town, had authorised their being affixed to it. He thought it right, however, to say how the matter stood.

Sir George Grey said, that Mr. Melville having written what was considered a libel on the Court of Justice in Hobart-town, the court took it up as a contempt of court, and without the intervention of a jury sentenced Mr. Melville to fine and imprisonment. His Majesty's Government last year, after consulting the law-officers of the Crown, had expressed their decided disapprobation of the practice in reference to a case that occurred in Newfoundland. The statement which he (Sir G. Grey) made on that occasion in the House having reached Van Dieman's Land, the governor immediately remitted the sentence on Mr. Melville, and before a memorial from Mr. Melville reached the Colonial-office, they had received the governor's despatches

announcing the remission of his sentence. With regard to the interrogatories put to Mr. Melville, the practice was an unusual one in this country, and the Government here was not prepared to countenance it. They had also given directions that such a practice should not be continued in the colonies. With regard to the other petition, it was clear that the signatures were not original; at the same time, he had no doubt that such a petition had been prepared and signed in the colony, and that the present was a copy of it.

Mr. O'Connell, in supporting the petitions, said that nothing could be more satisfactory than the part which Government had taken in this matter, and on a former occasion in reference to a similar case in Newfoundland. Nothing could be worse than that judge, jury, and accuser, should be united in the person of the same party, and the interrogatory proceeding was a necessary part of such a system. There was only one part of the empire, Ireland, where such a system was continued, and he trusted it would be put an end to in all our colonies.

Mr. Melville's petition to lie on the table.

The *Speaker*, referring to the petition from the inhabitants of Hobart-town, said, that the House having been once made cognizant of the irregularity in the document, it could not be received.

[BALLAD SINGING.] Mr. Dillon Browne presented a petition from John Byrne, complaining of the conduct of James Cuffe, of Creagh, a magistrate and deputy-lieutenant of the county of Mayo. The petitioner alleged that he was a native of that county, and was following his occupation as a ballad singer, when he was arrested by Mr. Cuffe, and committed to gaol by him and other magistrates. He therefore prayed for an inquiry into the circumstances of his case, and that the House would adopt such measures as would prevent a similar violation of the rights of the subject.

Colonel Perceval said, before he adverted to the charges contained in the petition, he must beg leave to thank the hon. Member for the courtesy he had shown in postponing the presentation of the petition at an earlier period, and also for his having given him notice of his intention of presenting it that day. The petition was from an individual, calling himself a native of the county of Mayo,

most respectable clergyman, named Anderson, giving his description of this Byrne, the letter was as follows :

"Ballinrobe, June 8, 1836."

"I have just read that a petition has been forwarded to Mr. Dillon Browne, M.P., for this county, for presentation to the House of Commons, in which the conduct of Mr. Cuffe, as a magistrate, is reflected upon for having committed to gaol John Byrne, a ballad singer, on the 16th of May last.

"I did not happen to see this man on that day, but I did on the following; and I can assure you, that Mr. Cuffe's conduct in committing him was highly proper, at least in my judgment, and that of all the respectable persons in the town; for I have never seen so depraved a character as Byrne seemed to be. His savage yells, blasphemous vociferations, and rebellious defiance of the authorities, rendered the exhibition he made of himself awfully revolting to the community."

He had now endeavoured to discharge his duty to his friend Mr. Cuffe, as a magistrate and a gentleman, and took upon himself solemnly to state his firm conviction that Mr. Cuffe was quite incapable of acting oppressively or unjustly towards any individual. He conceived that the reception of such a petition reflecting upon the character of a most respectable magistrate, and unsustained as the charges were, would form a bad precedent, and he should therefore move that the petition be withdrawn.

Mr. Hume was anxious, as the hon. and gallant Colonel had talked of seditious ballads, to know whether he had seen or could produce them. Perhaps he could inform the House whether they belonged to the same school with that of which they had heard so much, and of which two of the lines run thus :—

"Put your trust in God, my boys,
And keep your powder dry."

Colonel Perceval had only stated, that he held two affidavits in his hand, from the two officers to whom he had alluded, stating that the petitioner had been singing treasonable and seditious ballads; he had never said that he had seen any of them. And when the hon. Member for Middlesex measuring others by himself, tried to convict him of telling an untruth, he would appeal to the House and the recollection of hon. Gentlemen as to what precisely he did say.—A particular ballad having been alluded to by the hon. Member, he must say there could be no doubt each differed very widely in his notions of sedition—so much so, indeed, that what he considered seditious, the hon. Member would perhaps

not only not consider seditious, but highly useful and creditable to him in the particular course he endeavoured to pursue. He had only in conclusion to say, as to any reflections thrown out upon him or upon that party with whom he had formerly been connected, and with whom he ever would act, he should treat them—not to use a stronger word than the forms of the House would allow—he should treat them, considering the quarter whence they came, as they deserved.

Mr. Dillon Browne had presented the petition without at all reflecting or intending to reflect on the character of Mr. Cuffe. The case, however, demanded an inquiry, and he hoped the Government would communicate with the local authorities, and properly investigate the matter. He was not surprised to hear the hon. and gallant Colonel defending the conduct of magistrates who had violated the law.

The Speaker interposed. The hon. Member had no right to charge the hon. and gallant Colonel with an intention to defend magistrates who had violated the law.

Mr. Dillon Browne begged, if what he had stated were considered at all out of order, at once to apologize to the House; still, however, he could not but think the hon. and gallant Colonel had shown much anxiety that the spirit of liberty should not be extended to the county of Mayo.

Mr. O'Connell considered it quite clear that a gross neglect of duty had taken place on the part of this magistrate; for if any offence had been committed by the petitioner, why had he not been sent to trial? But though sent to gaol, no criminal charge had been lodged against him, and the ballad described as treasonable and seditious, was carefully kept back. He was sorry to see, that while in this country every one put himself forward as the advocate of the poor, in Ireland there was no hope of justice for the oppressed.

Mr. Sergeant Jackson protested against the time of the House being wasted with such matters. If any injury had been done to this individual, he could bring his action at law against the magistrate. The attention of Government should have been called to the subject, and they would no doubt have directed the necessary inquiries to be made.

Sir John Wrottesley asserted the right of every man to petition the House, and expressed his surprise, that among the papers with which the hon. and gallant Member was furnished, one of the seditious and trea-

The House divided: Ayes 43; Noes 51;
—Majority 8.

List of the AYES.

Attwood, T.	Lister, E. C.
Baines, E.	Lushington, Dr.
Baring F. T.	Lushington, C.
Barnard, E. G.	Marsland, H.
Blake, M. J.	Maxwell, J.
Bowring, Dr.	Murray, rt. hn. J. A.
Brady, D. C.	Potter, R.
Buckingham, J. S.	Roche, W.
Buxton, T. F.	Russell, Lord J.
Collier, J.	Smith, R. V.
D'Eyncourt, rt. hon.	Smith, B.
C. T.	Steuart, R.
Duncombe, T.	Thornely, T.
Ebrington, Ld. Visct.	Walker, R.
Ewart, W.	Wallace, R.
Fergus, J.	Warburton, H.
Gordon, R.	Wason, R.
Hay, Sir A. L.	Wigney, I. N.
Hobhouse, rt. hon. Sir	Wilde, Mr. Serg.
J.	Williams, Wm.
Howick, Lord Visct.	Winnington, H. J.
Hume, J.	TELLERS.
Johnson, A.	Mr. Poulter
Labouchere, rt. hn. H.	Mr. Wakley

List of the NOES.

Agnew, Sir A.	Lowther, J. H.
Attwood, M.	Mahon, Lord Vis.
Balfour, T.	Norreys, Lord
Bolling, W.	Packe, C. W.
Bramston, T. W.	Patten, J. W.
Brotherton, J.	Peel, rt. hon. Sir R.
Buller, E.	Perceval, Colonel
Calcraft, J. A.	Pigot, R.
Chapman, A.	Plumptre, J. P.
Chichester, A.	Praed, W. M.
Compton, H. C.	Rickford, W.
Denison, J. E.	Rushbrooke, Col.
Egerton, Lord F.	Russell, C.
Estcourt, T.	Scarlett, hon. R.
Follett, Sir W.	Scourfield, W. H.
Forster, C. S.	Sibthorp, Col.
Gaskell, J. Milnes	Thompson, Col.
Goulburn, rt. hon. H.	Tooke, W.
Goulburn, Mr. Serg.	Trelawny, Sir W.
Halford, H.	Trevor, hon. Arthur
Hamilton, G. A.	Twiss, H.
Hardy, J.	Wilson, H.
Hawkins, J. H.	Wynn, rt. hn. C. W.
Inglis, Sir R. H.	Young, G. F.
Irton, S.	TELLERS.
Knight, H. G.	Sir J. Graham
Law, hon. C. E.	Sir G. Clerk

REGISTRATION OF BIRTHS.] Lord John Russell moved the third reading of the Registration of Births Bill.

Bill read a third time.

On the question that the Bill do pass,

Mr. Goulburn rose to move an amendment. In doing so he wished it to be understood, that he had no objection to the Bill, so far as it went to remove one of the

grievances of the Dissenters, in giving them a system of registration. Nor did he wish to oppose that which was essential to the interests of this country, the establishment of a complete and general system of registration of births, marriages, and deaths. But while fully and cordially concurring in these two objects, he did not feel debarred from expressing his opinion on the provisions by which this Bill proposed to carry them into effect, especially if they imposed additional burdens upon the members of the Church of England: or, still farther, if they gave a parliamentary sanction to the omission on the part of such persons of a rite, which their Church inculcated as essential to the happiness, both present and future, of its members. He would, therefore shortly state the nature of the objection which he felt to one of the provisions of this Bill and the amendment which he intended to propose for the adoption of the House. As the Bill at present stood, it required, that upon the birth of every child the parent should furnish to the registrar the name of that child. Thus it imposed upon members of the Church of England the necessity of naming their children before bringing them to the baptismal font. He should propose an amendment in Clause 19, which should require the parent to give in to the registrar, upon the birth of a child, every particular which the clause as it stood at present required, with the exception of the name. If that were acceded to, he should then propose, in Clause 23, to omit some words at the commencement of it, and to introduce others, requiring that within a certain time after the baptism of a child the parent should communicate to the registrar the certificate of baptism, in order that the name might be inserted in the Registry. We adopted precisely the provisions which the Bill now contained, enabling parents after having given their child a name in the first instance to alter it after baptism. No greater difficulty, therefore, would attend his plan than attended the provisions of the noble Lord for altering names. With regard to persons who conscientiously objected to the celebration of the rite of baptism according to the ritual of the Church of England, he proposed that a declaration should be given to the registrar, that they did so object, accompanied with the name of the child to be inserted in the Registry. By this process he thought the noble Lord would attain his objects as effectually as by the Bill as it now stood: while at the same time he would exonerate

days, whereas at present, any interval within six, or even sometimes twelve months might elapse before the rite of baptism was administered to a child. The noble Lord had said, that the refusal of an incumbent to read the burial-service, on the ground that the deceased had not been baptised, would operate as an example to induce in others attention to that rite. But then let the House remember that the injury was done to the child in the mean time. All that he (Sir Robert Inglis) asked on the part of the Church was, that in framing a measure of relief to Dissenters, the noble Lord would leave to its members the enjoyment of a registry with which they were content; and not make the Bill (as it was now) a Bill of pains and penalties against those persons, by imposing on them an additional burden of trouble which they were not now obliged to take, and compelling them to pay a fee which they were not now paying; by maintaining at their expense a system which they did not desire; and thus holding out a temptation to them to forsake or neglect a rite to which their Church attached great importance,—in order to attain an object not connected with the spiritual, but the mere temporal advantage and convenience of a distinct class of his Majesty's subjects.

Mr. Ewart objected to the mode in which the right hon. Gentleman proposed to carry his object into effect; the postponement of the naming the child till after baptism, would in his opinion be a most circuitous method, and one which would throw great difficulties in the attainment of the general object of the Bill. And as to the ground on which the right hon. Gentleman proposed his amendment, viz. that the Bill as it stood now would encourage the omission of the rite of baptism, he (Mr. Ewart) was quite convinced that conscientious persons would never omit the rite of baptism merely because of that Bill, and those who were not conscientious would not be rendered more attentive to the rite by reason of the amendment of the right hon. Gentleman.

Dr. Bowring agreed with his hon. Friend, the Member for Liverpool. The object of the Bill was misunderstood by Gentlemen opposite. It was not to promote the observance of a religious rite, but to supply, by means of a general registry, statistical information, which it was highly necessary for the advantage of the community that the state should possess.

Mr. Arthur Trevor hoped the amendment would be pressed to a division, and expressed his regret that he should hear such a sentiment as that expressed by the hon. Member who had just sat down with respect to marriage. He trusted that a respectable minority would support the valuable amendment of the right hon. Gentleman the Member for the University of Cambridge.

Dr. Lushington said, he could not perceive in the whole of the Bill one provision which had the slightest tendency to prevent or discourage compliance with any of the rites of the Church of England, or even to render compliance with them more onerous than they were at present. The complaints of hon. Gentlemen opposite might apply to some Bill existing in their own imagination; but to the Bill before the House, they had no application whatever. The hon. Baronet, the Member for Oxford University, had assumed that all the members of the Church of England were content with the existing system of registration. Whereas, it must be obvious to every one having any experience in these matters that they suffered as much from the evils of that system as the Dissenters; with respect to the amendment of the right hon. Gentleman, the Member for the University of Cambridge, did he mean to make his provision compulsory or optional upon parties? He (Dr. Lushington) apprehended not compulsory, but if it were made optional, he asked was there not a probability almost amounting to certainty, that numbers of persons would not go back to the registrar with the name of the child who had been baptised, to be inserted in the registry? And would not then the whole object of the registry be frustrated,—the securing the identity of the persons registered? He (Dr. Lushington) saw no reason for this amendment upon a religious ground. If he were discussing a Bill which in his opinion was calculated to injure the Church of England, by appearing to encourage neglect of her rites on the part of her members, he would not hesitate, as a member of that Church, in giving it his opposition. But he must say he could see no tendency of that kind in the Bill before the House. He was yet to learn that the compelling members of the Church of England to register the name of their children before baptism, had a tendency to encourage their omission of that rite altogether.

Sir Robert Peel said, it was gratifying to observe, that this discussion had been carried on in a tone and temper worthy of the House, and suitable to the gravity and importance of the subject under consideration. It had been admitted on the opposite side, that it would be a great evil, by any legislative enactment, to relax the sense of the importance which at present attached to the performance of the baptismal rite. The question then was, whether such was likely to be the result of this Bill. He did not think that the object of those who framed the Bill was to bring the baptismal rite into disrepute or abeyance. His complaint was, that they undervalued and overlooked the probable practical working of the measure. By law and usage the name of the child had been associated with the baptismal ceremony. This was and had been the universal practice of the Church of England. It had also, he believed, been the practice of the Roman Catholic Church; and if he were not mistaken, the majority of the Dissenters looked upon baptism as essential in naming their children. What was proposed by the Bill? By a legislative enactment, to sanction the naming of a child without the baptismal ceremony. Could that be looked upon by the unthinking and uneducated in any other light than as a disregard of that ceremony? An Act of Parliament separated the naming of the child from the baptismal rite, and made the registration as valid as the ceremony. This might not be productive of any evil consequences amongst the upper and more respectable classes, who would most probably resort both to the registration and the baptism; but what would be its effect upon the great mass of the population? Would it not be an inducement to them to rest content with having the name entered upon the civil record? Many plausible arguments had been used in support of the measure, and amongst others this, that where there was a true sense of religious feeling, the ceremony would be resorted to. Now it was of the utmost importance, that where this religious sense did not exist, the House should, as much as possible, indicate its necessity. It was impossible to say how the feeling in favour of the religious observance could be best created; but surely the omission of the ceremony, as proposed by this Bill, was not the way to promote it. It had been urged, that if registration

were not enforced in the manner pointed out by the Bill, the trouble of effecting the registration would render it difficult to obtain a perfect record; but would not the same argument hold good the other way? If the avoidance of trouble would prevent registration, would it not also prevent baptism? By this Bill was encouraged the omission of the rite. Not by a direct obligation, but by sanctioning the omission of that which the great mass of the people at present considered of great importance. By passing a law in contradiction to that feeling, they were led to suppose that the legislature disparaged the ceremony. Why violate, in that manner, the consciences of a great mass of the people? Suppose there were a large body of Dissenters placed by this Bill in the position which those of the Church of England hold now. Suppose they said, "We do not want any change. We wish to retain the ceremonial. Legislate as you please for yourselves, but leave us as you find us." Should not they say, in answer to this just demand, "Seeing the importance which you attach to this ceremony, we will not do any act which would have a tendency to desecrate it in your opinions, or to violate that which you hold sacred." He objected, then, to this part of the Bill, because it violated the conscientious opinions of the members of the Established Church, and he never could consent to the omission of a rite which that Church considered so solemn and necessary. He would merely state further, that he gave his cordial support to the amendment of his right hon. Friend.

The House divided on the amendment—Ayes 73; Noes 97—Majority 24.

List of the AYES.

Agnew, Sir A.	Follett, Sir W.
Arbuthnot, hon. H.	Forbes, W.
Ashley, Lord	Gaskell, J. Milnes
Bailey, J.	Geary, Sir W.
Balfour, T.	Gordon, hon. W.
Bolling, W.	Goulburn, rt. hon. H.
Bramston, T. W.	Goulburn, Mr. Serg.
Calcraft, J. H.	Graham, rt. hon. Sir J.
Chichester, A.	Hale, R. R.
Codrington, C. W.	Halford, H.
Cole, Lord Visc.	Hamilton, G. A.
Compton, H. C.	Hawkes, T.
Duffield, T.	Hay, Sir J.
Dunbar, G.	Hayes, Sir E. S.
Eaton, R. J.	Henniker, Lord
Egerton, Sir P.	Herries, rt. hon. J. C.
Egerton, Lord F.	Hogg, J. W.
Finch, G.	Inglis, Sir R. H.

Johnstone, Sir John
 Johnstone, J. J. H.
 Irton, S.
 Knight, H. G.
 Law, hon. C. E.
 Lees, J. F.
 Lowther, hon. Colonel
 Lowther, J. H.
 Lygon, hon. Colonel
 Mahon, Lord Viscount
 Martin, J.
 Norreys, Lord
 Packe, C. W.
 Palmer, G.
 Patten, J. W.
 Peel, rt. hon. Sir R.
 Peel, E.
 Perceval, Col.
 Pigot, R.

Plumtre, J. P.
 Praed, W. M.
 Price, R.
 Rae, rt. hon. Sir W.
 Richards, J.
 Rickford, W.
 Rushbrooke, Colonel
 Scarlett, hon. R.
 Sheppard, T.
 Stanley, E.
 Trevor, hon. Arthur
 Trevor, hon. G. R.
 Twiss, H.
 Wilbraham, H. B.
 Wilson, H.
 Wynn, rt. hon. C. W.
 TELLERS.
 Sir G. Clerk
 Mr. Ross

Wallace, R.
 Warburton, H.
 Whalley, Sir S.
 Wigney, I. N.
 Wilbraham, G.
 Wilde, Mr. Sergeant
 Williams, W.

Williams, W. A.
 Winnington, H. J.
 Woulfe, Mr. Sergt.
 Young, G. F.
 TELLERS.
 Mr. E. J. Stanley
 Mr. R. Stuart.

Other proposed amendments were put and negatived.

On the question being again put, that the Bill do pass,

Sir *Robert Peel*, before the Bill passed, wished to call the attention of the noble Lord to the position of Parish Clerks, whose incomes would be greatly reduced by the Bill, particularly in the north of England. He was acquainted with one case where the income of the parish-clerk, who had a freehold in his office, amounted to 75*l.* per annum, and of this 62*l.* were derived from fees on births and marriages.

Lord *John Russell* was very sorry that parish-clerks should suffer from the operation of the Bill; but he did not see how he could provide compensation for the losses they might sustain, as he could not tell to what fees they were legally entitled, and what they had legally received. Hereafter Parliament might take the case into its consideration, and give such compensation as the circumstances seemed to require.

Lord *Francis Egerton* called the noble Lord's attention to another case, which was not less hard than the case of the parish-clerk's, namely, that of those gentlemen who served parochial cures, not only in the metropolis where the evil chiefly prevailed, but in all great towns. The income of these gentlemen was in many cases derived from the fees received upon births and marriages, and he, therefore, hoped that the noble Lord would not refuse to hold out the same hope to them which he had permitted parish-clerks to entertain.

Mr. *Arthur Trevor* remarked, that one of the most valuable pieces of preferment in the metropolis would, if this Bill passed, hardly be worth holding.

Sir *Robert Peel* remarked, that the parish clerks stood now in a better position than they did in the morning, for the noble Lord in alleging that he did not know what the amount of their losses might be, and whether their fees were legal, impliedly promised that if their losses were ascertained and their fees were shown to be legal, he would do something for them. This would,

List of the NOES.

Adam, Sir C.
 Aglionby, H. A.
 Ainsworth, P.
 Baines, E.
 Baring, F. T.
 Bernard, E. G.
 Beauchamp, Major
 Bennett, J.
 Bernal, R.
 Blake, M. J.
 Bowring, Dr.
 Brotherton, J.
 Buller, J. E.
 Campbell, Sir J.
 Chalmers, P.
 Collier, J.
 Crawley, S.
 Denison, J. E.
 D'Eyncourt, rt. hon.
 C. T.
 Donkin, Sir R.
 Duncombe, T.
 Ebrington, Lord Visc.
 Ewart, W.
 Fergus, J.
 Fitzsimon, N.
 Folkes, Sir W.
 Fort, J.
 Gordon, R.
 Grattan, H.
 Grey, Sir G.
 Grosvenor, Lord R.
 Hastie, A.
 Hawkins, J. H.
 Hay, Sir A. L.
 Hector, C. J.
 Hobhouse, right
 hon. Sir J.
 Howard, P. H.
 Howick, Lord Visc.
 Hutt, W.
 Labouchere, right
 hon.
 Lennard, T. B.
 Lennox, Lord A.
 Lennox, Lord J. G.

Lister, E. C.
 Lushington, Dr.
 Lushington, C.
 Maher, J.
 Marshall, W.
 Marsland, H.
 Morpeth, Lord Visc.
 Morrison, J.
 Mullins, F. W.
 Murray, right hon.
 J. A.
 Nagle, Sir R.
 O'Loughlin, M.
 Palmerston, Lord
 Viscount
 Parker, J.
 Parrot, J.
 Pease, J.
 Pechell, Captain
 Pelham, hon. C. A.
 Potter, K.
 Poulter, J. S.
 Power, J.
 Rice, rt. hon. T. S.
 Rolfe, Sir R. M.
 Rooper, J. B.
 Russell, Lord J.
 Scott, J. W.
 Seymour, Lord
 Smith, R. V.
 Smith, B.
 Stewart, P. M.
 Stuart, Lord J.
 Talbot, J. H.
 Talfourd, Mr. Sergt.
 Thomson, right hon.
 C. P.
 Thompson, Colonel
 Thornely, Thomas
 Tooke, W.
 Trelawny, Sir W.
 Troubridge, Sir E. T.
 Tulk, C. A.
 Vivian, J. H.
 Wakley, T.
 Walker, R.

the right hon. Gentleman had imagined. This proposition would necessarily lead to many inconveniences. Marriages between parties not belonging to the same communion, as between a Dissenter and Churchman, and *vice versa*, were of daily occurrence. If a Dissenter married the daughter of a Churchman, was he to make an *ex parte* declaration that he disapproved of the ceremonies of the Church of England? Was the exposure of the circumstance of husband and wife being of a different faith, likely to be productive of any advantage? He opposed the clause for this reason, that it went to do that which was directly contrary to the spirit and feeling of the Bill from beginning to end.

Sir Robert Inglis said, that the speech of the hon. and learned Gentleman would have been more suitable if this clause had been proposed on the first introduction of the Bill, but it was inconsistent with the Bill as it now stood; for the very same test which his right hon. Friend proposed as a protection to the Church of England, was actually, *totidem verbis*, introduced into the Bill as it stood, with the sanction of the noble Lord. In the 18th Clause were these words—"I do solemnly declare that I have conscientious scruples against marrying in any church or chapel, or with any religious ceremony." If the hon. and learned Member had adverted to this clause, whatever other objections he might urge against that of his right hon. Friend, he would not have objected to it because it introduced a test.

Mr. Baines said, that such a clause would deprive the Bill of all its efficacy. If he stood alone, he would divide the House against its adoption. The right hon. Member for the University of Oxford had certainly shown that the Bill, as it stood, contained a provision of a similar character. He (Mr. Baines) was shocked and astonished when the right hon. Gentleman read it; and how it came there he was utterly at a loss to conceive. He hoped, however, that the House would fulfil the pledge which they had given to the Dissenters, and would strike out so obnoxious a clause. The right hon. Gentleman had no right to call on the Dissenters to declare that they had a conscientious scruple to the performance of the marriage ceremony according to the rites of the Church of England. They could not make such a declaration. They might have a moral objection—they might have

an objection of feeling; but they could not say they had a conscientious objection. To attempt to pass the Bill with such a clause would be to confer a benefit with a very bad grace; and he was persuaded that it would be rejected by the Dissenters. In some cases in which the general interest, or the interest of the Church, might be supposed to be endangered, a test might with less impropriety be required; but here the whole affair was between the parties themselves, and therefore it was impossible to imagine a more ungracious proceeding.

Lord John Russell agreed in opinion with those who had said that the words of the clause would deprive the Bill of all efficacy as a relief to the Dissenters. The great majority of the Dissenters claimed the performance of the marriage ceremony in their own chapel; but if this declaration was necessary, it was impossible for the great majority of the Dissenters, who might not have conscientious scruples, to take advantage of the Bill, which would thus be rendered nugatory. The hon. Baronet, and the hon. Member behind him, had taken advantage of the clause which related to the civil contract; in which a declaration had been introduced, it was said, with his sanction. It had been introduced on bringing up the Report, *prima facie*, in consequence of what had fallen from the right hon. Member for Tamworth. He had understood that the hon. Baronet stated, that he preferred to vote, and he did vote, for all the clauses which recognised marriage as a civil contract before the superintendent, without any religious ceremony; but he had contended that it should not be the policy of the State to encourage members of the Church of England and of the different sects to consider this as a civil ceremony merely; and that the effect of that clause went beyond its intention—that it was intended for the relief of persons objecting to marry in the Church, and according to any religious rites, and who claimed to regard marriage as a civil contract only; but the right hon. Baronet's argument was, that its effect would be not only to allow such marriages, but to encourage, contrary to the policy of the State, the making the marriage ceremony a civil ceremony. He had had no communication with the right hon. Baronet out of the House, but he owned that it struck him that there was some force in what he stated, and a

the country, that the Government which was afraid to oppress the great Dissenters, was not unwilling to oppress the small. The Dissenters at large would feel that dust and ashes were mingled in what was offered to them as a boon, and a gross insult would be conveyed to them, where they had looked to receive a favour.

Sir Robert Peel thought it quite, unnecessary, however natural it might be, for the noble Lord to disclaim having had any communication with him on the subject of this clause; still, however, he was desirous of adding his positive declaration to the assurance of the noble Lord, that all which had passed between them had transpired publicly in that House. Having made his proposition, to which at the time no human being made any opposition, the noble Lord, from a perfect conviction of its justice, had voluntarily, and without any communication with him, adopted and introduced it as a clause in the Bill. He repeated, the noble Lord had given no intimation whatever of his intention to introduce that clause, and therefore it had been forced on him by no hostile display on the part of those on that (the Opposition) side of the House. He merely stated, that it would be a great satisfaction to the religious community to come to an arrangement upon this subject, without making any distinction between the members of the Establishment and the great body of the Dissenters; and the arrangement which he wished to see effected with respect to marriage was this—there being no objection whatever on the part of the members of the Church of England to be married according to its ceremonies, he was anxious to leave the members of the Establishment *bona fide* exactly as they now stood, he would not interfere with them at all; no human being, a member of the Church of England, having expressed any objection to its rites; he did think it unjust, in giving relief to the Dissenters, unnecessarily to interfere with what gave universal satisfaction to a church. At the same time, he had no hesitation in saying, although the avowal might possibly subject him to the disapprobation of some, that the arrangement he also wished simultaneously to be made was one which would give entire relief and satisfaction to the feelings of the Dissenters. He wished to see Dissenters placed on the same footing as the members of the Church of England; he wished to

see their religious ceremonies held, in point of law and practice, as of equal obligation with those of the members of the Church. He believed this Bill would effect that object. Indeed, it appeared to him, that this Bill possessed an advantage over that which he had introduced, because, requiring as it did, that in almost all cases the ceremony should be performed in places of worship, it certainly appeared to give an additional sanction to the contract of marriage. The words proposed by his right hon. Friend were intended with the view, not of wounding the feelings of the Dissenter, and requiring from him any religious test which could be considered as a mark of the slightest inferiority, but to guard against the possibility, in giving relief to the Dissenter, of interfering with the practice of the Church of England, which gave entire satisfaction to its members. As the Bill now stood, the Attorney-General had stated, that it was not the intention to interfere with the rights of the Church of England, and the object of his right hon. Friend's proviso was merely to guard against the embarrassment which might possibly arise in certain cases, the members of the Church remaining precisely as they now stood, bound to conform to rites with respect to which they had expressed no dissatisfaction; that the religious ceremony of the Dissenter should be equally respected, and all should join in discouraging, or at least in not encouraging, exemption from the religious ceremony. He saw no connexion whatever between the amendment of his right hon. Friend and the proviso contained in the 18th Clause, with respect to which the noble Lord had announced his intention to strike it out of the Bill altogether rather than agree, in consistency with the proviso the noble Lord had introduced into the Bill, to the amendment of his right hon. Friend. Now, he did not think there was any occasion for anticipating the dilemma contemplated by the noble Lord. If his right hon. Friend's proposition were negatived, the noble Lord would have an opportunity of fighting manfully in defence of his own proposition, and he hoped the noble Lord would not on that occasion be shamefully deserted by those who sat behind him. But he hoped the disagreeable alternative would not be presented to them, and he ventured to prophecy that the noble Lord would be enabled successfully to resist his right hon. Friend's sug-

Brotherton Joseph	Marsland, Henry
Buller, Edward	Morpeth, Lord Visct.
Campbell, Sir J.	Morrison, James
Cavendish, hon. C.	Mostyn, hon. Edw.
Cayley, E. Stillingfleet	Mullins, Fred. W.
Chalmers, Patrick	Murray, rt. hon. J. A.
Childers, J. Walbanke	Nagle, Sir Richard
Clive, Edward Bolton	O'Connell, M. J.
Colborne, N.W. Ridley	O'Loghlen, Michael
Collier, John	Palmerston, Lord Vis.
Cookes, T. Henry	Parker, John
Cowper, hon. W. F.	Parrott, Jasper
Crawley, Samuel	Pattison, James
Dalmeny, Lord	Pease, Joseph
Dillwyn, L. Weston	Pechell, Captain
Donkin, Sir Rufane	Pelham, hon. C. And.
Duncombe, Thomas	Pinney, William
Dundas, hon. T.	Plumtre, John P.
Ebrington, Lord Visct.	Potter, Richard
Etwall, Ralph	Poyntz, W. Stephen
Euston, Earl of	Rice, rt. hon. T. S.
Ewart, William	Rolfe, Sir R. Monsey
Ferguson, R.	Rooper, J. Bon'oy
Fergusson, rt. hon. R. C.	Rundle, John
Fitzroy, Lord Charles	Russell, Lord J.
Fitzsimon, Nich.	Russell, Lord
Folkes, Sir William	Ruthven, Edward
Forster, Chas. Smith	Seymour, Lord
Gaskell, Daniel	Sheil, R. Lalor
Gordon, Robert	Smith, R. Vernon
Grey, Sir George	Smith, Benjamin
Hardy, John	Steuart, Robert
Hastie, Archibald	Stewart, P. Maxwell
Hawes, Benjamin	Stuart, Lord James
Hawkins, J. Heywood	Talbot, J. Hyacinth
Hay, Sir A. Leith	Talbot, C. R. Mansell
Hector, Cornth. John	Talfourd, Mr. Serg.
Hobhouse, rt. hon. Sir J.	Thomson, rt. hon. C. P.
Hodges, Thos. Law	Thompson, Colonel
Hodges, T. Twisden	Thornely, Thomas
Horsman, Edward	Trelawny, Sir William
Howard, Philip H.	Troubridge, Sir E. T.
Howick, Lord Visct.	Tulk, Charles Aug.
Hutt, William	Villiers, C. Pelham
Jephson, Chas. D. O.	Wakley, Thomas
Johnstone, J. J. H.	Wallace, Robert
Labouchere, rt. hon. H.	Warburton, Henry
Lennard, T. B.	Wason, Rigby
Lennox, Lord George	Williams, William
Lennox, Lord Arthur	Williams, W. Adams
Lister, E. Cunliffe	Wilson, Henry
Lushington, Dr.	Winnington, Sir T.
M'Leod, Roderick	Winnington, H. J.
M'Namara, Major	
Maher, John	TELLERS.
Marjoribanks, Stewart	Baring, Mr.
Marshall, William	Stanley, Mr.

Mr. *Warburton* said, that after the intimation given by the noble Lord, and the decision which the House had come to on the proposition of the right hon. Gentleman, the Member for the University of Cambridge, he should content himself with simply moving the omission of the declaration contained in the 18th Clause.

Lord *John Russell* said, that after the advantage which had been taken of the words of that declaration, and the inferences which had been drawn from its introduction by the hon. Gentleman opposite, he could not but feel that the words were contrary to the general principle of the Bill, and, therefore, not wishing to sanction any deviation from its principle, he thought it would be much better to omit them altogether.

Mr. *Estcourt* thought the clause as it now stood in the Bill ought to remain unaltered.

Sir *Robert Inglis* maintained, that he had not intended to bring any charge of inconsistency against the noble Lord for having introduced into the Bill a proviso contained in the 18th Clause. He only wished to urge the adoption of his right hon. Friend's clause, in order to bring the provisions of the Bill in harmony with each other.

Mr. *Goulburn* was anxious to point the attention of the House to what must be the state of marriages, with respect to the Church of England, if this proviso were adopted. As the Bill at present stood, including this proviso, there was nothing to prevent the son or daughter of any member of the Church of England from contracting the most imprudent marriage, and having it celebrated without any religious ceremony whatever, or in a Dissenting meeting-house. That was an evil. It opened a door within the pale of the Church of England for the contraction of marriages civilly and in a clandestine manner. But if this proviso were removed, they would go a step further, and declare that marriage might be contracted in contempt of every religious ceremony which heretofore had sanctified it, and in this way any individual who wished to seduce a girl might go with her at once to the superintending registrar, the sanctions hitherto surrounding marriage being entirely dissolved, and marry her in a clandestine manner.

The House divided on the question that the words proposed to be left out stand part of the Bill—Ayes 67; Noes 108.—Majority 41.

Declaration struck out.

List of the AYES.

Agnew, Sir Andrew	Balfour, Thomas
Alsager, Captain	Bentinck, Lord G.
Ashley, Lord	Bolling, William
Bagot, hon. William	Borthwick, Peter

the clear and satisfactory manner in which he had conveyed his sentiments to the House. He did not think that there would be felt amongst the Protestant Dissenters any objection to the bill, as far as related to constituting marriage a civil contract, or to the registration of their marriages through the medium of the magistrates; but there might be objections to some of the details; though those he hoped might, without much difficulty, be removed. He was afraid that there might be a jealousy created throughout the community, by requiring that the marriages of some should be celebrated by a religious ratification, whereas with others that it should be only a civil contract. To give the greater solemnity to marriage in all cases, he thought that some religious service ought to be ingrafted upon the civil contract, and that the service should be performed by the minister of the religious body to whom the parties were attached.*

Did he propose that? He did not go that length. All he asked was, if the party should object to the religious rite, they should precede their entering on the contract by stating that they did so object. That was all. The hon. Gentleman thought they ought to have had by law a religious contract superadded to the ceremony. His words were—"To give the greater solemnity to marriage in all cases, he thought that some religious service ought to be ingrafted upon the civil contract, and that the service should be performed by the minister of the religious body, to whom parties were attached." By his Bill, he left the parties at full liberty to take that course. It was left altogether voluntary. He must say, as the Bill now stood, it did a positive injustice to the members of the Church of England. He was desirous throughout to give full satisfaction, and afford not only a full remedy for every grievance, but believing that no remedy would be effectual unless it consulted the fastidious feelings of Dissenters, he was desirous of seeing them fully respected. But the Bill had now assumed quite a different aspect, and while it provided for the relief of the Dissenter, passed a gratuitous and most intolerable insult on the feelings and principles of the members of the Church of England. The noble Lord had, out of his own good feeling, introduced this clause under the impression that it would be more comfortable to the feelings of the religious part of the community, both of the Church of England and the Dissenters;

he had now, at the instigation of those behind him, abandoned it. He was satisfied that the course which the noble Lord had pursued was without precedent on the part of one who attempted to be the leader of that House.

Mr. Baines said, that he had not suggested that there should be a legal obligation. The word "law" was not introduced into the Bill. He had expressed, and still felt, an anxiety that the marriage rite should be attended, and he believed that, under the provisions of this Bill, it would be attended in almost every case, with a religious ceremony. That feeling he entertained then, and that feeling he entertained now. He should not have thought so humble an individual as himself entitled to obtrude his opinions on the House, had they not been brought so prominently forward. With respect to the Bill now passed, he would say it was a Bill calculated to give content and satisfaction to a body of persons who had at all times been anxious to enjoy the privileges to which they were entitled, but it deprived the members of the Established Church of no privilege which they now possessed. Did hon. Members mean to deny that? Would not members of the Established Church be at liberty to go to Church to have their marriage solemnized as before? The noble Lord was much more able to defend his own conduct than he was, and, therefore, he (Mr. Baines) would not trouble the House by attempting it.

Mr. Arthur Trevor wished to ask the hon. Member for Leeds, if, in sober earnestness, he conceived that no wrong was done to the members of the Established Church by allowing their sons and daughters to marry by mere civil contract—that was to say, to allow the son of any gentleman in England to marry the housemaid by civil contract?

Mr. Baines replied, that if the son of a gentleman chose to marry the housemaid, he was at quite as much liberty to do so in the Church as in any other place.

Mr. Handley observed, that the hon. Member for Leeds had held himself out as the representative of the Dissenters. He was surprised, indeed, that the organ of a body to which he knew that many conscientious and religious men belonged, should stand up in his place the advocate of a measure which would enable not only the sons of members of the Established

* Hansard (Third Series) vol. xxvi. p. 1097.

List of the AYES.

Adam, Sir C.
 Aglionby, H. A.
 Ainsworth, P.
 Angerstein, J.
 Bagshaw, J.
 Baines, E.
 Baring, F. T.
 Baring, E. G.
 Bentinck, Lord G.
 Bernal, Ralph
 Bewes, T.
 Bish, T.
 Blake, M. J.
 Blamire, W.
 Bowring, Dr.
 Brady, D. C.
 Bridgeman, H.
 Brocklehurst, J.
 Brodie, W. B.
 Brotherton, J.
 Buller, E.
 Cayley, E.
 Chalmers, P.
 Childers, J. W.
 Collier, John
 Crawley, S.
 Dalmeny, Lord
 Dillwyn, L. W.
 Donkin, Sir R.
 Duncombe, T.
 Ebrington, Lord Vis.
 Etwall, Ralph
 Ewart, W.
 Ferguson, Rob.
 Fitzroy, Lord Chas.
 Fitzsimon, N.
 Folkes, Sir W.
 Forster, Charles S.
 Gordon, R.
 Grattan, H.
 Grey, Sir G.
 Hastie, Archibald
 Hawes, B.
 Hector, C. J.
 Hobhouse, rt. hon. Sir J.
 Hodges, T. L.
 Horsman, E.
 Howard, Philip H.
 Hutt, William
 Labouchere, rt. hon. H.
 Lennard, T. B.
 Lennox, Lord George
 Lennox, Lord A.
 Lister, E. C.

Lushington, Dr.
 M'Leod, Roderick
 M'Namara, Major
 Maher, John
 Marjoribanks, S.
 Marshall, William
 Marsland, H.
 Mostyn, hon. E.
 Mullins, F. W.
 Murray, rt. hon. J. A.
 Nagle, Sir Richard
 O'Connell, M. J.
 Palmerston, Lord Vist.
 Parker, John
 Parrot, J.
 Pattison, J.
 Pease, J.
 Pechell, Captain
 Pelham, hon. C. A.
 Potter, R.
 Rice, rt. hon. T. S.
 Rolfe, Sir R. Monsey
 Rooper, John Bonfoy
 Rundle, J.
 Russell, Lord J.
 Ruthven, Edw.
 Seymour, Lord
 Sheil, R. L.
 Smith, R. V.
 Smith, Benj.
 Saanley, Edward
 Stewart, P. M.
 Stuart, Lord J.
 Talbot, C. R. M.
 Talbot, J. Hyacinth
 Talfourd, Mr. Serg.
 Thomson, rt. hon. C. P.
 Thompson, Colonel
 Thornely, T.
 Troubridge, Sir E. T.
 Tulk, C. A.
 Villiers, C. P.
 Wakley, T.
 Wallace, Robert
 Warburton, H.
 Wason, Rigby
 Williams, Wm.
 Williams, W. A.
 Wilson, Henry
 Winnington, H. J.

TELLERS.

Steuart, Robert
 Hay, Sir A. L.

List of the NOES.

Agnew, Sir Andrew
 Alsager, Captain
 Ashley, Lord
 Bagot, hon. W.
 Balfour, T.
 Bolling, William
 Borthwick, Peter
 Bramston, T. W.
 Calcraft, J. H.
 Clerk, Sir G.

Compton, H. Combe
 Duffield, T.
 Egerton, Sir P.
 Estcourt, T.
 Finch, George
 Forbes, William
 Gaskell, J. Milnes
 Gladstone, Thomas
 Gladstone, W. E.
 Goulburn, rt. hon. H.

Goulburn, Mr. Serg.
 Graham, rt. hon. Sir J.
 Hale, R. Blagden
 Halford, H.
 Hamilton, G. A.
 Hayes, Sir E. S., bart.
 Henniker, Lord
 Hogg, James Weir
 Jackson, Sergeant
 Inglis, Sir R. H., bart.
 Irtton, Samuel
 Knight, H. G.
 Law, hon. C. E.
 Lowther, J. Hen.
 Mahon, Lord
 Packe, C. W.
 Palmer, George
 Peel, Sir Robert, bart.
 Peel, Edm.

Perceval, Col.
 Plumptre, J. P.
 Praed, W. M.
 Price, Richard
 Pringle, A.
 Rae, Sir William, bt.
 Ross, Charles
 Rushbrook, Colonel
 Scarlett, hon. R.
 Shaw, rt. hon. F.
 Sheppard, T.
 Sibthorpe, Colonel
 Trevor, hon. Arthur
 Wilbraham, hon. B.
 Wynn, rt. hon. C. W.

TELLERS.

Lincoln, Earl of
 Estcourt, Thos.

Bill passed.

HOUSE OF COMMONS,

Wednesday, June 29, 1836.

MINUTES.] Bills. Read a third time: Judges' Chamber Bill; Ottoman Dominions' Consuls.—Read a first time:—Court of Session Audit (Scotland) Bill; Sheriff's Courts (Scotland); Heirs of Entail (Scotland) Bill.

Petitions presented. By several HON. MEMBERS, from various Places, against Factories' Act Amendment Bill.—By Mr. CUTLAR FERGUSON and Mr. GILLON, from Lanark and Castle Douglas, for Alteration of Municipal Corporations' (Scotland) Bill.—By Mr. GILLON, from Kirkintilloch, praying the House to reject any Application for New Endowments.—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By several HON. MEMBERS, from various Places, against allowing Grocers to sell Spirits.—By several HON. MEMBERS, from various Places, that the House will Adhere to the Provisions of the Municipal Corporation Reform Bill as originally passed by them.—By Mr. TOWNLEY, from Tavistock, against Tithe Commutation Bill; and from Royston, for Revision of Criminal Laws.—By Mr. TOWNLEY and another HON. MEMBER, from Whittlesham and Cambridge, for placing County Rates in the hands of Deputies.—By Mr. TENNYSON D'EYNCOURT, from Lambeth, that in case of summary Conviction before a Magistrate, the Evidence thereon given should be uniformly set forth in the Record.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By Sir JOHN OWEN, from several Places, for Repeal of Duty on Marine Insurances.—By several HON. MEMBERS, from various Places, for Lords' Day Bill.—By Mr. PLUMPTRE and Sir JOHN OWEN, from various Places, against Turnpike Trusts' Consolidation Bill.—By Mr. LANETON, from Sunderland, for Removal of Jewish Disabilities.—By Mr. STEWART MACKENZIE, from Laurencekirk, for Alteration of Burghs' Barony (Scotland) Bill.—By Sir R. MUSGRAVE, from Waterford, for Revision of Grand Jury Taxation (Ireland).—By several HON. MEMBERS, from various Places, for the Joint-Stock Bank Committee to require from Private Banks an Account of their Liabilities and Assets.

CHURCH RATES.] Mr. Tennyson D'Eyncourt said, he had two petitions to present from St. Mary's, Newington, complaining of Church-rates. It appeared from the statement of the petitioners, that sixteen years ago an Act was passed for building two new churches in that parish, and they com-

plained of the heavy expense that had been thereby incurred, and of the heavy amount of rate that had been imposed on the parish to meet that expense. The petition was signed by 3,000 persons. It was held out at the time the Act passed, that only 10,000*l.* would be charged on the parish, and that the remainder of the expense would be supplied by the Commissioners for building new churches. Since the Act was passed 34,000*l.* had been levied off the parish in the shape of Church-rates, for building and furnishing these two churches. The trustees were in debt, besides, 20,000*l.* and the Church Commissioners had paid 16,000*l.*, making altogether 70,000*l.* for the building and outfit of these churches. So that, after deducting what had been paid by the Church Commissioners, an expense of 40,000*l.* had been incurred over and above what the inhabitants of the parish could be justly called upon to pay. At present, the maintenance of these churches cost the parish 1,000*l.* a-year. He apprehended that there had been a misappropriation of the trust money on the part of the trustees. The only remedy the Act gave was an appeal to the Quarter Sessions, and that was no remedy at all. There was no knowing to what an extent this expenditure might go, if Parliament did not interfere. The trustees were self-elected, and they considered themselves irresponsible. Great distress had been occasioned in the parish by the heaviness of the rates, and no less than 2,000 distress warrants had been issued to enforce them. The affair had created in the parish such an alienation from the Church of England, that last week at a vestry, when there were 800 present, they came to a resolution not to pay any more Church-rates. In this parish, with a population of 50,000, there were not less than 30,000 Dissenters. The petitioners prayed for redress, and that the trustees should be made elective by, and responsible to, the parish.

Mr. *Hawes* rose to confirm the statement of his hon. Colleague. It was their intention, whenever the question of Church-rate was before the House, to bring this special case under its consideration.

Mr. *Williams Wynn* apprehended that, if the parish had anything to complain of, it could obtain redress by an application to the King's Bench.

Mr. *Tennyson D'Eyncourt* said, the Act gave only the power of appeal to the Quarter Sessions.

Mr. *Wilks* said, that many similar local Bills had been passed, of which the same complaint was now to be made. Ten times the amount of money contemplated by such Acts had been afterwards levied on the parishes, and they had no remedy but that most inefficient one—of an appeal to the Quarter Sessions.

Petitions to lie on the Table.

CASE OF DR. MULHOLLAND.] Mr. Sergeant *Jackson* rose to present a petition with which he had been intrusted from the Rev. Mr. Mulholland, a Roman Catholic clergyman in Ireland, who prayed the House to adopt some legislative enactment to cause the canon law of the Church of Rome to be fairly observed in Ireland. He hoped that the House would allow him to lay before it the statement contained in the petition, which he was the more anxious to do with as much accuracy as he could, as he differed in religious opinion from the rev. Gentleman from whom the petition emanated. The petitioner, after stating that a serious injury had been inflicted on him, in consequence of his having availed himself of a court of common law to obtain redress for an attack on his character, proceeded to state, that he was educated in the college of Maynooth, where he was ordained in 1815, that he afterwards went to Rome, where he studied for eight years, and made very creditable progress in his divinity studies, and that he returned to Ireland in 1826, when he was appointed by the Roman Catholic titular Bishop of Armagh to the parish of Termonfechin, in the county of Louth. He stated that that parish was in the nature of what was called, in the Protestant Church, a perpetual curacy, and that he had the same right to it that a clergyman had to his parish. He stated, that in the year 1833 there were disturbances in the county of Louth, and that a brother clergyman accused the petitioner of being an encourager of them. He stated, that his character was injured to such an extent by the accusation, that he felt it necessary to appeal to a court of law for redress. He did not do so, however, without having first applied to the Catholic Primate for that redress. Having waited six months, and having received no answer to his application to that quarter, he brought an action in the Court of Common Pleas, Dublin, where he got a verdict, and recovered damages, certainly to a small amount—namely, one farthing. In consequence of his having appealed to

the laws of his country in this way, most unwarrantable proceedings had been adopted towards him. He states, that in the first place he was, on the 6th November, 1833, suspended by Dr. Kelly, who had, only four days previous to that date, declared that Dr. Mulholland was good-hearted, pious, and learned. The petitioner then submitted in person his case to the congregation for the propagation of the faith at Rome; and the letters which he received directed that he should be re-instated. He was not, however, re-instated.

Mr. *Williams Wynn* rose to order. He had, yesterday, protested against the useless and most inconvenient practice of entertaining petitions with respect to which the House could neither investigate the alleged grounds of complaint, nor afford any practical relief. In the present instance, the petitioner complained, that he had been deprived of the income of his living, arising, as it appeared, out of funds which had not been provided by the state, over which, therefore, the Legislature could have no control; and that a titular archbishop of Ireland had not duly attended to letters from Rome. It was impossible for the House to receive such a petition; if they did, it would, of course, be necessary that hon. Gentlemen opposite should be allowed to make a counter-statement, although the House could pronounce no opinion whatever on the subject. He hoped his hon. and learned Friend would not lend the sanction of his example to a practice like this, which must be attended with the greatest possible inconvenience to the public business.

Mr. *Sergeant Jackson* was glad upon all occasions to have the benefit of the right hon. Gentleman's experience respecting the laws and usages of that House; but he must take the liberty of submitting, that the present case differed essentially from that which was under consideration yesterday. The complaint in the latter instance was made to the House, the ordinary tribunals of the country where it should have been adjudicated having been passed over; but in this instance those tribunals could take no cognizance of the matter; and if the House did not interfere, no relief whatever could be administered. [Mr. *O'Connell*: What is the prayer?] He would read the prayer of the petition, if the House would give him leave. This was the prayer:—"Under

these circumstances your petitioner most humbly submits that it may seem good to your hon. House, and to the Legislature, that some order be taken, either by a declaratory or an enacting law, to provide that the canon law of the Church of Rome be fairly observed as between the several orders of the clergy of that Church, and in so far as shall be compatible with the laws of the country. And your petitioner will ever pray." Here, then, was a man who declared that having by the law of his Church a good right to the income arising from his living in the parish, he had been most unjustly deprived of it, merely for having appealed to the laws of his country on the subject of a civil injury which he had received. Would the House refuse in such a case—

Mr. *Roebeck* rose to order. He did not see how the House could recognize the canon law of Rome, or take any means to compel others to conform to it.

Mr. *Scarlett* submitted, that the House of Commons was the proper place for taking such a petition into consideration, and if the law did not hold out any remedy for the grievance complained of, it was their duty to adopt the best means of providing a satisfactory one. He could see no objection in point of order to the reception of the petition, and investigating the cause of complaint; even although the individual appealing to the House were a Roman Catholic priest.

The *Speaker*: It appears to me quite evident that the petition which has been brought forward by the hon. and learned Gentleman, has reference to a matter upon which this House can afford no redress to the party who complains of having been aggrieved; and if the House should think fit to sanction its reception, I cannot have any hesitation in declaring that the House will, in so doing, introduce a most inconvenient practice.

Colonel *Perceval* did not presume in any way to question the authority of the Chair, but a petition of a much less important character, and not at all within the jurisdiction of the House, having been received last night, he did wish to press upon the hon. Members opposite the necessity of abstaining from making that the arena for uttering calumnies against others who could never, perhaps, afterwards disabuse the public mind of the unfounded charges which had been circulated against them. He could not but express himself

highly gratified that this particular case had at length directed general and serious attention to the acts of oppression and despotism practised in Ireland towards the inferior Roman Catholic clergy who refused to become the agents of political agitation for party purposes.

Mr. Sergeant *Jackson* would not say one word more on the subject, if in the opinion of the House he was out of order; but if he were not actually transgressing the rules and regulations of the House, he hoped they would allow him, as an act of favour and indulgence, to state briefly the circumstances of this gentleman's complaint. It should be recollected that there was something very extraordinary in the features of the case. He could have no personal or party motive in view; his religious opinions were altogether different from those entertained by the petitioner; and the fact was, although it might appear singular to some unacquainted with the state of matters in Ireland, the petitioner had applied to two hon. and learned Gentlemen, both Members of that House, to present the petition, but was told by one that he would be denounced if he dared to do so, and was recommended by the other implicitly to submit without remonstrance to his ecclesiastical superiors, for the House could afford him no relief whatever. He spoke with great deference, but the petition was most respectfully worded: in his opinion it was quite competent for the House to entertain it.

The *Speaker*: I have merely to offer this suggestion to the consideration of all hon. Members. I have always understood that when any hon. Member presented a petition to the House, he first made himself responsible to the House that it contained no improper language, or such as ought not to be addressed to the House of Commons; and secondly, that he was supposed to exercise a becoming discretion as to the possibility or propriety of Parliament granting any relief in the matter. I am sure I need not indicate to the House the great inconvenience which must result from hon. Members pursuing a contrary practice, both in reference to the dignity of the proceedings of the House, and the progress of public business.

Mr. Sergeant *Jackson* had carefully perused the petition, and he could confidently state that, from the beginning to the end of it, there occurred no improper expression whatever towards that House. It was throughout most respectful in its

language. In that respect he trusted he should be considered as having done his duty; and, as to the second point, he must be allowed to observe, that a petition precisely similar to this had been presented and received in the other House without the slightest objection. He hoped that would be sufficient to explain and vindicate the course he had pursued. He felt on all occasions the utmost pleasure in presenting the petitions of those who had grievances to complain of, provided they were respectfully worded, and not inconsistent with the rules of Parliament. He trusted, therefore, he should still be allowed in this case—

The *Speaker*: Order! Order! I can have no personal feeling in this matter; and having already stated what I conceive to be the general rule of the House, and which public convenience requires should be closely adhered to, I must leave the hon. and learned Gentleman to the exercise of his own discretion, as to the propriety of proceeding further in this matter.

Mr. Sergeant *Jackson* said, he had merely stated the whole material facts of the case. The petitioner complained that he had been deprived of all means of subsistence by his spiritual superiors, for no other offence than that he had brought an action in the Court of Common Pleas in Ireland, to vindicate his character from certain slanders which had been propagated against him. He had applied again and again to his ecclesiastical superiors for redress, but without any chance of obtaining it; and if the House did not interpose he must be left penniless. Under these circumstances he should move that the petition be brought up.

Mr. *Williams Wynn* contended that the House could take no cognizance of the matter. The Church of Rome must be considered in Ireland as a voluntary association, and the State had no control whatever over the funds attached to its living. No relief, therefore, could be administered in such a case. If the clergy of the Roman Catholic Church had been provided for by the State, the House might have had some jurisdiction; but that not being the case, it was impossible for the House to entertain the petition.

The *Attorney-General* was disposed to receive the petition, because, however absurd it might be, it prayed that the law should be altered, and in that view it certainly came within the jurisdiction of the House. He had no doubt if a Bill were

introduced for the purpose of making the canon law of Rome the law of this country, the unanimous opinion of the nation would be found to be against it. However, absurd, the prayer being practicable, the petition should be received.

Mr. *Henry Grattan* denied that any hon. Member could be denounced in Ireland for discharging his duties in that House. With respect to the merits of this petition, he assured hon. Members opposite, that a decided case had been made out against this unfortunate, but ill-advised gentleman.

Mr. *Sergeant Jackson*, having been directly appealed to, had no hesitation in declaring that he had the express authority of Dr. Mulholland for the statement he had made, that in the conversation between him and the hon. and learned Member for Tipperary (Mr. *Sheil*), at his own house, in Mount-street, on the 12th of May last, that hon. and learned Gentleman, on being requested to present the petition, said "No, no; I cannot, I shall be denounced, and so will you, Dr. Mulholland, if we proceed." The other hon. and learned Gentleman to whom he alluded was the Member for Dublin, now for *Kilkenny*, who told Dr. Mulholland there was nothing for him but an unqualified submission to his spiritual superior.

Mr. *Sharman Crawford* said, he had received a statement from the rev. Dr. *Crolly*, in which he denied all the allegations of the petition.

Mr. *Scarlett* hoped, that the Roman Catholic priesthood would not for ever remain alien to the law. It was impossible the Roman Catholic religion should continue to be propagated without the pale of the law. A majority of those who professed it felt, he believed, well affected to the state; a very large body of the priests, as he was informed, who refused to countenance agitation, were persecuted and oppressed, as the petitioner in the present instance had undoubtedly been. If the House on inquiry should find such to be the case, it would become the duty of the Legislature to consider what means could be adopted best calculated to cure the evil.

Mr. *O'Connell* had no wish to conceal from the House that he had recommended Dr. Mulholland to submit to his spiritual superiors, because in fact, no relief could otherwise be afforded him. The petition was an absurdity on the face of it; and an opportunity of presenting it was only required, in order that statements might

be made towards his superiors, which they denied, and said they were wholly destitute of truth. He thought that Dr. Mulholland had already given scandal enough, and therefore he recommended that gentleman not to press the matter further. He had no remedy, and, in his opinion, he ought to have none. If he preferred a church supported by the State, he might leave the Catholic Church—he was in a fair way for it. The Catholics did not want him to remain with them, if he went into a church supported and regulated by the law—if he left that church for which the law did nothing, and which was only the better supported on that very account, and if he attached himself to the law church, to which the law assigned emoluments, he might have his legal remedy, but while he continued connected with the Church of Rome, he had no such resort. In his (Mr. *O'Connell's*) opinion, Dr. *Crolly* had conducted himself in the kindest and most humane manner towards the petitioner, and had recommended him to three curacies, but none of them would have him.

Mr. *Bellew* maintained that the charges in the petition were without foundation, and read an extract from the printed resolutions passed at a meeting of the Roman Catholic clergy of the diocese, complimenting Dr. *Kelly* for having dismissed the petitioner. From the discussion which had taken place elsewhere upon this subject, the Roman Catholic clergy had more reason than ever to congratulate themselves that they had no connexion whatever with the State; otherwise they would see their independence completely destroyed. He trusted that they would for ever remain separated from the State.

Petition to lie on the table.

OFFICERS OF THE HOUSE.] Mr. *Hume* moved Resolutions for carrying into effect the recommendations of the Committee, whose anxious desire had been to do all in their power to render justice to every individual. The following Resolutions were then agreed to:—

"That this House agree with the recommendations of the Select Committee, that the annual sum of 911*l.* be allowed to Mr. *John Pratt*, the head doorkeeper, during the time he shall continue to perform the duties of his office, in lieu of all salary, fees, gratuities, and emoluments whatsoever.

"That the annual sum of 874*l.* be allowed to Mr. F. Williams, the under door-keeper, during the time he shall continue to perform the duties of his office, in lieu of all salary, fees, gratuities, and emoluments whatsoever.

"That the annual salary of each of the door-keepers, after Mr. Pratt and Mr. Williams shall retire, be 400*l.*, in lieu of all fees, gratuities, and emoluments whatsoever."

The other resolutions to the 13th, inclusive, were then agreed to.

On the 14th Resolution being proposed, "That the recommendation of the Committee as to the future establishment of the Members' waiting-room, be approved,"

Mr. *Wigney* said, that he thought that in comparison with the salaries provided for some of the officers of the House, and which he did not consider too much, the allowance of one individual who had very arduous duties to perform was exceedingly disproportionate. He alluded to the individual who attended in the Members' lower waiting-room. At present the income of that individual amounted to upwards of 600*l.* per annum; from guinea fees alone he received 560*l.*, but of this he paid 200*l.* per annum, and he had also to pay an assistant and porter. That individual had filled that situation for fifteen years, which included seventeen Sessions, and during that time he had never been absent from his post a single day. His room was opened at eleven in the morning, and he remained there until the House rose at night, and more need not be said to show the arduous nature of the duties he had to perform. The hon. Member concluded by proposing as an amendment, "That the salary of Thomas Collett be 400*l.* a-year, instead of 200*l.* a-year, as recommended by the Committee."

Mr. *Hume* said, it was difficult for the Committee to satisfy all parties. However, if the hon. Member had attended to the proceedings of the Committee he would find that this individual had no reason to complain. He had been examined before the Committee of 1833, and he stated, that he was not on the establishment, but that he had been put into his situation by Mrs. Rawlinson, with the permission of Mr. Seymour. That his whole receipts did not exceed above 425*l.* a-year, out of which he paid to Mrs. Rawlinson 300*l.* a-year, so that the amount he received himself did not exceed 125*l.* a-year. The

Committee thought that, on the whole, they had dealt liberally with him, for, instead of holding his situation at the will of Mrs. Rawlinson, he now held his appointment from the House, and had the chance hereafter of being promoted to a higher salary. He (Mr. Hume) had no doubt that if Mr. Collet chose to retire tomorrow the Serjeant-at-Arms would get as good a man to perform the duties for 100*l.* a-year.

Mr. *Wigney* said, that in the amendment he had proposed he had no intention to cast any imputation on the Committee. If the sense of the House was against him he would not press his motion.

Amendment withdrawn.

Mr. *Estcourt* moved, "That the annual sum of 778*l.* be allowed to Mr. John Bellamy, the deputy house-keeper, during the time he shall continue to perform the duties of his office, in lieu of all salary, fees, gratuities, and emoluments, whatsoever; and that the annual sum of 300*l.* be allowed to him for the servants requisite to keep the House, the Committee, and other rooms, passages, &c., clean."

Mr. *Hume* said, the resolutions of the Select Committee were in his opinion the best rule for the guidance of the House. It lay, however, with the House to adopt or depart from them, and to say, whether one rule should be laid down for the remuneration of the housekeeper and another for the messengers.

Sir *James Graham* thought it right to abide by the resolutions of the Committee, and suggested that the salaries, when fixed should commence on the 1st of January.

Amendment withdrawn. Resolutions of the Committee agreed to.

SALE OF SPIRITUOUS LIQUORS.] Mr. *Gillon* in moving that the Speaker do leave the Chair, and the House go into Committee upon the Sale of Spirituous Liquors' Bill, stated it to be his wish, that the law should be carried into operation as to spirits sold on the premises.

Sir *George Clerk* considered that the present Bill would only have the effect of inducing persons to spend more money in the purchase of spirits than at the time of using them they were able to pay for. The supporters of this Bill had, in his opinion, made out no case for the alteration. He moved as an amendment, that the Bill be committed that day six months.

Mr. *Buckingham* felt great pleasure in seconding that motion. If they legislated at all, let them do this at least, to make it more difficult for men to get intoxicated, and not to increase the facilities for doing so.

Mr. *Hume* thought it was vain for men to suppose that they could keep persons sober by means of legislation.

Mr. *Pease* regarded this as a Bill to enable fraudulent publicans to take advantage of intoxicated customers, to the utter ruin of the families of the latter.

Mr. *Gillon* was disposed to adopt an amendment, which would exempt from the operation of the Bill, all liquors drunk upon the premises.

The *Lord Advocate* was in favour of the Bill going into Committee, in order that it might then receive such alterations as would be considered desirable. He was most willing to admit the inefficacy of the law on this subject, both in this country and in Scotland.

Mr. *Goulburn* did not consider that an alteration as to the consumption of spirits upon the premises, and giving a liberty upon that subject, was at all an improvement in the existing law. The question was, whether, by sanctioning this Bill, they would afford a temptation to the poor man to ruin his family?

Mr. *Wakley* stated, that no application had been made to him from a single publican to support this Bill. If they had the means of preventing the use of spirituous liquors, they certainly should not relax those means, particularly when they saw the pernicious consequences of the use of those liquors. As to liquors not being drunk upon the premises, as proposed by his hon. Friend, it was, in his opinion, anything but an improvement; as, instead of the man consuming the stuff himself, he would infuse the poison amongst the families of cottagers.

Mr. *Patter* observed, that whenever the people attempted to amuse themselves, they were interfered with, and their only resource, therefore, was going to the gin shop.

Colonel *Thompson* desired to state, as a contrast to the experience of the Member for Finsbury, that he had presented a petition, numerously signed, from publicans, praying for the removal of the present law. He should be glad to accede to the wishes of Gentlemen opposite, if he thought they intended there should be an equality

in the legislation for different classes of society. The rich, surely did not mean to say they had any exclusive claim to lecture the poor upon sobriety. For his own part, he would take an assembly of rich men, chosen by any test or qualification that might be fixed upon, and he would venture to say, there would be found among them more instances of disgraceful disorder from excessive use of strong liquors, whether drunk upon the premises or not, he did not feel competent to say, than in any assembly of operatives he ever attended in his life. If hon. Gentlemen doubted this, he would invite them to accompany him to an assembly of operatives, and see. If hon. Gentlemen desired it, he would in six weeks produce a committee of operatives, class-leaders among the people called Methodists, if that would be a recommendation, who should take charge of all that hon. Gentlemen should drink, determine when they should pay their wine bills, and put a stop to the complaints of those desolate ladies and forsaken children who were sorrowing at home, while the Gentleman was indulging at a fashionable tavern. But would the rich submit to this; if not, why did they impose it on the poor? He could point out much better ways of promoting sobriety among the poor, than legislating for their drink. Allow them to get knowledge; take off the taxes upon their press; remove the imposts which prevented any man of the richer classes, who desired to improve them, from reaching or getting at them; — he was rather sore upon this subject, because, as was well known, he had the prospect of a red cap and prison dress; — but do this, and there would be effected what would never be reached by regulating drinks. There should be some fairness upon these points; and if the rich refused to deal fairly with the poor now, they would be obliged to do it in that state of things to which the world was tending.

Sir *Robert Bateson* did not know what company the hon. Member for Hull kept, but in the company he kept, he never saw any instances of the intoxication spoken of by that hon. Member.

Mr. *Brotherton* supported the amendment. The hon. Member for Hull had himself shown, that education could not prevent drunkenness. He thought the House should not remove any of the restraints upon it. The law, perhaps, could not make men sober, nor honest either,

but if they wished to preserve the fruit in a garden untouched by thieves; the worst thing they could do, was to break down the hedge.

The House divided, when there appeared on the original motion, Ayes 15; Noes 52—Majority 37.

Bill put off for six months.

CIVIL BILL COURTS (IRELAND).] The House resolved itself into Committee on the Civil Bill Courts (Ireland) Bill.

Causes 39 to 45 were agreed to, with verbal amendments.

On the schedule providing, that the assistant barrister receive his fee of one shilling on "signing" the decree being put, an amendment was moved, that he be entitled to the fee on merely "pronouncing" it.

Thereupon the Committee divided on the original clause, Ayes 43; Noes 21—Majority 22.

The House resumed.

HOUSE OF LORDS, Thursday, June 30, 1836.

MINUTES.] Bills. Read a third time:—Instrument of Sasine (Scotland); Revenue Department Securities.—Read a second time:—Chapels of Ease (Ireland); Petty Sessions (Ireland); Poor Rates.—Read a first time—Imprisonment for Debt.

Petitions presented. By the Marquess of WESTMINSTER, from St. Asaph, for the Irish Municipal Corporations' Bill as sent up from the Commons.—By Lord LYNDSBURGH, from Conservative Society, Liverpool, praying the House to resist all attempts to interfere with its Rights, Independence, [and Privileges.—By Viscount MELBOURNE, from Framlingham, Sunderland, against the payment of Church Rates; and from the Dissenters of Chatham, for Relief.

MUNICIPAL CORPORATIONS (IRELAND.)] Lord *Ellenborough* said, that the Committee appointed by their Lordships to draw up reasons for dissenting from the amendments of the other House to their Lordships' amendments to the Irish Municipal Corporations Bill had agreed to their Report, which he would now read to their Lordships, and then call upon their Lordships to concur in the Report. The noble Lord read as follows:—

"The Lords participate in the conviction expressed by the Commons that a good correspondence between the two Houses is essential to the well-being of the British monarchy, and it is always a subject of regret to them when, in the performance of their duty, they are compelled to take a different view of any important measure from that which has been adopted by the House of Commons.

"The Lords are earnestly desirous of removing all just causes of complaint, and of promoting all well-considered measures of improvement in all parts of the United Kingdom.

"Impressed with these feelings the Lords were anxious to co-operate with the Commons in carrying into effect some of the important objects of the Bill for the regulation of Municipal Corporations in Ireland, although there was one principle in that Bill in which they were unable to concur.

"They assented to the dissolution of Corporations, the practical effect of whose constitution is a subject of reasonable dissatisfaction.

It did not appear to them advisable to establish in their place that particular form of local government which was proposed by the Commons, but they were not without the hope that the two Houses might agree upon provisions which, accomplishing at once their common object, of removing a just cause of complaint, might at the same time secure the due administration of justice in cities and towns, preserve the corporate property for their respective benefit, and leave their local government under Acts voluntarily adopted.

"The Lords coincide in the opinion that it is not generally expedient to introduce, in the form of amendments, matters which may seem to require the more mature consideration which is given in its successive stages to an original Bill; but on this occasion the most convenient mode of procedure appeared to be that which enabled the Lords to make the fullest communication of their views to the House of Commons.

"The Lords remain strongly impressed with the belief that the system of local government proposed by the Commons would, in the actual state of Ireland, be the present cause of party triumph, and the continued source of party and religious dissension.

"The Lords earnestly desire the tranquillity of Ireland: they are unwilling to adopt a measure which would, in their apprehension, supply new occasions of collision to the adherents of different creeds and principles.

"They are prepared to do equal justice to all; but it cannot always be assumed that, by the grant of similar institutions to countries differing in their circumstances, equal justice will be done.

"The Lords are unable to acquiesce in the proposition now made by the Commons, that Corporations, as re-constructed by the Bill, shall be confined to twelve cities and towns, because it is in those cities and towns of larger population that the most extensive evils would, in their opinion, result from such reconstruction.

"The Lords disagree to the amendment whereby the existing Corporations are to be continued in eighteen towns. They are reluctant to circumscribe the extent of the general relief they deem it expedient to grant.

"Neither are the Lords prepared to concur in the proposition that the Act of the 9th year of the late King George the Fourth, to make provision for the lighting, cleansing, and watching of towns in Ireland, and to give the power of taxation for such purposes to elective

commissioners, should be imposed upon twenty cities and towns. Anxious that there should exist the power of taxation for local purposes wherever its existence might be desired by the inhabitants to be taxed, the Lords had not suggested any alteration of that Act. They had afforded new inducements to its voluntary adoption by giving the means of placing the surplus property of the Corporations to be abolished at the disposal of the Commissioners who might be elected in the towns with which such Corporations are respectively connected.

"The Lords readily acquiesce in the desire of the Commons, that, whenever that Act may be adopted, the whole corporate property shall be at once transferred to the management of the Commissioners, elected under its provisions.

"But the Lords must call to the recollection of the Commons, that hitherto the inhabitants of towns in Ireland have very generally refrained from availing themselves of the power of local government and taxation so offered to them. To render indispensable the election of Commissioners, to whom would be confided the power of raising taxes for local purposes, would, undoubtedly, be in accordance with the principle adopted in the reform of Municipal Corporations in Great Britain, but the Lords cannot but apprehend that the proposed intervention of the Legislature to overrule a manifest reluctance to be so governed, and to be so taxed, would not, as the Commons appear to anticipate, have any tendency to satisfy the just expectations of his Majesty's subjects in Ireland, or to maintain and strengthen the union.

"The Lords have abstained from insisting upon several amendments to which the Commons appear to attach much importance.

"They acquiesce in the opinion that officers connected with the administration of justice in Ireland should be removed from local influence, and placed under the direct authority of the Crown.

"They have willingly consented not to insist upon amendments which conflicted with the immediate application of the principle thus established.

"It will be a matter of sincere regret to the Lords if their adherence to the more important amendments made by them in the Bill, and their inability to concur in the new propositions made by the Commons, should have the effect of leaving a just cause of complaint without a full and present remedy.

"The Lords will, however, still entertain the hope that the two Houses of Parliament, maintaining the good understanding which happily subsists between them, and zealously co-operating in the discharge of their common duty to the country, may at no distant period devise such measures of reform in the administration of local affairs as may give real contentment, by effecting real improvement, and promote prosperity by promoting social

and religious peace in the cities and towns of Ireland:—

"Because the retention of the preamble as amended by the House of Lords is rendered necessary by the other amendments on which they insist.

"Because the Bill, as it passed the House of Commons, having practically extinguished all existing municipal corporations in Ireland, and the Lords having assented to that provision, the question between the two Houses is no longer whether Corporations should be abolished, but whether they should be re-constructed.

"Because in the present state of Ireland the general ease and contentment of the inhabitants of cities and towns therein would not be effected without modifications of the principle of local government, as applied to England and Scotland respectively, different from and more extensive than those which have been proposed by the Commons:

"Because the public good is the only true object of legislation; and, according to the difference of circumstances, that object is to be equally attained by different measures in different parts of the United Kingdom.

"Because confidence in the decisions of Parliament follow the well-considered adaption of measures to the advantage of those for whose benefit they are desired; and a spirit of distrust and discontent would be produced by instituting measures similar in name but dissimilar in their results.

"Because it is similar in effect to another provision contained in a clause proposed to be inserted by the Commons in a subsequent part of the Bill, and the omission of which is proposed by the Lords.

"Because it is necessary, consistently with other amendments proposed by the Lords, to make a temporary provision for the discharge of the duties of the officers to whom the clause refers.

"Because the 1st and 2nd of such Clauses contains regulations respecting the Corporations proposed to be abolished.

"Because the 3rd of such Clauses contains regulations respecting property held upon charitable trusts, and which for further reasons hereinafter mentioned are insufficient. Because the 4th, 5th, 6th, and 7th of such Clauses contain regulations for transferring trusts and powers under Acts of Parliament, to members of the Corporations, proposed to be abolished.

"Because the 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, and 18th of such Clauses contain regulations of police which the Lords consider to be sufficiently provided for by the Act passed in the present Session of Parliament for establishing a constabulary force in Ireland.

"Because the remaining clauses contain regulations respecting the Corporations proposed to be abolished.

"The Lords have taken into their consi-

deration the reasons annexed by the Commons to the proposed amendment to Clause 1, which reasons apply to other subsequent clauses to which the Commons equally disagree.

"The Lords observe that the Bill, as passed by the Commons, contained certain trusts in certain Corporations, being trustees casually in office on a given day, notwithstanding those persons might have ceased to hold any office, by virtue of which they were such trustees, and that the clauses objected to were intended to prevent the detriment which might have arisen from the provision made by the Commons, that all such trusts should cease on a day named; and the Lord Chancellor then made such orders as he might see fit for the appointment of trustees and the administration of the trust estate, if Parliament should not have otherwise directed.

"The Lords are of opinion that it was inexpedient to throw upon the Lord Chancellor a duty he could not satisfactorily discharge, the more especially as no provision was made by the Commons for the security of the trust property, in the event of the duty imposed upon the Lord Chancellor not being in any case performed.

"The Lords therefore thought it desirable to continue the several trusts in the several persons in whom they were continued by the Bill, as it passed the House of Commons, until Parliament should otherwise provide.

"The clauses objected to contain other enactments obviously necessary to meet cases which, arising out of the proposed abolition of Corporations, had not been provided for by the House of Commons; but all such enactments, proceeding upon the same principle, are of a character subject to the future direction of Parliament.

"For these reasons the Lords insist upon these several clauses:—

"Because it is necessary to provide for the security and management of corporate property when, by the enactments of the Bill insisted upon, Corporations shall be abolished.

"Because it is advisable to place the management of such property in the hands of Commissioners removed from local influence, and responsible for the due performance of their duties.

"Because the management of an inconsiderable property, and the right of nomination to some offices of small value required for the collection of such property, or otherwise necessary, cannot, in the apprehension of the Lords, create an influence inconsistent with the freedom and independence of the several cities and towns in Ireland.

"Because the amendment proposed by the Lords appears to them to be necessary, with a view to the title to the lands which the Commissioners are by that clause empowered to purchase.

"Because the provisions to which the Com-

mons have disagreed appear to the Lords to be necessary, on account of the peculiar circumstances of the right of patronage to which these provisions were intended to apply.

"Because there are duties to be performed by the officers to whom that clause refers which the Lords agree with the Commons in regarding as highly important to the mercantile and commercial interests of the several cities and towns in Ireland, and for the performance of which no sufficient provision would otherwise be made."

The noble Lord moved, their Lordships, that they agree to the resolutions.

Viscount Melbourne: My Lords after the reasons I have stated upon a recent occasion for dissenting from your Lordships, and after the vote I gave upon that occasion, it would be superfluous on my part now to say that I do not concur in the reasons which we have just heard from the noble Lord. I have heard on the contrary, with very great concern, the course which it is proposed to follow. I think it is hasty, and rash, and imprudent, and that the reasons assigned are not sufficient to justify the step that has been taken. After the decided manifestation of opinion which your Lordships have shown, I am not disposed to offer any opposition to these reasons. It will, however, be distinctly understood by your Lordships and by the country, that neither I nor the noble Lords who act with me are parties to these proceedings; that we distinctly disclaim any agreement or participation in them; and that, on the contrary, we altogether disclaim, disapprove of, and condemn them.

The reasons were adopted, and it was agreed a conference should be requested with the Commons.

A conference was accordingly held, at which their Lordships' reasons for not agreeing with the Commons' amendments to the Municipal Bill for Ireland were communicated to the Commons.

ADVOWSONS (IRELAND.)] The Marquess of Westmeath wished, before making the motion of which he had given notice, to call their Lordships' attention to what he considered to be an unfair, reprehensible, and cruel misrepresentation of words used by him in the debate of Monday last. He was too sensible of his own deficiencies to offer any opinion except on subjects connected with the country in which he lived, or on topics on which he was well informed, and he thought he had a right to complain when language was put into his

month totally contrary to that which he had used. The mis-statement to which he referred was contained in the *Courier* newspaper of Tuesday, in its account of the preceding night's debate. That paper stated, that he had opposed the motion, and declared, with the noble Duke who had just sat down, that nothing should induce him to give the Catholics of Ireland the power of taxing themselves. What he had really said was, that as it had been imputed to many noble Lords on the same side, that by the course they were taking they were heaping injury and insult on Ireland, nothing could induce him at least to be a party to anything that could be attended with such consequences, and he was too well aware of the hardships pressing on that country to insist on increasing the burden of its taxation. Having given this explanation, he would proceed, in pursuance of the notice he had given, to call the attention of the House to the returns (laid before the House on the 2nd inst.) of the parishes in Ireland to which the Crown presents, and the archbishops and bishops present. He complained that the returns had been very incorrectly made out, and that, as his Majesty's Ministers had included the adowsons of the lay proprietors in their scheme of confiscation, great injustice was thus done to individuals. He concluded by moving, that an humble address be presented to his Majesty, that he would be graciously pleased to order the bishops of the several dioceses in Ireland to amend the returns presented to the House on the 2nd of June last, and that the Bishop of Meath be commanded forthwith to furnish the return already sanctioned by his Majesty, in answer to the address of this House.

Viscount Melbourne thought that the terms in which the motion was couched were very vague and uncertain. It appeared to him, that the deficiency which the noble Lord wished to be supplied, and the errors he wished to be corrected, should be pointed out rather more distinctly, for otherwise the officers whose duty it was to amend the return would not know in what respect it should be amended. With regard to the latter part of the motion, referring to the Bishop of Meath, it was a very unusual course to take, and, he thought, unnecessary and peremptory.

Lord Ellenborough must oppose the motion, for he thought it would lead to no useful result.

The Earl of Ripon suggested to the

noble Marquess the propriety of withdrawing his motion, and putting it in a more convenient shape.

The Bishop of Exeter said, that the words of the motion were of a very unusual and offensive kind. He was not aware of any prerogative of the Crown which could authorise his Majesty to order any Bishop to make or to amend any such return. He must say, that it would be a very strong measure for this House to take, and he hoped they would not consent to it without some strong reasons. He should certainly feel it his duty to move that the opinion of the twelve Judges of the realm be taken before such an address be presented. It appeared to him that no sufficient ground had been laid for the motion.

The Marquess of Clanricarde wished that fuller returns should be obtained, as they were absolutely necessary for the purposes of legislation.

The Marquess of Lansdowne recommended the noble Marquess to withdraw his motion, and frame another, particularising the deficiencies of which he complained. To a motion properly worded no objection could be made.

The Marquess of Westmeath saw clearly that his motion was not properly worded, and he would therefore beg permission to withdraw it.

Motion withdrawn.

[VOTING BY PROXY.] The Earl of Uxbridge called their Lordships' attention to an occurrence concerning which some mistake had arisen, and which he was of opinion should be brought before the notice of the House. A Member of their Lordships' House, the Marquess of Anglesey, had been entered amongst the proxies in the late division on the Irish Corporation Bill. Now, some noble Lords had imagined, that the noble Marquess had been in the House in the course of the evening, a circumstance which would of course rescind the entrance of his proxy. For his own part he (the Earl of Uxbridge,) understood that the Marquess of Anglesey had not been there at all since the time when he entered his proxy.

Lord Kenyon said, that the name of Lord Anglesey had not been called, and one of the clerks had, upon the evening in question, said that his proxy was rescinded. He (Lord Kenyon), therefore, had been of opinion that the vote of the noble Lord should be added to the minority.

The Earl of *Haddington* had been told by some noble Lord, that the Marquess of Anglesey had been in the House during the debate.

Lord *Holland* thought, that the Marquess of Anglesey had not been in the House. Speaking constitutionally, the Woolsack was no part of the House, and consequently it had always been the practice of the Chancellors to step forward from the Woolsack more into the body of the House when they wished to address their Lordships upon any subject. If the noble Marquess, therefore, had passed the Lord Chancellor he certainly had been in the House. These were points of some intricacy, and he wished that a Select Committee were appointed to report to their Lordships upon the subject.

Subject dropped.

COUNSEL FOR PRISONERS.] Lord *Lyndhurst* moved the order of the day for the House going into Committee on the Prisoners' Counsel Bill.

Lord *Wharncliffe* entirely disapproved of this Bill, but he should not trouble their Lordships with his reasons for doing so until the bringing up of the Report.

The Duke of *Richmond* did not oppose the Bill. On the contrary, after the evidence that had been taken, he thought the Bill ought to pass. But he rose to ask the noble and learned Lord whether he would have any objection to introduce a clause to remedy an evil, the existence of which he pointed out last year? If he understood the principle of this Bill it was to give a fair trial to the prisoner. By the present law, if a man had been previously convicted and was brought to trial for a second offence, it had been decided by the judges that the former conviction must be set forth in the indictment, and evidence be adduced to prove the identity of the prisoner. This, of course, brought the prisoner at once before the jury with a strong prejudice against him. He submitted to the noble Lord that a clause might with very great propriety be introduced into this Bill to alter the law in that respect.

Lord *Lyndhurst* was desirous that the law should be restored to the state in which it formerly stood with respect to this point, and he should have no objection to introduce a clause to the effect proposed, provided the noble Duke would not afterwards call it an original Bill. It was his intention, when in Committee, to propose

to strike out all the clauses except the first, as either being unnecessary, because they went to enact what was already the law, or because they were enactments which had no connexion with the real object of the Bill. He also intended to propose that the Bill should come into operation on the 1st of October. It would likewise be necessary to change the title of the Bill. It was now stated to be an Act to enable prisoners to make their defence by counsel. As prisoners were sometimes tried where no counsel were present, but were defended by attorneys, it would be necessary for the words "or attorney" to be in the preamble.

The House went into Committee.

On the 1st Clause

The Earl of *Wicklow* said, that he had had communication with a very eminent judge in Ireland, who had great experience as a criminal judge, and he had stated that his opinion was, that the Bill would not be, upon the whole, beneficial to the prisoner himself. He would confine the right of the prisoner to address the jury where the counsel for the prosecution had previously done so. Much time might be saved on occasions of this kind if this course were adopted, for however their Lordships might wish to avoid using time as an argument, yet they nevertheless must feel that time was an ingredient worthy of their attention while considering this question.

Lord *Holland* said, that the object of the Bill, if he understood it aright, was not intended to be beneficial to the prisoner: and even if it were, he did not think that the judge or the counsel were the best authority upon the subject. The object of the Bill was the better administration of justice by placing the prisoner tried for felony upon a more equal footing with his prosecutor: upon the same footing, indeed, as persons were placed who were tried for other offences.

The Earl of *Radnor* thought there was a great discrepancy in the present state of the law, which ought to be removed. But still he did not entirely approve of the Bill. It was desirable that the indictment should be framed in a different way from what was now the practice. The mode adopted in Scotland and in France was preferable, and gave the prisoner much better opportunity of defending himself than the system adopted in England. He thought the alterations which the noble Lord was going to make would strike out

the very best part of the Bill. [Lord Lyndhurst: In what way?] By striking out the clauses.

Lord Lyndhurst: The object was to make the proceedings in cases of felony correspond with the practice in all other criminal proceedings. Let that be done in the first instance, and see how it worked. If it were found to be inconvenient, then let the law be altered.

The 1st Clause was agreed to.

The Bill went through the Committee with considerable alterations.

IMPRISONMENT FOR DEBT.] The Lord Chancellor, pursuant to notice, presented a Bill for abolishing imprisonment for debt, and for the better recovery of debts. He felt it unnecessary, at that time, to trouble their Lordships with any observations on the subject; the project contained in the Bill was not a new one, having been under the consideration of the other House of Parliament last year; and having, indeed, received the sanction of that branch of the Legislature. On moving the second reading of the Bill, he would explain to their Lordships the objects contemplated by the Bill, and the means by which it was hoped to accomplish them.

Bill read a first time.

HOUSE OF COMMONS,

Thursday, June 30, 1836.

MINUTES.] Bills. Read a third time:—Horse Patrol.—Read a second time:—Deeds Ratification; Notaries Public.—Read a first time:—Personal Tithes Abolition of; Owners of Vessels Liability (Ireland); Railways Revision of Tolls.

Petitions presented. By several HON. MEMBERS, from various Places, the House to adhere to the Irish Municipal Reform Bill as originally passed by them.—By Mr. R. WALLACE, from Cumnock and Inverary in favour of Law Reform (Scotland), and from the Attorneys of Hamilton and Greenock, for Repeal of Duty on Attornies Certificates, and from Ayr, Newton, Wallace-town, and Content, for the Alteration of the Law of Heritable Property (Scotland).—By the Lord Advocate and Mr. R. WALLACE, from Leith, for Municipal Corporations (Scotland) Bill.—By several HON. MEMBERS, from various Places, against Turnpike Trusts Consolidation Bill.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland), and for the House to adhere to the Irish Municipal Corporation Bill as originally passed, by them.—By Sir GEORGE CLERE, from Anderston, and Leith, against Municipal Corporations (Scotland) Bill.—By Sir W. GEARY, from Greenwich, in support of House of Lords.—By Sir G. STRICKLAND, from several Places, against Factories Act Regulation.—By several HON. MEMBERS, from various Places, for Abolition of Church Rates.—By Sir JOHN BECKETT, from Leeds, for Amendment of Sale of Beer Act.—By several HON. MEMBERS, from various Places, for Requiring from Joint Stock Banks an Account of their Liabilities and Assets.

CASE OF MR. PERROTT.] Mr. T.

Attwood rose, pursuant to notice, to present a petition from Mr. Henry Dundas Perrott, late a Lieutenant in the Royal Navy, who complained that he had been arbitrarily and unjustly deprived by the Admiralty of the pension granted to him for his services, besides having been unjustly kept from being restored to his rank in the navy, from which he had been dismissed.

The petition having been brought up,

Mr. Charles Wood was sorry to be obliged to trouble the House upon a subject with which he believed every hon. Member was already fully acquainted. The only circumstance which had occurred since the case of Mr. Perrott had been last before the House was the trial and conviction that had taken place. He (Mr. C. Wood), although the trial had been relied upon by the hon. Member for Birmingham, was glad that it had taken place, as every one of the allegations made against the petitioner had been proved. He had been convicted of a fraud; and it had also been shown that he had obtained his pension by gross fraud, he having stated he had lost his arm while exercising great guns in the Channel. It was true the fraud had not been found out for some time; but, so far from acting harshly, the Admiralty had acted most humanely, as they allowed him to retain a pension to which it was clear he had no right. The petitioner had charged Sir Thomas Hardy with first giving him a good character and then refusing the prayer of the petition. Now the fact was, that the character was given by Captain Hardy previous to 1808. Between 1808 and 1809 Mr. Perrott's conduct was so bad that his Captain had determined to bring him to a Court-Martial, but he obtained his discharge in consequence of losing his arm, so that that loss had first saved him from a Court-Martial, and then had got him a pension to which he was not entitled. The petition mentioned many wounds received, it was said, by the petitioner, and battles at which the petitioner said he had been. One date only was, however, mentioned; and it appeared from the records of the Admiralty that he could not have then been at sea at all. The hon. Gentleman, therefore, said that he had sufficient grounds for doubting the whole of the statement put forward by the petitioner.

Sir Edward Codrington said that here was assertion against assertion. He did

not understand why the Admiralty records should be trusted without investigation. The question here was, had there been an examination face to face? At all events, the petitioner should have been tried before a Court-Martial; and until he had been convicted by that tribunal the Admiralty had no right to take the course they had adopted. He was convinced that the hon. Gentleman who last addressed the House knew nothing of the merits of the case.

The *Speaker* said, that the question before the House was, that the petition do lie on the table. The hon. and gallant Officer had no right to go into the merits of the case on that question; but he might, if he thought fit, bring forward a motion on the subject. The practice of raising discussions on petitions was highly inconvenient.

Sir *Edward Codrington* knew how difficult it was to find an opportunity to bring a motion on; but still if the hon. Member for Birmingham did not submit a motion on the subject he certainly would.

Admiral *Adam* observed, that whenever the matter was brought forward he should be perfectly prepared to meet it.

Mr. *Hume* denied that the statements of the petitioner had been disproved. He was present during the whole of the trial, and so far from convicting Mr. Perrott, they gave him damages, and of course found the Admiralty guilty.

Mr. *Charles Wood* observed, that as the Admiralty had in no way offended, they could not possibly have been found guilty.

Mr. *Hume* witnessed the conduct of the counsel in the case, and of Sir John Barrow, who, in justification of the Admiralty, brought forward every document he could; but still the Jury, after a most patient investigation, returned a verdict against them, by giving Mr. Perrott damages. It was hard that an officer who had fought in thirteen battles should be persecuted as this individual had been.

Admiral *Adam* begged to say that since the trial the attorney of the petitioner had waited on Sir John Barrow, and apologized to him for having occasioned him so much trouble for a purpose so unworthy.

Mr. *Goulburn* observed, that in an affidavit which the attorney had sworn, he stated, "that in the belief of this deponent the petitioner had not been guilty of the offences which had been laid to his

charge." He believed, however, that such an affidavit could not be received according to the rules of the House.

Petition to lie upon the Table.

[*SIR JOHN BARROW'S PENSION.*] Sir *Edward Codrington* wished to ask a question of the hon. Gentleman, the Secretary for the Admiralty. He perceived that Sir John Barrow, after a certain number of years' service, was to receive a retiring pension of 1,000*l.* a year, which far exceeded the amount of the pension enjoyed by the oldest post-captain in the navy. It appeared that the officers of the navy, no matter what their services might be, were liable to be "scratched" off the books of the Admiralty at any moment, in the event of their misconducting themselves, or being guilty of unofficer-like or ungentlemanly conduct, and he, therefore wished to know if Sir John Barrow was to stand on the same footing in respect of his pension?

Mr. *Charles Wood* said, that, although the Admiralty had the power of erasing from the Navy Lists the name of any officer, whose conduct did not become the character of an officer and a gentleman, he did not think the case of Sir John Barrow would come within that rule.

Sir *Edward Codrington* wished to know from the hon. Gentleman whether Sir John Barrow was in point of fact to have a vested right in his pension of 1,000*l.* a year, let his conduct be what it might, at the same time that the name of the oldest and most distinguished officer in the navy was liable to be scratched off the books if he misconducted himself? He thought that this was not treating the navy fairly, and he should take an early opportunity of bringing the matter under the consideration of that House.

Subject dropped.

[*ADMISSION TO THE HOUSE.*] Mr. *Ewart* begged to call the attention of the House to a paper which he had seen posted up in the lobby of the House, stating that no stranger could in future be admitted to the gallery without a Member's order. For his part he should rather see the admission of strangers more extended than it was, and therefore he should, on a future day, take an opportunity of submitting a motion on the subject.

Dr. *Bowring* said, that the notification to which the hon. Gentleman alluded was, he believed, the result of the resolution abolishing fees on admission to the gallery

to which the House came the previous night. It was, he thought, highly creditable to the officers of the House that they had obeyed that resolution so promptly.

Subject dropped.

MUNICIPAL CORPORATIONS (IRELAND).] A conference on the subject matter of the conference on the 17th inst., relative to the amendments of the Lords to the *Municipal Corporations (Ireland)* Bill was held with the Lords.

The *Chancellor of the Exchequer* appeared at the Bar, and being called upon by the Speaker, stated, that the managers of the conference on the part of that House had met the Duke of Wellington and others, managers of the conference on the part of the Lords, and were acquainted by their Lordships that they had taken into consideration the reasons of the Commons for disagreeing with the amendments by the Lords on the Bill for *Municipal Reform* in Ireland; for omitting some of those amendments, retaining others, and making amendments upon other of the amendments of the Lords: that their Lordships stated that the House of Lords insisted upon the retention of some of their amendments and waived others: rejected some of the amendments of the Commons and admitted others: for reasons assigned by the managers of the conference on the part of their Lordships to the managers of the conference on the part of the House of Commons, which reasons the hon Gentleman brought up.

Lord J. Russell moved, that they should be read, which was done.

Lord John Russell said, I rise, Sir, to address the House upon the subject of the amended *Irish Corporation Bill*, as returned from the House of Lords, and I think that those who agree with us on the original formation of that Bill will agree with me in thinking that after hearing the reasons given by the Lords, and what the amendments are upon which they insist it is not possible for us to hope to come to a satisfactory settlement of this question. Among the minor amendments there is one of no slight importance—namely, that by which the whole of the corporate property is transferred to the Commissioners under 9 Geo. 4th., where such subsist. I cannot omit to note that this is an amendment of some importance: but, Sir, the Lords have stated, and in their reasons have very strongly supported

that statement, that there is one principle of our Bill in which they have not been able to concur. What is that principle? Sir, that one principle of the Bill is the very principle which gave it vigour and vitality—that principle which made it consistent with the constitutional freedom of these realms—that principle, from the operation of which we expected to give content to the people of the towns of Ireland: and when that one principle is refused and denied to us, and when it is so clearly stated that no concession will be made on this point, I can only submit that it is unnecessary for us to take any further time for consideration. That principle we have long and deeply considered; upon that principle we have over and over again declared our opinion, in debate and on division, from the very first day upon which the House was first addressed upon the subject in the speech of his Majesty from the throne, and I cannot for an instant suppose that now, upon the last day of June, we, the House of Commons, are prepared to surrender the principle upon which we have so solemnly decided. I think, therefore, that as there can be but one opinion upon the subject among those who formed a large majority upon the last occasion on which the House decided upon this question, it will be quite unnecessary for me to enter now into any lengthened statement of the reasons upon which our opinions are founded—to enter now into a description of the advantages of local and popular municipal government, or to endeavour to expose or to confute any reasons by which the adverse view of things is sustained. I think I perceive in the reasons given by the Lords, some of those statements which I have always held to be fallacious upon this subject; the opinion amongst others, for instance, that it is only upon reconstruction that we differ, and that upon the abolition of Corporations we are agreed. We cannot now hope for any final and satisfactory conclusion respecting that Bill; it will be quite unnecessary for me to repeat the reasons why we adhere to our original decision. But, Sir, I cannot help calling the attention of this House to some words in the reasons of the House of Lords, which induce me to take a less dark and less despairing view of this great question than I have hitherto taken,

It has long been my opinion, that whatever Government you wish to establish in Ireland, you should endeavour to make it rest on stable principles, and that there is nothing so dangerous as to be adopting from day to day, and in one part of the Government as contradistinguished from another part of the Government, different principles with regard to the rule and administration of that country. I have been strongly confirmed in that opinion by the differences which have prevailed so many years on these benches—when, on a subject deeply involving the interests of Ireland, exciting all the passions, provoking all those religious feelings which it is desirable to keep tranquil—when I have seen the Members of the same Government, on these benches, differing and disputing as much as any Ministry and any Opposition were ever seen to differ and dispute. I think my noble Friend, the Member for North Lancashire, who now sits opposite, must have imbibed the same opinion as myself on this subject, because he must be aware of the difficulties which existed with respect to the great Irish question, when the Members of the Government were expressing each his different opinions, and voting in the divisions of the House, some on one side and some on the other. I do not believe his seriously-expressed opinion could be, that it would be for the advantage of this country that such a difference should continue. I believe that both parties concur in this, that one principle or the other ought to prevail with respect to the government of Ireland. But if that be admitted, I think I may assume it to be important in an equal degree, that the two Houses of Parliament should not entertain, unalterably, opinions totally discordant as to the system of government which ought to be pursued. And I can conceive no question on which it could be more dangerous, on which it could be more calamitous, that the Houses of Parliament should differ, than on the paramount principles on which the Government of Ireland should be conducted. I will say further, that I cannot conceive, and I do not think, the Lords, in their reasons, wish it to be imagined that this is a question of a different nature. But in the prospect and in the immediate view of that calamity, I think I can gather some hope from the words used in the reasons of the Lords, and I will repeat the whole of those words,

that the House may judge of them. The noble Lord here read the passage, to this effect :—

“The Lords, will, however, still entertain the hope, that the two Houses of Parliament, maintaining the good understanding which happily subsists between them, and zealously co-operating in the discharge of their common duty to the country, may, at no distant period, devise such measures of reform in the administration of local affairs, as may give real contentment by effecting real improvement, and promote prosperity by promoting social and religious peace in the cities and towns of Ireland.”

Now knowing the principles which we have maintained, knowing the principles to which we have adhered, I think the Lords would hardly have expressed such a hope, unless they expected that at no distant period they might agree to a measure, in principle the same as that on which the present Bill is founded. If that be the view that is taken, I much lament that the House of Lords did not take the present time for acting on it. I exceedingly lament that, disregarding the advice of some of the greatest, and wisest, and most experienced among them, they did not feel that, if the question were to be settled—if they looked to an end to the differences existing between the two Houses—they did not take the present moment for terminating it, when the contentment they would give to Ireland would be pure and unalloyed, instead of postponing it to distant times, when it may be mixed with other elements. I trust that every possible means will be resorted to—I can hardly say in the words of the House of Lords, to maintain the good understanding that now prevails between the two Houses—but to bring about a better understanding than now prevails. I am disposed, then, to rely on the hope held out to me in this paragraph. I do say, in conformity with what has been in former times the course of the House of Lords, in conformity with what I think ought to be the course of the House of Lords, if, in a great measure of this kind, the majority of the House of Commons remain firm to their principles—if that majority, so remaining firm to their principles, are supported by public opinion, I retain the hope, I anxiously cherish the hope, that the time may come—perhaps within a few months—when the settlement of this question may be effected, and when the prevalence of the reasons which have given rise to

this disagreement, may yield to the general opinion of the House of Commons and the people. I am sure if I did not entertain that hope, I should despair of the British Constitution. I can conceive no Constitution more inconvenient than one in which the House of Commons and the people whom they represent, being of one opinion, another House of Parliament shall determinedly, perseveringly, and unyieldingly maintain the contrary opinion. The Lords have stated it as a matter of sincere regret with them, that the more important amendments which they made have not been acceded to by this House. Thus they admit, that the more important of their amendments this House has certainly not been disposed to adopt; and that, I think, will be a sufficient justification to us, if, at all events, as regards the more important principle, we should not be disposed to give way. I should probably close my observations with the hope which I have ventured to express, and with a declaration of the determination which I am resolved to adhere to, by every possible means, to infuse into the Government of Ireland and the legislation for that country, the principles of equity and justice, if it were not that complaints have been made greatly affecting my conduct, and which have been so interwoven with the question that I consider it my duty not altogether to pass them over. Sir, it is easy in this House, without committing any breach of its privileges, to refer to matters which have passed in conversation, or in another place; and no person can say, least of all can you, Sir, say, that the Speaker is then alluding to that which took place in another House of Parliament. Undoubtedly, to allude to what passes in another House of Parliament is an irregularity; but, on special occasions, when Gentlemen have found themselves compelled to do so, they have always been able to avoid the use of words that would be a trespass on the orders of this House. I have repeatedly heard such allusions. I remember that when Lord Castlereagh made a statement in this House with respect to the conduct of Lord Lansdowne, during his administration, Lord Lansdowne again stated the whole matter in the House of Lords, and went into his defence in that House. I remember another instance, which is not a little remarkable, because it bears certainly on some of the words which I used, and on

the matter in which I am supposed to have been the cause. The words to which I am referring were used in the great debate on the Catholic question, when Lord Canterbury sat in the chair of this House. Mr. Canning said, on that occasion, "However a man may allow himself to be engrossed by the quarto, he generally contrives to peruse the diurnal sheet of Reports. And must not every man who reads know what passes? Nay, I myself have listened, in another place, *hisce auribus*, to what was meant to be the most taunting language, as applied to the Roman Catholics. It was said, if you give them relief, do it largely, do it effectively, &c."* And so he went on, and stated the arguments which he had heard in another place. Mr. Canning said, he heard them, "*hisce auribus*;" and as regards the words to which I referred, I say, I have with my own ears heard them. But Mr. Canning stated, that he had heard them in another place. Lord Canterbury was then in the chair, that zealous and dignified maintainer of the order of this House, and he did not think proper to interrupt the speaker, or to call on him to explain his words. Though the circumstance, however, may have been passed over by Lord Canterbury, there was one person present on whom that speech must have made an impression, because it was a speech which did convey one of the most vigorous, and one of the most successful replies I ever heard to the mistaken views and the unfounded attacks of the then Master of the Rolls. Well, then, it is not without example, that allusions of the kind have been made; it is not even beyond the recollection of those who are now living, and sitting in this and the other House of Parliament. Having passed by the matter of form, I will now come to the matter of courtesy, and it seems I am said to have repeated words used by a learned Lord without giving him notice of my attack. What I intended was, not to make an attack on that learned Lord; but if I omitted any matter of courtesy, I am sorry for it. When, however, it is said that if I had given notice of my intention, some of the friends of the noble and learned Lord might have been here to defend his conduct, I cannot forget I stated those words at the beginning of a debate which lasted two nights, and I spoke in the presence of the friends of the noble and

* Hansard, page 988, vol. xvi., (New Series.)

learned Lord. I spoke also in the presence of his former colleagues. Further, with regard to the use of those expressions which were remarkable enough in themselves, a learned Gentleman, the Member for Tipperary, took care to repeat them on the second night of the debate, and to call the particular attention of the late colleagues of the noble and learned Lord to the subject; and though there had been full time, from the appearance of the reports in the morning, to arm any of the colleagues of that noble and learned Lord with any answer that might be given, the right hon. Baronet, wisely, as I think, but certainly, in fact, avoided all mention and allusion to the words, and the only reference made to them was made by the noble Lord, the Member for Lancashire, who alluded to them, pithily enough, by saying that they were words which he did not mean to justify or concur in. Now such being the facts of what passed on the second night of this debate, let it not be said, or let it not be believed at least by the Members of this House, that if I had given notice of my intention there would have been a triumphant reply by some of the friends of the noble and learned Lord. Well, then, as to the matter itself, I do not wish—I do not think there is any occasion for me—to explain the statement that I made, because as far as I can learn, from a good many observations made on the subject, I do not find that the words in themselves have been in the least altered or retracted. It appears to me, that whatever force they had as originally delivered, they still retain. If those words were right words to use, they retain their original propriety; if they were wrong, if they were insulting words to use—which I never said they were—they retain their original offence. What I did say was, that those words were evidence of the motives, the grounds, the reasons, on which the amendments were carried. I think I have not been mistaken in that view. And it appears to me, I may say, that the clear and powerful mind of the person who used the words prompted him to give what was not a just, but what, if it had been just, would have been a sufficient reason for those amendments, because what I thought was wanting—what I considered to be defective in all the arguments I heard from the other side of the House—was not a sufficient justification of a measure for depriving the people of Ireland of Municipal Government. If

the statement contained in those words was correct, it was just and sufficient ground for the course adopted. But I thought, besides, that in stating what I supposed to have been the grounds of the amendments of the Lords I was somewhat justified by their own practice. I may have been deceived. I know it was the custom for the public journals of former times to give under foreign names, and dated from Rome and Athens, reports of the debates that occurred in the Houses of Parliament; and the public papers of the present day may have reversed that practice: they, perhaps, have given real names, and the speeches themselves may have been entirely drawn from fiction. I suggest the possibility of this, because I cannot conceive any such observation as I have mentioned to have been made by any Member accustomed to go to any assembly where, as the persons who write these narratives tell us, there is hardly a measure with respect to Ireland which is not rejected, and the grounds for the rejection of which are not some words that have been used by an hon. Member of this House. Not only last year was that the case, but in the present year some words fell from the hon. and learned Member on the first night of the session. I do not wish, certainly, to take on myself the responsibility of expressions to which the hon. and learned Member affixes his own meaning, those expressions being to the effect, that the Corporations would be “normal schools for peaceful agitation.” I think I am right in saying “peaceful” agitation—those words, with an alteration not trifling in substance—those words, so used in this House, if we are to believe those false and feigning reporters, were made elsewhere, the very groundwork of opposition to measures for the benefit of Ireland. I will own, that I have been led into error—that I had these diurnal reports—that I read them with a good deal of belief—that I now consider them unfounded, and that their object was to give occasion to censure the House of Lords: they have put into the mouths of noble and learned Members reasons, founded on words used in this House, but which never have been actually uttered. I must admit all this, for I cannot conceive that I have been made the subject of attack for doing that which is constantly practised in that House. With respect to the matter itself—with respect to any jus-

tification of the words, it may be said, perhaps it will be said, that those who sought to excite the people of Ireland, and who placed themselves at their head, to demand the repeal of the Union, made the difference between the two nations, the ground on which the demand was made. When a large portion of the people of Ireland sent in their petitions to this House, and said "you are unfit to Legislate for us, you do not share in our feelings, you do not belong to the same religion as ourselves, and we ask you to give us our independent Legislature," "What was your answer?" "We will not consent. That repeal of the Legislative Union would lead to the dismemberment of the empire. We will not repeal the Union, but we will listen to your just complaints; we will show you, that for your portion of the empire, we feel as much interest as for any other portion; in proof of our good disposition towards you, we will give you the same measure of justice as we gave to England and Scotland, why then will you entertain the unreasonable and restless jealousy which arises from your thinking that we will legislate for you in any other spirit." That is the answer which you have given to the numerous petitions which have been presented to this House. Then comes an instance. You framed a measure of Municipal Reform on sound principles, and you gave it to Scotland. You framed another measure of Municipal Reform, not quite the same, but on similar principles, and you gave it to England. You have before you another measure of Municipal Reform, founded on the same principles, but likewise differing in some respects, and you wish to give it to Ireland. And then, when the people come by petition, not to ask for repeal of the Union, but for this measure, are they to be told, "No, we cannot legislate for you as we do for the other parts of the empire. You are alien from us in blood, alien in religion, and hostile to us in feeling, therefore for you a different measure of Legislation must be provided?" Why, there is so obvious and so glaring an injustice in all this, that I consent with confidence, though with reluctance, to a delay of the question. I am persuaded the people of England will feel, that after being absolutely and totally denied any approach to the repeal of the Union, it is not just to say to the people of Ireland, they shall not be dealt with as if they formed a part and parcel

of the empire. And on this question there cannot well be thought, I know efforts are making to excite it, any degree of religious difference. I well know on the Roman Catholic question, and latterly on the Church question, that the feeling which was endeavoured to be instilled among the people of England was, that the object of the promoters of these measures was to compel the people of England to give up their own Church and their own religion. I have been addressed by many a freeholder, whose vote I asked, by the reproach that I was myself a Roman Catholic, and that I wished to pass a measure which would have the effect of preventing the Protestants from going to their own places of worship. This feeling has prevailed, I assure hon. Gentlemen, to a great extent. But this cannot so easily be made a ground of objection in a question of Municipal Reform. I have been told to-day (only a few minutes ago) that the people of the north of Scotland are indignant at the notion, that they will not be allowed, by a Bill now in Parliament, to have a provost in their towns. The question is a similar one as regards Ireland—it is whether a mayor and council shall be allowed in the towns there. This is no question involving an alteration of the religion of the people, or the subversion of the Church. It is a simple question, whether the inhabitants of the cities of Ireland shall be allowed to have a mayor and council of their own. The Lords say they cannot consent to the corporations being established in twelve cities and towns; perhaps they are right, and we may hereafter extend them to a greater number. I think, certainly, that they should not be confined to twelve cities and towns; but I made a proposal to that effect to the House, because I thought it our duty, by every means in our power, to come to some understanding on this great question, and even to yield some of our opinions, that it never might be said it was on our side that the want of forbearance was exhibited. We have obtained the object we had in view so far. That which we thought necessary to give effect to our own principle, we have insisted on with as much moderation as possible—we have confined the statement of it to as narrow a compass as we could, consistently with the principle which this House was bound to maintain. I regret that the attempt to conciliate, has not proved successful; but I

never can regret that the attempt has been made. For peace and harmony, for a cordial agreement between the two Houses, I am ready to sacrifice much—to alter many opinions, to confine views which might be further enlarged; but having done this, and the House having done me the honour to agree with that which I proposed to them, I should be betraying their confidence—I should be exhibiting a pusillanimity, which I hope the House of Commons never will exhibit—if I asked them to take into their consideration any further concessions, with a view to their swerving from the great principles in which is involved the future peace of Ireland, which are essential to the maintenance of the character of this House, and on which I believe the proud situation of this country depends. I therefore move, Sir, that these amendments be taken into consideration this day three months.

The Speaker having put the motion,

Mr. *Hume* thought the noble Lord had stated very fairly his views on the present occasion, but he must say, that they were much more moderate than those which he entertained. He considered that the conduct of the other House of Parliament, with all due deference to the discretion they had exercised, did little honour to their judgment, as regarded the consideration they ought to give to the wishes of the people. They had in this instance the united voice of Ireland, demanding justice from this House. The question for the consideration of the House of Lords was, simply, whether there should be inefficient or good Government in Ireland. If the Lords continued to oppose themselves as they had done to good Government, the day would come when the people would consider the propriety of sweeping them away. Could it be supposed that the House of Lords was an institution constituted for the Lords themselves. No, they had a higher object to accomplish. They were appointed as one branch of the Government. So were the royal boroughs appointed for municipal government, yet they had swept away the royal boroughs, because they were supported by men who consulted only their own interests. Was there any difference between the rotten boroughs in England and Scotland, and the House of Lords? They were asked, would they not allow the Lords to do as they liked? He would say no. He repeated it might become a question, whether this

second branch of the Legislature should be allowed to stand in the way of good government. He must say, that the manner in which the House of Lords had met the moderate proceedings of this House, exhibited a very ungracious return. The noble Lord had noticed the rap on the knuckles he had received for proposing that only twelve boroughs should have mayors and town-councils; that was an act of injustice, and he now saw the way in which his concessions were appreciated. He considered that it was the duty of his Majesty to carry on the Government of the country peaceably. He would not properly fill the high situation which he occupied, if he left anything undone to promote that harmony between the two branches of the Legislature which was necessary. He considered it his duty, at a time like this, boldly to state, that, in his opinion, from the House of Lords nothing was to be expected till an organic change had taken place. He knew that the noble Lord near him would resist such a proposition as long as possible, but it would be discovered, that what the House of Lords wanted, was responsibility, and responsibility to the people could not be accomplished till an organic change was made in the House of Lords. Come it would, and when it did come, it might sweep away institutions which they were now anxious to preserve. The people would not forget the "shilly-shally" policy which had been acted on for the last ten years; they had lost two years of reform. Was this the return which was to be had for the great sacrifices they had made? Of what use was the Reform Act to the country, if the House of Lords were to reject and treat with contempt every measure which was sent up to them for the purpose of realizing those fruits which the Reform Act gave the promise of. Who was to direct the proceedings of the Government—the minority or the majority? Were the people to yield to the Lords, or the Lords to the people? The House of Lords, with all its pageantry, was established for the good of the people, and if they worked to the prejudice of the people, it would be for the people to consider the mode of sweeping away the Lords. But they were told that matters were to go on in this way for another year. The doors of this House, then, were to be closed without their having granted a single request of the

people of Ireland. With what confidence could the representatives of the people of Ireland go back to their constituents and tell them, that this House was willing to grant them what they asked, but the other House refused to listen to their just demands. He hoped that the example set by the right hon. Baronet, and the noble Duke, on a former occasion, would not be forgotten. They would bear in mind that short speech of the noble Duke, in which he said, that rather than have one day of civil war in Ireland, he granted Catholic Emancipation. With that example before them, he would ask, what was to be expected from the course taken by the House of Lords? Last year a Bill for the benefit of Ireland was rejected, because it contained the appropriation clause. Was there one single measure of Reform which the people of Ireland had a right to expect, and which this House was disposed to give them, that the House of Lords would consent to pass? Till means were found to compel them to act in conformity with this House, there should not be peace, there ought not to be peace, either in this country or in Ireland. He trusted the people of this country would rouse themselves, and demand for their fellow-citizens in Ireland that justice which we were pledged to afford them. The noble Lord said there was hope; but what a mockery was it to people who were suffering as they were, that there was a distant hope that the time might come when justice would be awarded them? The time might come when that measure which it was proposed to dole out to them might not be deemed satisfactory, and when the people might demand twice and thrice as much as they now asked for. The time might come—and he hoped it would come—when there would be extorted from their hands full justice, without thanks to that body which threatened the peace of the country. The Lords objected to the Bill; that it would give power to the majority; why, that was the very object which the measure was intended to accomplish: the people of Ireland were at present governed by a tyrannical minority. There did exist a tyrannical minority in the royal boroughs in Scotland and England, and they were properly swept away. That which was desired, was to give a popular control in the Municipal Corporations. That, however, was denied and he trusted this House would decide that the amendments of the Lords were

no longer worthy of the consideration of this House. He differed with the noble Lord as to his grounds of hope. He believed that nothing was to be expected from the House of Lords, till the Peers were made responsible to the people. There existed no responsibility of the Lords to the people at this moment. The only ground of confidence, therefore, that he felt was, his belief that measures would be taken to force the Lords to concur with this House in its views of the necessity of giving Reform to Ireland.

Sir *Robert Peel*: I did not rise immediately after the noble Lord opposite concluded his speech, because I perceived, from the manner of the hon. Member for Middlesex, that he was desirous of addressing the House, and I wished to ascertain to what extent the noble Lord had been a fair representative and expounder of his opinion. I must say, I did not expect on this day, that we should have been called on to take into consideration the amendments of the House of Lords; still less did I expect that we should be called on without notice, and on the instant, to vote for the rejection of those amendments. I should have thought it would have been more consistent with usage, and the importance of the subject, that a motion should have been made for printing the amendments; and that on a subsequent day, a sufficient interval being permitted to weigh the nature of them, we should be called on to pronounce our opinion. Nevertheless, although I feel it necessary to express my dissent from the proposition of the noble Lord,—although I disapprove of postponing for three months the consideration of this question,—yet, as it has been understood that no division would take place,—I will not call upon the House to divide, lest an erroneous conclusion should be drawn from the numbers which would appear on either side. My conviction, however, of the propriety of delay in this matter, is confirmed by what has fallen from the noble Lord. In the first place, the noble Lord himself attaches great importance to some of the declarations contained in the reasons of the House of Lords, and he has said, there were some expressions of the House of Lords which made him hope for an amicable settlement of this question at a future period. If that be the noble Lord's view—it would be only decorous to afford us every opportunity for considering the reasons of the

House of Lords, and we ought not at once, hastily, and perhaps after not a very intelligible reading of those reasons, to be called upon for an immediate, a final determination. Another reason for delay—one that in my opinion makes it most desirous, is, that I think the noble Lord has placed a most erroneous interpretation upon a passage in the reasons of the House of Lords to which the noble Lord had referred. The noble Lord stated, that one of their Lordships' objections was, that it was proposed by the Bill, that Corporations should be confined to twelve towns in Ireland; and he excited considerable laughter among his supporters, by observing, that the House of Lords were anxious to establish more Corporations than the House of Commons had considered necessary. I think the noble Lord's interpretation of the passage referred to is erroneous; and if it be erroneous, that is an additional reason for taking the precaution of printing the reasons, before refusing to take them into consideration. It appears, by the paper read by the clerk, that "the Lords are unable to acquiesce in the proposition now made by the House of Commons—that the Corporations of Ireland, as reconstructed by the Bill, should be confined to twelve cities and towns." That is, that the Lords resist the proposition of the Commons, which was, that Corporations should be confined to twelve places. But was the noble Lord justified in stating that the real and *bond fide* objection of the Lords is,—that Corporations are to be confined to twelve towns only, and, therefore, they wished to have them extended? The noble Lord's description of their Lordships' reasons is most imperfect; and if he had condescended to give them a second perusal, he would have found that their Lordships do not object to the Bill, because Corporations are confined to twelve places only, but "because it is in those cities and towns of larger population that the most extensive evils would, in their opinion, result from such reconstruction." That is the real reason assigned, in distinct terms, by their Lordships; their reason is not,—that Corporations are confined to only twelve cities and towns. The House of Lords, in the course they have taken, have acted in conformity with the opinion of no inconsiderable minority of this House—a minority not unimportant in respect of numbers, station, and respectability; and I am bound to add (not, of course, with reference to

myself) powerful, also, in respect of ability. On the first day of the Session this question was discussed—whether we should bind ourselves, by a preliminary resolution, to extend to Ireland the principles on which we had given Corporate Reform to England and Scotland? On that occasion the House of Lords made, without a division, an amendment to the Address, by which they declined to give that pledge. In this House I moved an amendment similar to that adopted in the other House; which was negatived by a majority of forty-one only. I believe that the course I then proposed—speaking with all respect of the decisions of this House—I believe that the course I then proposed,—a course in which I consented to one great principle of the Bill—namely, the dissolution of existing Corporations, the extinction of the monopoly of power heretofore confined to one party, making a sacrifice of the present power held by one party in the State—I think that the course I then pursued in proposing to make that sacrifice, to dissolve those Corporations,—but at the same time declining to establish other Corporations, under the apprehension that the evils would not be removed, but only transferred,—was the correct one. I concur, therefore, in the course which the House of Lords have taken. It is in conformity with the course which I have taken, and I should be ashamed of myself if, in the face of a majority, I shrunk from this avowal. I concur, too, in the substance of the concessions made by the House of Lords. There have been concessions, it should be remarked, by the House of Lords, upon matters, I admit, of a subordinate nature. I do not pretend to attach any undue importance to them as bearing upon the main point in this Bill, respecting which great difference exists; but, let it be recollected, great importance was attached to them during the debates upon this subject. Upon those points the Lords have receded from their opinions. Let us see whether this concession does not show the spirit that actuates them; let us see whether it does not show, upon their part, a dignified resolution to reject all menaces, to despise all imputations of sordid and sinister motives, and, after collecting what they believed to be the prevailing opinion of the House of Commons, to meet them in a corresponding spirit, and make an advance towards a conciliatory settlement. The noble Lord contends that the House of Lords have rejected the vital and popular principle of

the measure. I must say that a greater exaggeration of the extent of the difference between the two Houses I never heard. What is the extent of the difference between the two Houses? The House of Commons proposes, that there shall be Corporations in twelve cities and towns in Ireland, and that twenty-two other towns shall, whether they wish it or not, be compelled to adopt the provisions of the Act 9 Geo. 4th. The Lords, on the other hand, leave to every town in Ireland the option of calling the Act of 9 Geo. 4th. into operation. It was objected, in debate here, that supposing the inhabitants of a town were to place themselves under the provisions of that Act, still the property of the preceding Corporation would be vested in the Commissioners to be appointed. This was one of the objections most strongly urged against the Lords' amendments in the first instance. The Lords, however, have now decided that in all cases in which the Act 9 Geo. 4th. may be adopted, the corporate property shall be vested in Commissioners chosen by the popular voice. The noble Lord admitted that this was an important concession. That admission is totally inconsistent with the noble Lord's declaration, that the House of Lords have divested the Bill of its vital and popular principle. We may differ with respect to the maintenance of Corporations in Ireland; but I cannot understand how a measure can be said to be deprived of its popular principle which allows five-pound householders in towns, in that country, to elect Commissioners for the purpose of local government, which Commissioners are to have exclusive control over the corporate property of the place. Great objections were made to the continuance of certain Corporation officers, who were, I think, called butter-tasters and weigh-masters. We heard a great deal of them. Now, have the Lords shown any desire to prolong corrupt interests (as they have been termed)—by perpetuating these appointments? As far as I can collect from the Lords' amendments, they have obviated all objection on this head. In the administration of justice, too, objections were urged with respect to certain officers; and the Lords have completely abrogated the compulsory clauses which related to those officers. These, then, are all important points, which the Lords have conceded. Though I dissent from the proposition of the noble Lord for the amendments being summarily rejected, I

am bound to say, that in the present temper of the House, I do not see any advantage to be obtained from a postponement of the discussion. I am bound to say so; I do not think that any nearer approach could be made towards a settlement by protracted conferences. I doubt whether, if ever the elements of a reasonable and satisfactory settlement are to be collected, there could be any advantage in looking for them now, on account of the influence of strong feelings which exist upon all sides, and the excitement of passions produced in the discussion of these questions. The noble Lord has referred to the part taken upon this subject by a noble and learned Friend of mine. A great part—much too great a part of his speech—was occupied by a reference to what has taken place in the House of Lords. The noble Lord complains of the animadversions of my noble and learned Friend, upon a speech delivered here by the noble Lord. The noble Lord ought to recollect, that if any offence has been committed, he was the first offender. I put it to the noble Lord, whether, if a Peer of Parliament, admitted by courtesy to listen to our debates, had gone into the House of Peers, and there declared that he had heard with his own ears certain expressions used here—and had made a charge against the person who had so used them—whether or not the Member of the House of Commons, so charged in the House of Lords, would not be justified instead of involving himself in a question of Order, or appealing to privileges in defending himself, or in administering reasonable chastisement for the offence. That is the course which would be pursued, I am sure, by the noble Lord himself. The noble Lord has expressed his surprise that on the second night of the debate there was no reference to the speech delivered by my noble and learned Friend. He seems to think that a former colleague of my noble Friend ought, on the second night of the debate, to have offered some explanation on the subject. Surely the noble Lord is not under the impression that I shrunk from defending my noble and learned Friend from imputations cast upon him? The noble Lord refers, I suppose, to the explanations called for, from me, by the hon. and learned Member for Tipperary. Upon that occasion I was asked this question—"Do you subscribe to these words? Do you adopt them?" My answer was—"I am here to explain

my own sentiments and my own opinions." I have frequent opportunities of stating what are my own views and principles, and no one has a right to repeat to me words used by another person, and ask me, whether I subscribe to them. I did apply to my noble and learned Friend to ascertain how far the interpretation put upon the words alleged to have been used by him was correct; and the answer I received was, that my noble and learned Friend wished to reserve to himself the opportunity of making an explanation on the subject. My noble Friend has explained the words referred to. He has put his own construction upon them. He has declared the intention with which they were used; and that having been done by my noble and learned Friend, I am under no obligation,—but the reverse—of entering into any explanation upon his part; and on my own, I refer to my own declarations with respect to Ireland, and the principles upon which I think she ought to be governed; and if at any future period you bring to me the words of another, my answer must be, "I speak my own sentiments. I explain only my own language." If, with respect to this Bill, I have not explained what my sentiments are—if I have not made my opinions and principles manifest to you—I despair by any subsequent explanation of giving to you an exposition of my feelings. There is only one other point in the noble Lord's speech to which I feel it necessary to refer. The noble Lord has thought proper to declare that under a certain alternative he should despair of the maintenance of the British Constitution. It was with deep regret that I heard such a sentiment uttered by a Minister of the Crown. At any rate, I disclaim any participation in the noble Lord's despair. I do not entertain a doubt that the British Constitution will be upheld. I do not believe that there is any desire entertained by the people of England to part with the advantages of a mixed government under which they have so long lived! You say—you must not refuse to do justice to Ireland. No doubt you must not. But then you have no right to prescribe and enforce upon us, that which, in your opinion, constitutes justice. Hon. Gentlemen may say, that noble Lords shall not wantonly exercise this power; hon. Gentlemen may declare, that they shall not exercise the privileges which they have been vested with by the Constitution for their individual benefit.

No doubt they are not to do so. They are responsible for the power they exercise. They are not responsible to constituents as we are; but they are responsible to God [Laughter]. I say, Sir, solemnly—that the Lords are responsible to God, to their own consciences, and to their own intelligent fellow-countrymen. No doubt, they feel and act upon that responsibility. What does the noble Lord say? "That, judging of the course which the House of Lords has hitherto pursued, he does not despair of an amicable arrangement of this question." Can you hold, that the House of Lords have pertinaciously adhered to their own opinions, without reference to the public good? I believe that the House of Lords will continue, as they have done, to give satisfaction in the exercise of a public duty—a duty that they owe to the people. I believe that on account of the great functions with which they are intrusted, it is absolutely necessary that the power they possess should be maintained. I believe that they exercise those powers, not with a view to the mere exercise of power, still less on account of personal privileges, but upon enlarged and enlightened views of what is necessary for the public good. If they think it not necessary to yield to the first impulse of popular passion, I believe they are not only satisfied in their own consciences that they are doing what is right, but I believe they will be supported by such a mass of public opinion in this country—by such a preponderating mass of the intelligence and public opinion of this country—as will long secure the British Constitution from the dangers which some appear to apprehend. There may be gusts of popular passion directed against the House of Lords; but I firmly believe that our mixed form of Government is rooted in the hearts and affections of the people, and when they reflect what mighty changes in legislation have taken place in the last eight years, they will not believe that the House of Lords have set themselves up as perpetual barriers against the reform of all abuses—as is most unwarrantably alleged. I believe, that the more the Lords are threatened, because they will not yield or adopt particular opinions, the more that hold will be confirmed which they justly have—upon the respect and the affections of the people of this country.

The *Chancellor of the Exchequer*: I entreat of hon. Members to consider whether a much better reply than any I could

presume to offer to their consideration, has not been supplied by the right hon. Gentleman who has just sat down, whether it has not actually been furnished by himself, and whether he has not afforded in his speech a refutation to his own charge against my noble Friend. The right hon. Gentleman began by regretting that there was no notice of this proceeding, that there was not a calm and deliberate consideration of a difference between one branch of the Legislature and the other, that we should have proceeded with this at once, and without notice; and he declares there ought to have been a postponement. Now, Sir, I ask, has this House been taken by surprise? Has there been nothing known of this Bill in the House till now? On the contrary, at this period of the session, this advanced period, is it not clear from the attendance here, from the conversation out of doors, that the course now adopted was known to be the course likely to be pursued upon the present occasion, and is felt to be the course most consistent with sound policy and public justice? And I must add, that it appears to me, even according to the arguments of the right hon. Gentleman, it was absolutely necessary for the Government to take this course, and it could take no other. The right hon. Gentleman has said in the course of his speech, that he was not prepared to declare that any benefit could arise from a postponement of the discussion; on the contrary, that a postponement of the discussion would be likely to raise feelings which might hereafter increase the difficulties, and multiply the obstacles in the way of the adjustment of this question. Undoubtedly, in stating this, the right hon. Gentleman was quite correct; for if that which we are now debating were to be put down for discussion this day se'nnight, instead of leading to a more permanent settlement, it would be more likely to give excitement to feelings rendering that settlement more difficult. Does, then, the right hon. Gentleman complain that we have not delayed the notice of this subject for a week, when that delay would not aid the views of any party in this House? The right hon. Gentleman knows it: he feels that this is the best course that we could have pursued, and it is one by which we are ready to abide. I mean no disrespect to the House of Lords; on the contrary, I look to their amendments, and I find that they justify the whole course we have taken. We have had notice sufficiently notorious of what was done by the Lords. We know by the

journals of the Lords what has occurred; we know that, upon a vital question, they differed from us: on that point we know that they are not likely to agree with us. We know the course they have adopted, and we knew in advance the course they would adopt. At the commencement of the present session there was a discussion upon the very point on which we differ—the amendment to the Address. The Lords discussed, and considered, the reasons offered in support of our views, and the Bill has now been returned to us from the Lords on that very point. Have the Lords ever held out to us the expectation of their taking another course? Could we look to the arrangements of those differences, with the views they maintained? No; and in the sentence to which the noble Lord has alluded, and to which I attach great importance—in that sentence, in which the Lords speak of some period (I hope not a very distant one), in which those differences may be settled—they fairly tell us that they cannot yield upon that point to which we attach so much value. When we know that they have long been decided upon that point—a point upon which a majority of this House stands pledged—it would be childish, worse than childish, it would be mischievous, if we did not take a course to vindicate our principles, and justifiable in reference to our own dignity. We have in doing so taken a course the least likely to embitter the differences between us and the other House. I have stated the progress of this question, and I have stated the reason for now settling it in this House, and the only reason I can imagine, which would justify the postponement would be to do that which we certainly are not disposed to do, to recede from the principle of the Bill. The right hon. Gentleman has referred to the majority of forty-one in support of the Address. But does it rest there? That majority of forty-one was subsequently converted into a majority of eighty-six, and this, too, after repeated discussions on the Bill. Here, in maintenance of the argument, I trust I may be allowed to offer some reasons, which may support the hopes of the people of Ireland; and that they may with confidence look forward to the future adjustment of the question to which I refer, let them look to the elements of which that majority was composed. How often has it happened that those who have asserted that the Irish are aliens in blood, and who by so asserting were injuring the British connexion, how often has it happened that by them the

majorities in this House have been analyzed and displayed? How often have they attempted to raise invidious distinctions? How often have they declared that the Irish Members at one time, and the Scotch Members at another, outweighed the English Members, as if they were not all equally Members of Parliament? How often has this been done by them to raise distinctions when it suited the advocacy of their own opinions? The persons who have done this wish it now to be believed, that such national distinctions are no longer to be noticed. The answer to them is, that it is not only for such persons, but it is especially for the people of Ireland, for those who have been led to think that justice could not be procured in an English Parliament, that I have to tell them that the free votes of British Members declared that an end should be put to these abuses; and that the majority is increased to that number from forty-one in consequence of the invidious distinctions they sought to perpetuate. I proceed now, Sir, to another branch of the argument. The right hon. Gentleman has stated, that we have no right to ask him respecting the sentiments of his colleagues—that we have no right to suppose that the opinions that have fallen from another are his—that he is only responsible for his own opinions. Let me then entreat the House not to take the version of my noble Friend's opinions from the commentary which the right hon. Gentleman has passed upon them. Attend to my noble Friend's speech and not to the commentary. The right hon. Gentleman charges, not an individual merely, but a Minister of the Crown, with a breach of his duty, for declaring, that danger menaced the British Constitution. That was not my noble Friend's observation, nor his argument. What did he state? That, upon a review of the facts, he saw no such danger to exist. Why did he state that? Because he is confident, and the confidence he expressed is my own confidence, my own hopes, that the Irish will yet receive justice. I cannot, Sir, look to the past, without being confident of the future. It is not the first time that good measures have been intercepted in their advance to the Crown by the unworthy delays, or unnecessary jealousy, of a party. In the language of the right hon. Gentleman, powerfully as it has been used upon this occasion, and in the general sentiments expressed by him, I agree. But suppose that language had been used with respect to a

vote of the Lords in 1829, when he was the able and successful advocate of the Roman Catholic question; suppose that he had experienced his hopes checked by a majority against him upon that question, as there had been in former years, if such an appeal were made, would he still believe they would continue of an adverse opinion? Now, such general declarations could not have defeated him, because he might have relied then, as I do now, that in a just course, if the House of Commons stand upon that alone, and if they are supported by public opinion, if they stand upon a measure of honest reform, though defeated for the time, still there is a certainty that such a measure will pass into law. It is therefore my confidence from what I know from that which has past, that I think there exists no danger to the British Constitution. I feel that there is no danger to be apprehended for the British Constitution, but, as was rightly said of the Catholic question, there is danger in the postponement of the reform demanded. Upon the reform question, I might appeal to the right hon. Gentleman himself for his knowledge of this fact. There were then appeals like those we have heard to-night. We were then told, as we have been told in this debate, in answer to such appeals that power and dignity cannot and ought not to arrest the progress of liberal legislation. [Sir Robert Peel: Who is to decide what liberal legislation is?] Perhaps we are not the right judges of it. The right hon. Baronet excepts to our judgment on this point, we question his; but it so happens that on all great questions the right hon. Gentleman has been against us, and has been wrong. Upon the Test and Corporation Acts he was against us; upon the Roman Catholic question the right hon. Gentleman was against us; upon the Reform Question he was against us; upon Municipal Reform he was in many of it leading principles against us. Undoubtedly he felt that he was thoroughly right, but the difference is, that in the long run we succeeded, and the right hon. Gentleman did not. The experience of the past is with us; but the weight of authority I am willing to concede is entirely with him. We have even dragged him with us, and we have had his reluctant support. Of the many converts we have made, the right hon. Gentleman himself is one, and when we have been able to convert him more than once, let us not despair that we shall be able to convert him again. The

It was 5,000, or positively diminished effect with the ink the next year. We were not dealing in quantities, — we were not quite fair to ourselves to accept the right property in it. It was not to be a matter of a million, the price of the paper.

every assurance that in adhering to the measure with the same temper and firmness as we did to the English Bill last year, public opinion will accompany and support us, and that sooner or later we shall succeed. I say, and trust we shall do so, soon; for this measure carried next year, will not bring with it all the benefits that it would carry, if conceded this. Let us be wise in time. I remember when Mr. Canning argued the question of the independence of the Spanish colonies, that gentleman, being reproved for not having adopted a particular course at a particular time, said "Time is everything;" and I say, too, with respect to concessions made by the Legislature to the people, if we would have them looked upon as acts of grace and favour, time is everything; the manner in which a concession is made causes it to be either more or less gratefully received. I have no more fear than my noble Friend has, of danger to the Constitution. I shall visit my friends in the great towns in Ireland, and tell them not to despair, but to hope, and to trust that the same Legislature who repealed all Catholic disabilities, will also put an end to a system which no man living under it can support.

Mr. O'Connell: Sir, I have no apology to offer, and I believe the House will admit that I stand in need of no apology for presenting myself to its notice on this subject. I confess that my first impressions of what has taken place this evening were of a nature that I would rather have suppressed them than given them utterance. I do not think that it ever fell to my lot to hear a more unstatesmanlike speech from the right hon. Baronet than that which he has just uttered. That upon an important question like this the right hon. Baronet should stand up to advocate delay, under the mere formal pretence of having the Lords' reasons and amendments printed, was in itself quite astonishing, and showed the weakness of his position and of his arguments. But the right hon. Baronet immediately answered himself on this very point, by detailing the unhappy consequences which would result from prolonging this discussion. He answered himself admirably, and his prudence in avoiding to press for another division upon this question was equally to be admired. The right hon. Baronet recollected that the former division of forty-one had lately swollen into

eighty-six, and he feared that on another division the majority would again be doubled. But whilst I admire the right hon. Baronet's prudence in this matter, I do not think he has shown himself equally prudent in standing forward, as he has done to advise the House of Lords to persevere in the course they have taken up. If the people of England were to rally round the House of Lords and the Crown in this matter, as he says they would, what chance of justice would remain to Ireland, but in a repeal of the Union between the two countries? The right hon. Baronet adopts the House of Lords, he becomes a participator in all their outrages against Ireland, and when at last the seven millions of people who are wronged in these Acts are driven to rank themselves in open hostility against their Lordships, the right hon. Baronet flatters himself that he may calmly take up his position and direct the storm. I know all this may be sneered at, but we are in a temper to bear it. Scotland obtained her measure of Municipal Reform two or three years ago; England her's last year; and this year Ireland might have had her's at the time this Bill went up to the House of Lords. It has been admitted on all hands that the Corporations of Ireland have become grossly corrupt; that they have been perverted, even in the administration of justice, to party purposes and unblushing partiality. All this has been admitted; even the hon. and learned Recorder for Dublin could not deny it; and yet all this is to remain for another year at least. I appeal to the people of England whether it is just that things which no man has had the audacity to defend should be continued in Ireland for two years after similar abuses have been swept away from England? I know it may be said that there was not time last year to pass this Bill for Ireland. But look at the fate of the Bill sent up to the Lords this year. What have they done with it? They have cut out all the essential principles of it, and they return it to us a measure for destroying all that at present exists, without substituting anything in its place. I tell the right hon. Baronet that the people of Ireland will not be content with the 9th George 4th; and there is another thing, namely, the appointment of sheriffs, which they will never consent to give up. I do not mean the absolute appointment, but the choice

of three, out of which one is to be chosen, and with power to reject; this is a right which the people of Ireland do and will demand. Look at the position the case is brought to, and it is you, the Opposition, who have done all this. It is you who have done this injury to Ireland, declaring that she shall not have what England and Scotland are permitted to enjoy. It is you who have adopted the man who said that the people of Ireland were aliens in blood, aliens in religion, and aliens in country to the people of England. It is you who have injured the people of Ireland, and then insulted them. And then you talk about avoiding agitation. You may have got rid of the normal schools of agitation, but wait till you see what finished agitation you will soon have about you. For from the hour in which I stand here till I see corporate reform in Ireland, I promise you you shall have plenty of agitation. With the exception of a very small faction, whom I may call the ascendancy faction, there is not an Irishman who will not take offence at the condition to which you have attempted to reduce them, and I should despise the man who did not feel the force of the insult. That you injure us no man can be surprised, but that you should insult us also, and with impunity, is not to be credited. The right hon. Gentleman need not take the trouble of going through the towns of Ireland; the towns of Ireland will meet in the open day—there will be no secrecy in the matter—and organise their system for the peaceful agitation of their rights and character. We will do so, and you ought to despise us if we did not. As to these reasons, as they are called, of the House of Lords, cant and hypocrisy could not be carried further. I actually blushed for Ireland when I heard a noble Duke read them in the other House. Oh! what a state of misery and degradation are we reduced to, that you cannot meditate an act of injury against Ireland but you can find one who was born within her shores to assist in perpetrating it. What hope has Ireland now? The pledge of the House of Lords! Why, the Peers have violated their pledge a thousand times. All disguise has now been thrown off by them—all the disputes about petty details have been thrown overboard; they have come to the principle, and the principle

they reject also. The right hon. Baronet hallooos on the House of Lords to persist in rejecting this principle, and then he tells us that their Lordships represent the people of England; and, moreover, he finds out that they have a responsibility also. But the right hon. Gentleman is a plagiarist. A responsibility! so, too, has Mehemet Ali, who told his people, "You are all represented in me; and as to responsibility, Mahomet be praised, I am responsible to God!" This is the tyrant's responsibility. If I were disposed to be profane, I should like to know how we are to bring that responsibility to bear—how to make it avail in human affairs? If their Lordships are quietly resigned to endure the punishments of the next world, for having done all the mischief they can in this, hurrah! for their Lordships' responsibility to God—hurrah! for the high priest and the prophet of Mecca! After all, perhaps, you are right. It is almost impossible to speak of the subject without approaching the profane; but it is him you should blame, and not me; blame him who treated us, in the first instance, to this mighty theological discourse on the responsibility of the House of Lords. But, can there be anything more pitiful than such an argument? The House of Lords are indeed responsible—responsible to the people—and to them they must account for their actions, and the true motives of their conduct. They shall not hide it under the cloak of a difference in religion. If that be their reason, let them speak it openly; let them declare that we are irreligious aliens, and mentally inferior to this country; but they shall prove both of these assertions if they make them. The right hon. Baronet then went on to talk about the British constitution. What is a constitution? It should be more than words—it should show itself in matter, and for the good of the people. I have said that the right hon. Baronet's speech was a most unstatesmanlike one; and why is it so but because it does not contain a single statesmanlike reference to the actual position of affairs, and the feelings of the people upon this great question? The Lords did not dare to mutilate the English Corporation Reform Bill to so outrageous an extent, and for this very simple reason—they saw the organized and menacing determination of the people of this country, and they were afraid to

meet it. But the Lords do not fear the people of Ireland, and therefore they refuse to do them justice. That is the real reason of their conduct. Every one knows that it is almost impossible to suppose that a Bill of utility to Ireland can ever be passed into law. If you talk of bringing in such a measure, the answer immediately is, "What possible chance have you of passing it through the Lords?" But is there really any one so insane as to suppose that this can last for ever? Having succeeded by dint of peaceable agitation in obtaining one portion of Catholic emancipation from your hands!—yes, a portion, for, after all, that Act was but a part of the justice we looked for—having forced that part from the right hon. Baronet and from the noble Duke, who in 1828 talked about conquering Ireland with the sword, and in 1829 found it more agreeable to put it in the scabbard—I tell you that the people of Ireland defy your menaces for the future. Neither the noble Duke nor your minority shall ever be permitted to trample upon Ireland with impunity. In the name of the Irish people I give you this defiance. Do not think that I mock you when I talk so to you. I tell you that if you refuse to do justice to us, we are able to do justice to ourselves. I have given up the agitation of the question of the repeal of the Union, and now see what an argument you have given me in support of it. See the large majority in the House of Lords, and the minority in the House of Commons, both denying justice to Ireland, and the leader of the Opposition party absolutely identifying himself with the majority in the Lords—that leader himself having made a brief and vain attempt at Government last year, with the No Popery flag floating over his head. I know there are men who, because they see a person obey the mandate of what he fancies to be a superior authority, charge him with the want of personal, though I defy them to deny him moral courage. Let them try this experiment a little longer, and I tell them, that there is not one man in Ireland, with the small exception I have somewhere else alluded to, who would not die ten thousand deaths rather than submit to the insult which is now attempted to be put upon them. I know the present Government are disposed to do all they possibly can in order to obtain justice for the people of Ireland. Let my support of them be misrepresented as it may, I shall support them, because I know there is no alternative be-

tween a system of uncompromising despotism in Ireland, and the maintenance in power of the present Ministry. I repeat, that there is not a man in Ireland who can read, and we are more fortunate in this respect than you are, but will read the account of these proceedings, and instantly demand of the Parliament to wipe away the insult which it has put upon him. The moral courage of a whole people will unite, and peaceably, quietly, but irresistibly demand one of these two things—the repeal of the Union, or justice to Ireland from the British Parliament. For my own part, I shall continue the experiment I have entered upon, of obtaining justice for Ireland without a repeal. I shall persevere in that experiment as long as it seems to be compatible with justice to my country, and no man would pardon me if I were to go further. This is my determination. In the meantime you have heaped insult upon injury, the iron has entered into our very souls; but you will find that we are not unresisting victims, and that you can not continue this career with impunity.

Mr. *Milnes Gaskell* said, that the hon. and learned Gentleman who had just sat down had commenced the speech which he had addressed to the House by telling them that he owed no apology for so doing. After that speech of the learned Gentleman no English Member owed an apology to the House for following his example: after that speech, no declaration of attachment to the Constitution—no disclaimer of participation in doctrines now openly avowed, and tending to subvert it, could be looked upon as uncalled for. He was prepared for strong and exciting language on the part of the learned Gentleman, but he owned that he was not prepared for any declaration of intention, so plain and undisguised as this—he knew that it had served the purposes of certain persons out of that House to calumniate and decry the other House of Parliament, but he owned he had not expected that they would have been gravely told by Gentlemen sitting there, that an act of usurpation was to be committed on the composition or on the functions of the House of Peers. He believed, that those who were parties to this project were labouring under the strangest misapprehension—he believed the great body of the people of this country were, to say the least of it, as anxious to preserve unimpaired, the independence and the privileges of the House of Peers, as they were to ensure to that House the full and un-

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971). The *Chlorophyll a* and *Chlorophyll b* contents were expressed as $\mu\text{g g}^{-1}$ of dry weight.

1. The Commission is to be composed of three members, one of whom shall be the President of the Commission on the Status of Women, and the other two shall be appointed by the Commission on the Status of Women.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

THE FOLLOWING IS A SUMMARY OF THE WORK DONE BY THE
 COMMITTEE DURING THE YEAR 1964. THE COMMITTEE HAS
 BEEN ACTIVELY ENGAGED IN THE STUDY OF THE
 PROBLEMS OF THE AMERICAN INDIAN AND HAS
 BEEN WORKING TO SECURE THE BEST POSSIBLE
 SOLUTIONS TO THESE PROBLEMS. THE COMMITTEE
 HAS BEEN SUCCESSFUL IN OBTAINING THE
 FOLLOWING RESULTS:

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF STAFF
WASHINGTON, D. C. 20315

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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had no power to legalize as well as to establish the ascendancy of the Roman Catholics in Ireland,—he hoped they would not seek to charge upon them (the Opposition) the responsibility of their own refusal. If they did this, the people of England would understand—what the people of Warwickshire already understood—that when the Gentlemen opposite talked about the redress of grievances, what they meant was the continuance of agitation. But this was not the real ground of cavil and of objection against the other House of Parliament. It was not because they had refused to do justice to Ireland—it was because they had refused to vest additional power in the hands of the learned Gentleman, to be wielded for the learned Gentleman's purposes—it was because they had refused to hand over the Protestants of Ireland to the absolute dominion of men, who were honestly and conscientiously opposed to the integrity and stability of the empire—that they were branded as miscreants and liars at the meanest, the dirtiest, and the most seditious meetings that were ever held in England. He knew not what course his Majesty's Ministers would hereafter take upon this question—whether they would take that of rigidly insisting on what they called the principle of the Bill, or meet the other House of Parliament in a fairer and more temperate spirit than that which had characterised the speech of the noble Lord (Lord John Russell). The people of England would watch their conduct, and would not fail to recollect that when the noble Lord, the Secretary for the Home Department, announced the intention of his Majesty's Government to oppose the motion of the learned Gentleman with reference to organic change, he coupled that assurance with an intimation which was much more palatable to his friends about him, viz., that he should also have opposed the motion of his (Mr. Gaskell's) hon. and learned Friend, the Member for Sandwich, (Mr. Grove Price.) A few months would serve to show whether the King's Ministers were indeed the united party which they professed to represent themselves, but which the speech of the hon. Member for Middlesex indicated that they were not likely to remain. A few months would serve to show whether they were sincerely bent upon "carrying out," as it was called, their reforming principles—whether they had taken office that they might uproot the Protestant institutions of Ireland—establish Roman Catholic Corporations in

that country—and overbear the constitutional authority of an independent branch of the Legislature, or whether they intended to adopt a course much less dangerous to the country, but at the same time less creditable to them, that of shrinking from the legitimate consequences of their own violent conduct, and calling upon their political opponents to protect them against their friends.

Mr. Roebuck: I confess, Sir, I am not surprised at the course which the Lords have taken upon this Bill. To me it appears the natural consequence of the present state of things. I all along expected that the Lords would throw out this Bill, because they have opposed themselves to each successive measure of reform as it has passed this House during a long period; and, reasoning from the experience of the past, and from the nature of the body itself, I all along expected that the Lords would follow their natural disposition, and throw out this Bill; and I say, that the House of Lords, in throwing out this Bill, have not acted against their own interests; I believe they have acted wisely, as a body of men, not interested in the good government either of England or of Ireland, but as a body whose interest it is, to gain the largest possible plunder which they can from the people of this country. ["Oh, Oh."] If we erect a body of men "responsible," forsooth, "to God alone," we shall find, that unfortunately they will follow their earthly interests, that their heavenly interests will be forgotten in their earthly, that they will cling to the things of this world, ["Oh, Oh"] and that, in short, that "heavenly responsibility" which the right hon. Baronet, the Member for Tamworth, talked of, will be no responsibility at all. They will be, in conformity with their own interests, as they ever have been, the steadfast, and I will say, the courageous opponents of all reform. Reforms are opposed to their interests, therefore, they must ever oppose reforms. I don't blame the Lords, I have no epithets of vituperation to bestow upon them; they acted rightly in throwing out this Bill, they were labouring in their vocation, they did as they ought to do, in following their vocation. Whose is the fault? It is not the fault of the Lords. The fault, Sir, is in the institution; and I expect, that, by a series of these precious experiences, the people of England will at last come to a right appreciation of that

institution. Of the men, I have no complaint to make. I care not whether there be some there who began life as wild and furious democrats, and who are now acting in the ranks of so called conservatism. If you place men in such a position, the labour which mankind must undergo to effect improvements will be long and tedious. I have waited long for that growing hatred to the Lords which must arise from a repetition of these injurious experiences. If it be any satisfaction to their Lordships, I am frank to confess my belief that if the people of England were polled to-morrow, the majority would be in their favour; but I also believe, that so rapid a change in the feelings of a people, respecting any of their institutions, never took place, as that which has taken place with respect to the House of Lords in this country, within the last five years. I believe that from the conduct of that body, shown lately more clearly by various circumstances; experience has been rapidly gained by the people of England, which has already taught the more sagacious of them of what use the Lords are; and that the rest of the community will soon learn a similar lesson. Time will thus effect that revolution which is necessary for the good government of England, the total extirpation of the irresponsibility of the Lords. Until that period we shall always be subjected to these checks in the business of Parliament. Last year, as a humble prophet, I said in this House, that I should be in the same place next year, saying the same things regarding the House of Lords, for having rejected what was desired by the people of this country. And the event has completely fulfilled my prophecy; here we are, despoiled of all that we had, after long and serious debate, effected for the good of the people, by an irresponsible branch of the legislature, whose interest is, and ever will be, to keep back improvement, in this country. Tell me not it is for their interest to exercise their power for the good of the people—such has never been the interest of an irresponsible body. I care not that you may find in that body (as undoubtedly you may) men of extraordinary character, standing up above their fellows as bright and brilliant phenomena, who may use their efforts to maintain good government. The usual, the general course that such a body will pursue, is, to provide for its personal interest by peculation. And this is what the Lords have

done, universally done, from the time at which history gives us the first account of their proceedings, to the present hour. [*Loud cries of "Order," "Chair."*]

The *Speaker* called the hon. and learned Member to order.

Mr. *Roebuck*: I am glad, Sir, you have called my attention to the orders of the House; it is not my intention to apply language to others which I would not wish to have applied to myself. I have no wish, Sir, to speak of individuals. I am speaking of the system which unfortunately does exist; and in characterising the conduct of the Lords in past periods some allusions may possibly apply to their present conduct; but I am speaking of the House of Lords historically; I am not I think out of order in that. I am not speaking of the House of Lords as at present existing, but of that House as a body. And, Sir, of that body I am prepared to say, (not believing that in this they are peculiar, but that any body of men placed in the same position would act in the same way, of that body I am prepared to say, that they have ever followed out their own private personal interest, that they have always endeavoured to secure for themselves power over the people because it was their interest. In the stoppage of this Bill, there is only one thought that grieves me. And that is lest the real friends of the Irish people should be unable to curb that already too long oppressed nation; to prevent any violent outbreak upon their part—to keep them from demanding that which I believe would be but a fruitful source of misfortune to them, the Repeal of the Union. At the same time, I am ready to acknowledge to my hon. and learned Friend, the Member for Kilkenny, that if he cannot get justice for Ireland from England, she would have a right to try whether she can obtain it for herself. I should look upon the Repeal of the Union, however, as the greatest evil that ever befel this community, or the people of Ireland themselves. To me it does seem that two nations, united as I believe them to be in feeling, united in language, united almost by blood—two nations so closely connected, and so near to each other, are best placed, for their own interests under one Government. But if it so happens that the larger portion of this empire shall withhold good government from the smaller portion, the latter may acquire a right to vindicate to herself that good

government which she is thus denied at any risk, at the risk even of separation. And the only alarm that I feel is, that the people of Ireland, stung as they have been by insult and injury, may make the determination no longer to feel faith in this House, in the Government, or in the English people. But I do hope that, despite all their injuries and insults, they may be enabled to listen to the calm voice of reason,—to the voice of their best friends,—of those who have adhered to their cause through long years of peril and suffering. I hope that my hon. and learned Friend, the Member for Kilkenny, may have that influence over them which he has so long exercised, to restrain their indignation. For I believe that so incensed are the great mass of the Irish people at the injuries and insults which they have endured, that they would by one word from my hon. and learned Friend, be raised into open insurrection, and I believe that to my hon. and learned Friend we shall owe the tranquillity of Ireland. But I must say this, that when I hear persons talk of language used in the other House of Parliament, my humble opinion is, that though some individuals may have chosen to express themselves rather too freely, perhaps to gratify their own particular feelings, and though it might have been hoped that they would have governed their feelings, and controlled their language, yet that those expressions were the result merely of that excitement, which we know sometimes engendered in debates on this subject. I should have expected, however, that these expressions would not have been maintained, that some friend of the party might have been deputed to disclaim any intention of insulting the Irish people, or that some explanation might have been afforded. Sir, I conclude by repeating, that I believe we shall be annually subjected to these impediments and checks in business, so long as we are a Reforming Parliament, by the House of Lords, and that, if the people of England wish us to continue a Reforming Parliament, they will aid us to put down that irresponsible body.

Mr. *Dillon Browne* said, the hon. Member who spoke before the hon. Member for Bath, delivered, in my opinion, a most amusing speech; he gave the House a dissertation upon law—he talked of Irish rights, and giving a reason for denying them, and said, “Why, Englishmen have

their rights too.” The hon. Member spoke of political duties, and he enumerated amongst them peace, happiness, and contentment. The hon. Gentleman also spoke of compulsory voluntary donations. Now, I do not know which to admire most, the law, the metaphysics, or etymology of the hon. Gentleman. What is the question before us? Whether Ireland (I use the repudiated term) shall have justice or not?—whether there shall be a union or not?—whether she shall enjoy English rights and institutions, or be dishonoured and degraded. There was much warmth on the Opposition side during this debate. Why? Because hon. Members calculated on a different result—they thought they might change their position, and sit on this side of the House, and that his Majesty’s Government might be induced to resign their trusts; but I trust that no false delicacy will induce the Ministers of the Crown to desert their posts, and forget the duties they owe to their country. What species of government might we then hope for? In all probability we should have the noble Duke at the helm of the State. I shall not call him an alien in blood, but though an Irishman, I believe he does not triumph in the accident of his birth. We should have him performing in his double character—for while he advocated Church monopoly in another place, he would, with the dexterity of a ventriloquist, speak the same sentiments through a certain hon. Baronet in this House. We should have two hon. Baronets in this House answering sophistry by argument, and what species of government might we hope for for Ireland? We should have, secretary to that country, a right hon. and gallant, and worthy Baronet, ready booted for tithe-campaign; and, perhaps, we should have the noble Lord, the Member for Lancashire, by a special act of favour, viceroy in that country, whose affection for the Church, and whose advocacy of Reform, form one of the strangest anomalies I have ever read of in the history of a statesman, and whose political career strongly reminds me of those grotesque figures which we read of in the Italian writers, whose bodies were half reversed, for while his feet were moving in one direction, his heart and head were turned in another. Oh! I trust that his Majesty’s Government will not, through a false delicacy, deliver us into the power of those men. Under the auspices of the

present Government, the political horizon of this country, which is now charged with so much mischief, may assume its wonted serenity, and after the dust and confusion of present contentions shall have passed away, justice shall be done to Ireland, and order to the British State.

The question agreed to. Lords amendments to be taken into consideration in three months.

SLAVERY IN TEXAS.] *Mr. Barlow Hoy* was anxious to know from the noble Lord, the Secretary for Foreign Affairs, whether he had received any communication relative to the establishment of Slavery and the Slave-trade in Texas.

Viscount Palmerston observed, that the inhabitants of Texas were in a state of revolt against the Mexican Government, and the result of that revolt was not as yet decided. If the Mexican Government should succeed, they would, of course, enforce their laws on the inhabitants; but if the contest should have another result, and that there should be a separation of Texas from the Mexican Government, and their establishment as an independent power ensued, in such case, the laws of Mexico would not be applied. It was hardly necessary for him to state, that no communication could, under the present circumstances, take place between Texas and the British Government.

Dr. Lushington wished to ask his noble Friend a question with reference to Texas. He was desirous of knowing whether any information had been received of the importation of slaves from Texas into the United States. Though he believed there was no treaty between this country and the United States which could compel them to put an end to such a system, yet they were bound not to sanction a continuance of such a practice.

Viscount Palmerston replied, that no such information had been received by Government.

PAID AGENTS—MEMBERS OF PARLIAMENT.] *Sir John Hanmer* was surprised at the manner in which the noble Lord, the Secretary of State for the Home Department, had thought proper to view the motion he was about to submit; for, he would venture to say, that there can be no subject more worthy of deliberation,

of more importance to the sacred interests that House represented, and ought to guard, nor which, when it was fairly laid open, would more deeply excite the interest and attention of the whole country. There was no circumstance which could cause him deeper regret than that this duty had not fallen upon one more accustomed to take a lead in public affairs than himself,—and whose talents would command greater attention; and the more so, as he feared that his motives might be open to some degree of misapprehension, although he totally disclaimed being actuated by any party motives. He appealed to all sides of the House. He put the matter to issue upon plain, straightforward, and constitutional views; and if anything fell from him which should appear of a personal or invidious nature, it must be attributed rather to his mode of delivery than to the purpose of his mind. He hoped he should act with all that courtesy and forbearance which was due from one Member of the House to another, but at the same time consistently with his firm determination of doing all in his power to put a stop to a practice which he considered to be derogatory to the character, and fatal to the independence of the House of Commons. On a former occasion, when, on the spur of the moment he brought this question forward, his observations were met by an allegation, that other Members of Parliament had acted as colonial agents here, and that there was even a decision of a Committee of the House in favour of retaining the post. The hon. Member for Bridport quoted these cases in a tone of such grave authority, that these precedents, and more especially the decision of the Committee, though it failed to make the same impression on him, which it appeared to produce upon other Members of the House, induced him to turn his attention to the point. He must first observe, that there was a great difference between the functions which *Mr. Huskisson*, and a number of other gentlemen exercised on behalf of the colonies, and those which the hon. and learned Member discharged; but when the decision of a Committee was quoted, he did think that the House, which was so punctilious in all matters that affected its privileges, must have at least appointed a Committee of Privileges to take the whole case of agency into consideration. But what was the fact? The decision

referred to was merely that of a common Election Committee. The return of Mr. Huskisson for Liskeard was petitioned against, on the ground that Mr. Huskisson was a placeman and pensioner under the Crown. The case proved was, that he was an agent for the colony of Ceylon; and, as that did not make him either placeman or pensioner under the Crown, the Election Committee came to a decision which which was in his favour. This point, therefore, was a mere evasion, and not a decision of the case of the hon. and learned Member. Mr. Huskisson was an agent, and the hon. and learned Member was an agent; there was a river at Monmouth, and a river at Macedon. He admitted that up to the year 1822, there might have existed some suspicion with regard to these colonial agents, but he could explain the seeming negligence which prevailed in Parliament on this score, by stating that it was because those agents did not and could not interfere in measures that came before Parliament that they were suffered to hold their offices, and he could prove that this was the opinion entertained by those whom they represented, for when Mr. G. Hibbert retired from that House, he being agent for Jamaica, he wrote thither stating that fact, and so far were his clients from desiring that their agent should be a Member of Parliament, that they said, "We had much rather that you should be out of the House." He must further remind the hon. and learned Member, that it would not be sufficient to cast his suspicion on Mr. Huskisson; he must be prepared with his proofs that Mr. Huskisson had done something which was not constitutional, and if he proved that, what would he gain? He would merely prove that other gentlemen besides himself had infringed the constitutional law of Parliament by taking salaries for the furtherance of matters depending before Parliament. He quoted the words of the resolution of 1796. To come now to the facts of this particular case: the House of Assembly of Lower Canada last spring adopted certain resolutions, and the hon. and learned Member, to whom a salary had been voted by that body, made a motion in the Imperial Parliament on the 16th of May, in accordance with those resolutions, to effect an organic change in a branch of the Canadian Legislature. Now he would ask the hon. and learned Gentleman if he meant to say that he was accredited to that House, not from Bath, but

Canada? He had heard it said by some hon. Members, not only that there was no danger in a Member of Parliament holding this office, but that, as far as Canada was concerned, whatever might be the merits of the abstract question, the rule ought not to apply. Now, he did not speak of small interests. The House remembered the case of Malta. What if the statement of grievances was accompanied by a retaining fee? Mr. Burge, however, who was the agent for Jamaica, had had no seat in the House for some years past, and yet what important questions were discussed in 1833, when he was not a Member of the House, relating to the slave question and compensation. They would seem, if ever such a claim could be countenanced, to have a right to have a Member of that House as their agent, in order to put their case in the most favourable point of view, but they did not retain one. They were content with the common constitutional practice. Did the many millions of our Mohammedan subjects employ an agent? They did so once, but the House should remember, that that was one of the strongest arguments for the Reform Bill. Did they remember the Nabob of Arcot, and the Rajah who had twenty votes in the House. The hon. Member was identified by opinion and by salary with a particular party in Canada, and could not take a wise and general view of the whole interests of the country. Sir Francis Head, in proroguing the Legislature of Canada, had alluded to the difficulty he had to contend with in attempting to conciliate parties. Of the impartial conduct pursued by Sir F. Head the House had heard. Suppose some individual had come to him, and had offered him a salary on condition of advocating the interests of a particular party, what would have been the public opinion of that officer if the news arrived of his acceptance of the offer? But he appealed not to precedent or example; he appealed to the *lex scripta* and to common sense. There was a regulation on the journals of the House, that the acceptance by any Member of Parliament of any fee, reward, or valuable consideration, for the performance of his duty in Parliament, was a high crime and misdemeanour. But he did not appeal to precedent; this case would become a precedent; and, if the House did not take care, it would have Members from every colony sitting in that House, and paid for advocating its peculiar interests. If this

stream of irregularity ran on, it would bear down the bulwarks which the jealous care of the Constitution had raised. If the question were doubtful, it would not be difficult to decide on which side the scale should preponderate. On the one side was sophistry, on the other truth. He had brought the subject forward with a view of upholding the independence and purity of Parliament, and he respectfully submitted the resolution he proposed, "That it is contrary to the independence, a breach of the privileges, and derogatory to the character of the House of Commons, for any of its members to become the paid advocate in Parliament, for the conduct there of either public or private affairs of any portion of His Majesty's subjects."

Mr. Roebuck commenced by observing, that the resolution which the hon. Baronet had evidently taken much time to word, so that it might affect his (Mr. Roebuck's) case alone, unfortunately struck at many of his own friends. It was in consequence of the evidence given by some witnesses before the Committee on Canadian Affairs, which sat in 1827-28, that it was determined by the House of Assembly of that colony to retain an agent in Great Britain. For that office he had the good fortune to be selected; and he now heard it, for the first time, asserted, that the duties it imposed were incompatible with the situation he held as a Member of that House. The hon. Baronet had referred to the case of Mr. Burke, in 1770, as supporting his resolution, but it singularly enough happened, that it was upon the authority of that very case he founded his right to unite the duties of a colonial agent with those of a Member of Parliament. The only difference between Mr. Burke's case and his case was in the circumstance of the one being the agent for the colonies of New York (he was speaking of the year 1770, when New York was a British colony), and the other of the House of Assembly of Lower Canada. In the case of Mr. Huskisson he had another, and in some respects a stronger, authority in his favour. It was an undoubted fact, that the decision of Election Committees determined the law of Parliament, as to who were or who were not disqualified to sit in that House as Members; Mr. Huskisson, before his election, acted as the agent for the Island of Ceylon, and upon his being returned to Parliament he was petitioned against on the ground,

among others, of disqualification by reason of his holding the office of paid agent for a British colony, whereby he was alleged to come within the provisions of the 6th of Anne, chap. 7, sec. 25. At the period in question appointments of this kind were new, and therefore the decision of the Committee was anxiously watched for and narrowly scrutinised. It was in favour of Mr. Huskisson. Now, between this case and his there was an essential point of difference; Mr. Huskisson was appointed by the Government of the Island of Ceylon—he was but the agent of the House of Assembly of Canada. He was not the agent for the colony, nor did he ever represent both the Legislative Assemblies of the colony. The two Houses disagreed as to who should be appointed, and the result was, that the House of Assembly selected him, and the Legislative Council the hon. Member for Taunton. As to the duties attached to the situation, he could assure the House they were alike important and laborious; in fact, they occupied nearly the whole of his time. He was required continually to watch the whole proceedings of the colonies, and of that House on colonial matters; and he was frequently required to give attendance at the Colonial-office—a branch of duty in which much valuable time was consumed. But he wished to know what was the difference between his case and that of the Governor of the Bank of England, or of a Bank or East-India Director? The hon. Baronet's resolution, if it affected him, must affect other hon. Members holding such offices. What was the difference between the two situations? Surely the Governor of the Bank of England, or a Bank or East-India Director, came into that House with as much prepossession in favour of particular opinions or particular doctrines on subjects relating to those Corporations, as he could be prepossessed on a Canadian question. If there was any difference between the two cases, it consisted in this, that as his connexion with Canada was a matter open, clear, and before the whole world, there was no danger likely to arise from his advocacy or vote on any particular question; while in other instances Members voted and advocated measures in which the public supposed them uninterested, but upon the result of which, in all probability, they had a heavy stake depending. How was it in respect of those two great questions—the renewal of the Bank and East-India Charters? Why hundreds of Members, who

were far more beneficially interested in the result of those questions than he could be in the result of any question relating to the colonies, voted upon them. He contended, then, that if the proposed resolution was to be put in force, it would sweep from the House one-half of its Members. But he had even a still stronger view of the case to put to the House. If any set of persons had a right to complain of a Representative undertaking to manage the affairs of a colony, who above all others had it? Surely they were the constituency of that person. Now he wanted to know if his constituency had ever complained of his having been chosen the agent of the House of Assembly of Canada? He wished to know, moreover, if it was likely his constituents, had they disapproved of his acting as agent for Canada, would have paid all his election expenses? If his constituents thought his acceptance of the agency was a breach of trust, they knew well that, on their representing that opinion to him, he would have immediately resigned the trust they had confided to him. But, so far from this being the case, his constituents thought it a high honour to have their Representative so distinguished by a body of their fellow-subjects, and they even went so far as to express an opinion that, for his services to them, as well as for his services as agent for Canada, he ought to be remunerated, and he was quite of this opinion. He held it that the business of the people would never be well discharged till each Member received a salary for his services. The present was not, however, the time to discuss that question. He thanked the House for the attention he had received, and reminding them that Mr. Burge, Mr. Marriot and Mr. Holmes, during the time they were Members of that House, acted as agents for colonies, he would leave the case in their hands. As far as Parliament was concerned, the authorities were with him—as far as law was concerned, he was borne out—and as far as the question depended upon common sense, he left it to the House to judge.

Mr. Harvey could not help congratulating the hon. and learned Member for Bath upon his being able to support his case with reference to those of Governors and Directors—between whose positions and his he was free to say there was a strong analogy. He must, however, observe that it would give him much satisfaction to hear from the father of Parliamentary law, who took so prominent a

part in the discussion upon his case some years ago, in what consisted the difference between it and that before the House. The fact was, he (Mr. Harvey) was the victim of the weakness of pretended friends, and the absence of those great names which the hon. and learned Member for Bath brought to his protection. Injustice, however, was not on this account the less pointed or the less painful; and unfortunately, the longer he lived, the more convinced he became of the persecution to which he had been subjected. From the first hour of his political existence he had been the victim of party and of prejudice, and so he found to the last hour of his life he should continue. Through the rancour of party he had lost 3,000*l.* a-year, though, if he had availed himself of the subterfuges others had recourse to, he might still have continued in its receipt. From the Tuesday night upon which it was decided by that House that his position as a Member incapacitated him from acting as a Parliamentary agent, up to that hour, he had not, directly, or indirectly, received the tithe of a farthing. Had others been as conscientious? Was there, or was there not, hypocrisy in a great deal of the political and moral feeling of which others so loudly boasted? He considered himself a wronged man, and how did he prove it? Why thus, for one instance. In the newspapers of that morning he saw an advertisement of a railway company, and appended to that advertisement, under the title of standing counsel, was the name of an hon. and learned Member of that House. Now what did the term "standing counsel" mean? It meant a man who stood, with both hands open, ready to receive a bribe on all occasions. He thought the hon. and learned Member for Bath was perfectly justified in receiving payment for his services as Canadian agent, and he had no doubt he gave an equivalent for it; but he could not help thinking it was the extreme of injustice and most disgusting hypocrisy to visit him with punishment, and for the same offence to let off the hon. and learned Member, merely because he had been able to rake some few precedents in his favour. They heard much in that House of vested rights and vested interests, but the vested interests of which they had last evening to consider were of a somewhat singular nature. They had allotted, on the ground of vested rights, an income of more than 900*l.* a-year to the doorkeepers of the House, and for what duty? Why, for

merely letting in and out of the House persons who had not the same amount of income themselves. It was quite clear, as the hon. and learned Member for Bath had observed, as long as it was known that a Member of that House was a Parliamentary agent, his being so could be productive of no mischief, except perhaps that of creating an influence against the measure he supported. Why a law had been passed to oppress one particular description of Parliamentary agents, he knew not: but if the present motion was rejected, and he hoped it would be so unanimously, he should think it a tacit admission on the part of the House of a disposition to return to a sense of justice on the subject.

Mr. *Scarlett* said, that though the instances adduced were very strong, and almost sufficient to avert the judgment of the House, still he thought that the custom of having paid agents in the House of Commons, though shown to be long continued and extensively practised, was one better at once broken through than any longer observed. The House had always a jealousy of its Members being employed to do any business within it, and it could not be expected that in the present instance it would waive that well grounded feeling. If it did, of what use were the various statutes which still existed in full force against hon. Members receiving payment for their services from any interested parties? The principle at issue was a very important one. If it were admitted by the House any foreign potentate or Power, even though it was at war with England, might have its paid agent in the House, who would thus be enabled to transact its business with impunity, and with important advantage; and also to justify the position in which he was placed by a reference to it. In his opinion, no colony which had a Legislature of its own should be suffered to have a paid agent in Parliament. The King's Ministers were the true and proper representatives of the interests of such a colony. He should, therefore, willingly support the motion.

Mr. *Labouchere* said, it was undoubtedly true that some years ago he had received a communication informing him that the Assembly of Lower Canada had done him the honour to appoint him their agent; but it was also true that he had written in answer, that although he should always be happy to be of any service to the colony, he must decline being their appointed agent. In making that statement, how-

ever, he hoped not to be understood as casting the slightest imputation on the hon. and learned Member for Bath. He could well conceive that that hon. Gentleman, connected as he was with the colony by the ties that bound him to it, might feel it his duty to become its agent, for the purpose of obtaining for it what he thought was justice. He for one, respected the hon. and learned Gentleman for not shrinking from his connexion with the colony. But he felt his own case to be quite a different one; and had, therefore, done what he considered it to be his duty to do. He would also frankly confess, that although he thought it very important that every colony should be represented in this country by an accredited agent, he did not think it was desirable that that agent should be in Parliament. The tendency of such a practice was to connect any differences which might arise between the colonies and Government with politics, and to involve the colonies in party questions with which they had nothing to do. He knew, however, that a contrary usage had obtained among many of the greatest ornaments of which that House could boast; and he especially remembered having had a conversation on the subject with Sir James Mackintosh, who told him that he should be perfectly disposed to accept the appointment of agent for Canada.

Mr. *Hume* could not concur in the opinion of the hon. Gentleman who had just spoken. He thought that every colony ought to have an accredited agent in Parliament.

Lord *John Russell* had a preliminary objection to the form of the resolution. As to the general question discussed by the hon. Member who moved it, with respect to paid agents for the colonies sitting in this House, he admitted that there were inconveniences attending the practice, though it had the authority of such men as Mr. Burke, Mr. Huskisson, and Sir James Mackintosh. Again, as a general proposition, he was not disposed to agree to it, on a resolution. If any disqualification were proposed which had not been created by the existing law, it should be by some new law, it should be by a Bill and not by a resolution. It was competent to the hon. Member to introduce a Bill for the purpose; and on this ground he opposed the Resolution. Besides, the Resolution was so worded, that he did not wonder that the hon. and learned

Member for Bath should have considered that his Majesty's Ministers were included in it. On those points, therefore—first, that he did not desire to see any change; in the second place, that he should not wish to make any change, if it were desirable, by a Resolution of the House, but by a Bill, he objected to the Resolution, and would take the liberty of moving the previous question.

Sir John Hanmer had no object in bringing forward the Resolution, but to secure the character which the House should maintain for dignity and independence. The House, therefore, might dispose of the Resolution as it pleased he had done his duty in submitting the Resolution, and he should not be consulting his own feeling, if he were to withdraw it. He was sorry to trespass on the time of hon. Members, but he must take the sense of the House on the Resolution.

^ The House divided on the question, that the original question be put :—Ayes 67 ; Noes 178 :—Majority 111.

List of the AYES.

Angerstein, J.	Lefroy, A.
Archdall, M.	Lefroy, rt. hon. T.
Bewes, T.	Longfield, R.
Blackburne, I.	Lowther, hon. Col.
Blackstone, W. S.	Lygon, hon. Col.
Browurigg, S.]	Macleay, D.
Burrell, Sir C.	Manners, Lord C. S.
Chandos, Marq. f	Martin, J.
Chaplin, Colonel	Mosley, Sir O.
Chichester, A.	Norreys, Lord
Collier, J.	Palmer, G.
Dick, Q.	Penruddock, J. H.
Dillwyn, L. W.	Perceval, Colonel
Dowdeswell, W.	Plumtre, J. P.
Dunbar, G.	Plunket, hon. R. E.
Duncombe, hon. W.	Pollen, Sir J. W.
Eaton, R. J.	Pollington, Lord
Elley, Sir J.	Praed, J. B.
Estcourt, T.	Price, S. G.
Forbes, W.	Rickford, W.
Gaskell, J. Milnes	Sheppard, T.
Gore, O.	Sibthorp, Colonel
Gresley, Sir R.	Somerset, Lord E.
Grimstone, hon. E. H.	Spry, Sir S. T.
Hale, R. B.	Stanley, E.
Halse, J.	Thompson, Ald.
Hamilton, G. A.	Trench, Sir F.
Hardy, J.	Trevor, hon. A.
Hawkes, T.	Tyrell, Sir J. T.
Henniker, Lord	Vere, Sir C. B.
Hotham, Lord	Williams, T. P.
Hoy, J. B.	Young, J.
Jones, W.	
Irton, S.	
Knightley, Sir C.	

TELLERS.

Hanmer, Sir J.
Scarlett, hon. R.

List of the NOES.

Acheson, Lord	French, F.
Aglionby, H. A.	Gaskell, D.
Alston, R.	Gillon, W. D.
Anson, Colonel	Gladstone, T.
Baines, E.	Gordon, R.
Baldwin, Dr.	Goulburn, Sergeant
Ball, N.	Gratton, H.
Baring, F. T.	Grimston, Lord
Baring, T.	Gully, J.
Bentinck, Lord G.	Hall, B.
Bentinck, Lord W.	Hamilton, Lord C.
Berkeley, hon. C.	Handley, H.
Bernal, R.	Harland, W. C.
Bish, T.	Harvey, D. W.
Blake, M. J.	Hastie, A.
Boldero, H. G.	Hawkins, J. H.
Bowring, Dr.	Hay, Sir A. L.
Brady, D. C.	Heathcote, J.
Bridgeman, H.	Hector, C. J.
Brodie, W. B.	Heneage, F.
Brotherton, J.	Hobhouse, rt. hon. Sir
Browne, R. D.	J.
Bruce, Lord E.	Hogg, J. W.
Buller, C.	Horsman, E.
Bulwer, H. L.	Howard, R.
Bulwer, E. L.	Howard, hon. E.
Burton, H.	Howard, P. H.
Byng, rt. hon. G.	Humphery, J.
Cave, R. O.	Jermyn, Lord
Cavendish, hon. C.	Labouchere, rt. hn. H.
Cavendish, hon. G. H.	Law, hon. C. E.
Chalmers, P.	Leader, J. T.
Chetwynd, Captain	Lefevre, C. S.
Clay, W.	Lemon, Sir C.
Clayton, Sir W.	Lennox, Lord G.
Clerk, Sir G.	Lennox, Lord A.
Clive, E. B.	Lister, E. C.
Codrington, Admiral	Lynch, A. H.
Colborne, N. W. R.	Macnamara, Major
Cookes, T. H.	Marjoribanks, S.
Crawford, W. S.	Marsland, H.
Curties, H. B.	Methuen, P.
Curties, E. B.	Morpeth, Lord
D'Eyncourt, rt. hon.	Mostyn, hon. E.
C. T.	Murray, rt. hon. J. A.
Donkin, Sir R.	O'Brien, W. S.
Duncombe, T.	O'Connell, D.
Duncombe, hon. A.	O'Connell, M. J.
Dundas, hon. T.	O'Connell, M.
Ebrington, Lord	Oliphant, L.
Egerton, Lord F.	Oswald, J.
Elphinstone, H.	Paget, F.
Etwall, R.	Palmer, General
Evans, G.	Palmer, R.
Ewart, W.	Parker, J.
Fazakerley, J. N.	Parrott, J.
Ferguson, Sir R.	Pease, J.
Ferguson, C.	Pechell, Captain
Fergusson, rt. hn. R. C.	Pendarves, E. W. W.
Fitzgibbon, hon. Col.	Phillips, M.
Fitzsimon, C.	Phillips, C. M.
Fitzsimon, N.	Pinney, W.
Folkes, Sir W.	Ponsonby, hon. W.
Forster, C. S.	Potter, M.
Fort, J.	Poulter, J. S.

Poyntz, W. S.
 Price, Sir R.
 Pusey, P.
 Rice, rt. hon. T. S.
 Richards, R.
 Rippon, C.
 Robinson, G. R.
 Roche, W.
 Rolfe, Sir R. M.
 Rundell, J.
 Rushbrooke, Col.
 Russell, Lord J.
 Russell, Lord
 Ruthven, E.
 Sandon, Lord
 Sandford, E. A.
 Scholefield, J.
 Scott, Sir E. D.
 Seymour, Lord
 Sharpe, General
 Sheil, R. L.
 Stanley, E.
 Stewart, R.
 Strickland, Sir G.
 Talbot, C. R. M.
 Talbot, J. H.
 Talfourd, Sergeant

Thomson, rt. hn. C.P.
 Thompson, P. B.
 Thompson, Colonel
 Thornely, T.
 Tooke, W.
 Trelawney, Sir W.
 Troubridge, Sir E. T.
 Tulk, C. A.
 Tynte, J. K.
 Villiers, C. P.
 Vivian, J. H.
 Wakley, T.
 Wallace, R.
 Walpole, Lord
 Warburton, H.
 Westenra, hon. H. R.
 Westenra, hon. J. C.
 Wilde, Sergeant
 Williamson, Sir H.
 Woulfe, Sergeant
 Wrightson, W. B.
 Wyndham, W.
 Wynn, rt. hon. C. W.
 Wyse, T.
 TELLERS.
 Hume, J.
 Smith, R. V.

Original Resolution not put.

SMALL DEBTS COURTS.] Mr. C. Buller moved that the standing orders relating to Bills for the Establishment of Small Debts Courts be repealed, and that all such Bills be henceforth treated as public Bills.

Mr. Hume seconded the motion. He hoped that the motion of his hon. Friend would induce the Attorney or Solicitor-General to bring in a general Bill on the subject.

The *Chancellor of the Exchequer* said, that it was very doubtful whether the hon. Member's motion would have the desired effect; and he thought that, though certain modifications might be advantageously made in the standing orders, still that the case which was sought to be remedied would be no better by their repeal.

Mr. William Wynn concurred in what had fallen from his right hon. Friend. If a general Act could not be passed on the subject it was inexpedient to repeal the standing order.

Mr. Wakley suggested, that the hon. Member might withdraw his motion for the purpose of giving an opportunity for the introduction of a general measure. As it related to the administration of justice it should be brought forward in an entire form, and in a general way.

Lord Sandon acknowledged the extreme inconvenience of the present system, and

expressed a hope that it would be speedily remedied.

Motion withdrawn.

COMMITTEES ON PRIVATE BILLS.] Mr. Rigby Wason proposed a resolution, that the system which permits Members of the House of Commons to vote in Committees on private Bills, without having heard the whole of the evidence adduced, is inconsistent with the first principles of justice, and ought to be altered.

The *Chancellor of the Exchequer* thought that the system relative to private Bills should be altered, but he did not think that the course proposed by his hon. Friend would answer: on the contrary, if carried out, it would interrupt the whole proceedings of Parliament.

Mr. Hume suggested to the hon. Member to withdraw the motion, as it merged in the question of the formation of private Committees, which must soon be brought before the House.

Mr. Aglionby hoped the hon. Member would postpone the motion for the present and trusted that the Government would take up the subject, and introduce some general measure.

Motion withdrawn.

HEAD-MONEY.] Mr. Hume did not anticipate any opposition to his motion, and should therefore at once propose the following resolution:—That any payment or premium, or agreement to pay any sums of money as Head-money to electors at an election for members to serve in Parliament, whether made by a candidate, or by any one acting on his behalf, is a gross violation of the freedom of election, of the order of this House, and of the rights and liberties of the Commons of the United Kingdom.

Colonel Sibthorp did not exactly know what Head-money was, but he objected to a motion of such importance at that late hour, and he should therefore move the adjournment of the House, unless the hon. Gentleman withdrew his motion.

The *Chancellor of the Exchequer* was surprised that there could be the slightest objection to such a simple proposition. He could not have anticipated that any hon. Gentleman could hesitate as to the objectionable effect of paying Head-money. Was there any one in that House who could get up and justify the payment of Head-money? If there was not, why should not the House at once sanction the motion? If there

was a difference of opinion, let the House divide, and show who were for the payment of Head-money, and who were against it. For his part, he was decidedly opposed to the payment of Head-money.

Viscount *Sandon* protested against a vote for the adjournment being assumed to be a vote in favour of bribery. The question really was, whether so important a matter ought to be brought on at so late an hour. The wording of the resolution, too, was very loose, and might be held to express much more than was apparently intended. The resolution was nothing more than a declaration of the law upon the subject; and, therefore, as the law as it stood accomplished all that the hon. Member for *Middlesex*'s proposition intended, it would be a mere waste of time to place it on the books of the House.

Mr. *Hume* thought, that as they were all agreed that bribery should be abolished, there could be no well-founded objection, if the hon. Members opposite were sincere, to his motion.

Viscount *Sandon* said, that although there could be no doubt whatever that any money-payment connected with a vote was bribery, there might be still arrangements which this resolution would not touch; for instance, where the money was not to be paid for a year after the election.

Mr. *Hume* said, that the introduction of the words "at or after the election" would meet the objection stated by the noble Lord.

Mr. Sergeant *Goulburn* said, that although he was as desirous as any one to get rid of bribery, he could not consent to pass such a resolution in so thin a House, and at such an hour of the night.

Colonel *Perceval* observed, that although he would vote for the resolution if it were brought forward at a proper time of the evening, he should now, if the hon. Member for *Middlesex* persevered, support the motion of his hon. and gallant Friend, the Member for *Lincoln*, if it were to keep them there until four o'clock to-morrow.

The House divided on the question, that it do now adjourn; the numbers were—Ayes 9; Noes 35—Majority 26.

Mr. *Hume* observed, that as there seemed to be so decided a determination not to allow him to proceed with his motion, he would withdraw his resolution then, and bring it forward on a future occasion, when he hoped it would be agreed to.

List of the AYES.

Forbes, W. Forster, C. S.
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Goulburn, Sergeant
Hale, R. B.
Perceval, Colonel
Praed, W. M.
Richards, R.

Rushbrooke, Col.
Sandon, Lord
TELLERS.
Sibthorpe, Col.
Scarlet, hon. R.

List of the NOES.

Aglionby, H. A.
Agnew, Sir A.
Bowring, Dr.
Brotherton, J.
Buller, C.
Cayley, E. S.
Curties, H. B.
Dillwyn, L. W.
Duncombe, T.
Harland, W.
Horsman, E.
Howard, hon. E.
Howard, P. H.
Lennox, Lord G.
Lennox, Lord A.
Morpeth, Lord
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Connell, M. J.

O'Connell, M.
Pease, J.
Pechell, Captain
Phillips, M.
Plumtre, J. P.
Potter, R.
Rice, rt. hon. T. S.
Thompson, Colonel
Thornely, T.
Tooke, W.
Trevor, hon. A.
Wakley, T.
Wallace, R.
Warburton, H.
Wason, R.
Young, G. F.
TELLERS.
Hume, J.
Baring, F.

HOUSE OF LORDS,

Friday, July 1, 1836.

MINUTES.] Bills. Read a second time:—*Sugar Duties*. Petitions presented. By the Earl of *Wicklow*, from Dis-senters of Ollier Street, Dublin, against a further Grant to Maynooth.—By the Earl of *Harding*, from St. Mary's and St. Wenburgh's, Dublin, against the Municipal Corporations' (Ireland) Bill.—By Viscount *Duncan*, from Clonely, for the Adjustment of the Tithe System.

SYSTEM OF EDUCATION (IRELAND).]

The Earl of *Wicklow* rose to present a Petition on the system of Education as conducted under the auspices of the Board of Education in Ireland—a subject on which he had not had the opportunity of making any observations during the present Session, and on which, as he should not have another opportunity of delivering his sentiments, he prayed their Lordships to grant him the indulgence of being heard for a few minutes. The petition which he was about to present to their Lordships, prayed them not to sanction any grant, by Act of Parliament or otherwise, to increase the funds of the Board of Education in Ireland without a previous inquiry into the mode in which that Board conducted its system of education. Had the motion brought forward by a right reverend Friend of his on this subject been adopted by their Lordships, this petition would have been perfectly unnecessary. He much regretted that circumstances had prevented him from being present on the evening when his right reverend Friend brought

forward his motion; for when he read the lucid, and eloquent, and argumentative speech of his right reverend Friend, calling for inquiry into the abuses which he recounted, he was surprised that anything should have prevented their Lordships from acceding to his just and equitable proposition. He was also surprised, considering the reflections which his right reverend Friend had shown their Lordships were cast upon the proceedings of the Commissioners of the Board of Education, that all parties in the State had not united in one common call for examination into the working of the system which those Commissioners were appointed to carry into execution. He should have thought that all parties would have united in that common call for inquiry—not only those who thought the construction of this Board vicious in itself, but also those friends and supporters of it who declared that it worked well and was highly beneficial. He was surprised that the supporters of this system of education had not gladly embraced the opportunity afforded them of showing to the country, that their statements were correct, and that those of his right reverend Friend were the reverse. It was quite clear that if the statements of his right reverend Friend were well founded, this Board ought not to be continued; whilst it was equally clear, that if those statements were destitute of foundation, they ought to meet with a public exposure, refutation, and denial. His right reverend Friend had said, that in direct opposition to the regulations of the Board itself, altars had been erected, and mass had been practised two hours daily in a great number of its schools—and this, too, if not with the sanction, at least with the knowledge of the Board itself. He had read in the travels through Ireland of a very impartial and ingenious man, which, though not published, were now in print, that on visiting one of the schools of this society, he had found that the prayers used in it were expounded to the children by a Roman Catholic master, and that the children were all in the habit of signing themselves with the cross during the time of their examination. When this traveller asked the Roman Catholic master this question—“If you had Protestant children in your school, would you carry on the same system of instructing the children in these religious tenets?”—the man answered—“I should feel it my duty to do

so; but I should consult Father Williams, the priest of the parish, before I did so.” Now, he asked the House, whether such a national system of education could be sanctioned by a British and Protestant House of Parliament? It had been said, indeed, that this system worked well; but the only proof which had yet been given of this assertion was a statement contained in the last Report of the Commissioners of Education. That appeared to him to be one of the most extraordinary Reports that he had ever yet read. He had waited upon his valued Friend, the noble Duke (Leinster), who was at the head of that Board, and he had had some reason to expect that his noble Friend would have been present to-day. However, his noble Friend was not present, and he was sorry for it. It was stated, as a proof that the system proposed by Lord Stanley for the united education of Protestants and Catholics worked well, that a large proportion of Protestant clergymen had applied to the Board for grants of money to erect schools under its auspices—it was stated, that the proportion of Protestants to Catholics in Ireland was as one to four, and that as the number of applications from Protestant clergymen was to the number of applications from Roman Catholic clergymen in that proportion, the system must have been successful. Now, if that Report had stated, that the children of Protestant parents were to the children of Roman Catholic parents as one to four, he could have understood the argument; but when it was recollected that there was the same number of Protestant clergymen in Ireland as there was of Roman Catholics, he could not see how the fact that the applications from Protestant clergymen was to the application of Roman Catholic clergymen as one to four proved the proposition which the Commissioners in their wisdom had laid down in their Report. He had no wish to run down the system of public education adopted under the auspices of Lord Stanley in Ireland. Before it was adopted he had been averse from its adoption, and he had made a motion in the House to prevent its adoption. There was a majority of their Lordships present in favour of his motion; but unfortunately the proxies had carried it against him. On that occasion, he said, that if the Kildare-street Society were not in existence, he should be most anxious that a system of this kind should be estab-

lished. He would now say, that this system having been established, he should be sorry to see it subverted, and the Kildare-street Society erected upon its ruins. For he was convinced that the Kildare-street Society would not now be able to perform the same amount of good which it was performing at the time of its suppression. At the same time it was incumbent upon him to state, that it was generally believed in Ireland that that vigilant superintendence which the country at large, had a right to expect, was not exercised over the management of the schools under the control of the Board of Education. His sincere object in offering these remarks to their Lordships was to impress upon his Majesty's Government the necessity of adopting measures to conciliate the Protestant clergy, and to obtain their acquiescence in this system. It was, he admitted, difficult to overcome the prejudices, if such they might be called, of persons in their situation, but still he thought much might be done to conciliate and remove them. There were two grounds on which this system of education was objected to—the first was, that it was anti-Christian in not being sufficiently biblical; the second, that it was not fairly and impartially carried into effect. On the first of these grounds he did not object to the system, it might do much good, and it was therefore incumbent upon the Government to take care that it was not abused to do harm. He believed that it was abused now, and that sufficient attention had not been paid to the practical working of it. He thought that such an inquiry as these petitioners prayed for ought to be instituted, in order that a remedy might be devised for these abuses, in case they were proved to exist. If such an inquiry were to take place, and the Government were to act fairly during the investigation into the existence of the abuses, and into the means of remedying them, the prejudices of the Protestant clergy would gradually subside, and finally the system would become beneficial. He had said on a former occasion, that as a system for the education of the Roman Catholic population of Ireland, it was a good one; but that it was not adapted for a general system of education embracing Protestants and Roman Catholics. He was prepared to contend, that those who obtained grants for the Board of Education, on the ground that its system was working well for the united education

of Protestants and Roman Catholics, were deceiving not Parliament only, but also the country at large. The noble Earl concluded by moving, "That the Petition from the Vicar, Churchwardens, and Protestant Inhabitants of Rathmoyne, in the county of Meath, should be laid on their Lordships' Table."

The Marquess of Lansdowne was not aware that it was the intention of the noble Earl to call the attention of the House that evening to the subject of national education in Ireland. He believed, however, that the noble Earl's reason for entering into this somewhat irregular discussion was, that he did not intend to attend in his place after that evening, and that he was therefore anxious to deliver himself of a speech on this occasion. It was for the purpose of giving a contradiction to these statements, and showing how unworthy of credit they were, that he was induced to trouble their Lordships with a few observations, in order to state the result of the inquiry he had made into the subject. It had been stated by a right reverend Prelate, and the statement was much relied upon, that in a particular school in Ireland, stated to be a pet school of his, or on property belonging to himself, words were used as a copy said to be of a most seditious character, but certainly words of a very unusual character, being a prayer for the souls of the boys executed at the assize town at the previous assizes. As this statement had been made, he had thought it is duty to institute an inquiry into the facts of the case. The result of the inquiry enabled him to state,—first, that no such words were used as a copy in any school of his; secondly, that no such words were used as a copy in any school at all in the county; thirdly, that in consequence of a report which was circulated, that the words were used in another school, not a school of his, in that county, immediate inquiry was instituted by the Board, which had been accused of neglecting its duty by permitting such words to be so employed, the result of which was to prove, that no such words had been used, but which led to subsequent inquiries connected with the conduct of the master, which terminated in his dismissal. That dismissal, however, had nothing to do with the particular fact alleged by the right reverend Prelate. As he had stated to their Lordships, there was not a particle of foundation for the

assertion that these words were employed in any school in the county. Upon the rest of the subject he did not wish at that moment to touch. But he wished to express his entire concurrence in the hope of the noble Lord opposite, that the Protestant clergy might be induced to take an active part in the superintendence of the schools. If any obstruction were offered to the Protestant clergymen when they wished to obtain access to the schools, when their duty called them to superintend the spiritual welfare, and look to the comforts of the children present at those schools, then certainly it would be the duty of Government to extend protection to them in the discharge of that duty. He, as an individual Member of the Government, was ready to give every encouragement, to hold out every inducement, to offer every assistance, to lead them into so honourable a part.

The Bishop of *Exeter* said, that the noble Marquess had stated that the circumstance said to have occurred had not taken place in the county. [The Marquess of *Lansdowne*.—In any school in the county.] There was a nicety in that distinction which he could not perceive; but what he was going to say was, that he had not the smallest doubt that the noble Marquess had entire confidence in the accuracy of the statements made to him. He could only say, that if there had been a Committee appointed to investigate the system of education in Ireland, then he would have had an opportunity of bringing before it the evidence on which he had made the statement. But it was just possible that in this inquiry mentioned by the noble Marquess, conducted he knew not how, where, or by whom, all the facts had not come out, and that it had not been made in the proper quarters. As far as his recollection went, he had not called the school a pet school at all, at least, he had not charged it with being a pet school of the noble Marquess, but he was conscious that it was impossible for the noble Marquess to direct all the affairs of his extensive property in Ireland, and he had been informed that such an incident had occurred in a school on the estate of the noble Marquess, and under the patronage of one of his agents. It was impossible for Parliament to give its support without inquiry to an institution respecting which such averments were made, and he was sure that the country would not be content till inquiry was

made. Whenever it was made, he pledged himself not to prove his statement against that of the noble Marquess, but to adduce the evidence on which he had a right to suppose it capable of proof. He wished now to repeat the question which he had put to the noble Lord a fortnight ago, relative to the Annual Report of the Commission of Education. He wished to know when they might expect to see it on the table, for the Session was near its close, and if it were not soon produced, it might be impossible to take it into consideration.

The Duke of *Leinster* expected the report every day.

The Marquess of *Lansdowne* observed, that a report had, he believed, prevailed in the part of the country referred to, that these words had been found written in the copy of one of the scholars, but it turned out that they had not been written in the school, but were found written in a farmhouse. Supposing that to be correct, it could have no possible bearing upon the question, whether these words were written as part of the instructions in the school. Had he been aware that this discussion was to come on, he would certainly have produced a letter from a gentleman on the spot, to whom the right reverend Prelate had alluded, his agent in the country, stating the facts in question, and expressing his readiness to confirm them on oath.

Petition laid on the Table.

FACTORY SYSTEM.] The Bishop of *Exeter* had to present to their Lordships some Petitions upon a very important subject—so important, that he was sure they would permit him to trespass on their attention for a few minutes. The petitions were upon the Factory Question. The first was from the master manufacturers and cotton-spinners of the town and neighbourhood of Bradford, in the West Riding of Yorkshire. It was the result of the deliberations of a meeting of the master manufacturers and cotton-spinners, called by public advertisement, and was adopted, after a discussion, by a great majority of those present at the meeting. The next was a petition from persons acting as delegates of the workmen of the manufacturing districts of Yorkshire and part of Lancashire. The third was the petition of an individual, at least it must be treated as such, because it was signed by the chairman of a meeting of delegates representing the opera-

tives of Bradford, Halifax, Huddersfield, and other places. The petitioners prayed their Lordships to pass a Bill providing that the time of working in mills and factories for persons under twenty-one years of age be limited to ten hours on five days of every week, and eight hours on the sixth. In a matter which concerned so large a class of the community, for it appeared that those engaged in manufactures and handicrafts, amounted, according to the decennial census, to no less than two-thirds of the population of Great Britain; he was sure their Lordships would be of opinion that their interests and rights deserved the most serious consideration. Notwithstanding this, it did unfortunately happen—and he thought their Lordships would admit that it had happened—that not only the condition of the factory children, the state of whom had so frequently engaged the attention of that House, but the moral interests of the manufacturing population in general, had not been dealt with as their vast and incalculable importance demanded. Due care had not been taken that the rising generation should be well instructed, should be brought up in the fear of God, and in the knowledge of their duty to man—a care which ought never to be neglected in any well-regulated community. He believed he might say, that there was scarcely a country in Europe, in which manufactures abounded, where greater attention had not been paid to the religious and moral welfare of the persons engaged in them. He believed that this might, in some degree, proceed from the political circumstances of this country: it was partly inseparable from its free government, for, in a country under a rule at all approaching despotism, an absolute monarch would have felt it to be his duty to watch more strictly the labour performed by the workmen, and the institutions intended for their protection and improvement, than was possible in a free country like this. He might say, that this was one of the penalties which we were compelled to pay for a free constitution, and he was quite ready to admit they must be ascribed to this cause; but still he thought they would agree with him, that all that was consistent with the spirit of our free institutions ought to be done for the protection of this most important and valuable part of the community, on whose labours the strength and importance of this great empire mainly

rested. He would not attempt to detail to their Lordships any part of the misery and vice described in the evidence taken before the Parliamentary Committees. It was not necessary that he should do so on this occasion, but he must be permitted to say, that it appeared from returns recently made, that in one town alone, the great town of Manchester, no fewer than 8,000 children had been deserted by their parents, and found abandoned in the streets. This return comprehended the last four years, but it did not extend to the suburbs, where a number almost equal in amount had been found in a similar way deserted by their parents. The oppression to which the poor children were subject, and which they were constantly enduring in many of the mills, was too tremendous to contemplate. Within these very few weeks several persons had been convicted before a magistrate for employing five children for thirty-four hours consecutively without allowing them more than five hours for food and rest at different parts of that time. The petitioners prayed that there should be a restriction on the hours of labour. He was well aware that it might be said, that such a restriction would be productive of great evil; that to grant it, would be to abandon the principle of freedom of labour. On that, he should not think it necessary to say much; he would only remark, that he thought it a most reasonable and well-founded demand, a demand resting on notorious facts, that it was the duty of the state to interfere even in behalf of the adults, to prevent them from being exposed to any destructive and pernicious intensity of labour. They might be told, that the labourers were not compelled to work—that they were free to abstain from it if they chose. But what freedom was that, where the only alternative was starvation, and while there was such an excess and superabundance of labour in the country, that the masters were certain of being able to extort from some of those in want of employment labour on any terms they chose to impose—namely, that they should work so long as human nature held together. Minors possessed of property were protected by the state, yet no steps were taken to guard the interests of those who were destitute and helpless. This was an important consideration, but it was so obvious, that he did not think it necessary to press it on

their Lordships' attention. The prayer of one of the petitioners was, that the duration of labour might be restricted to ten hours for young children. Medical evidence of the highest character, both from the metropolis and the provinces, went to the full extent of saying that ten hours' labour was more than ought to be imposed on children, and that it was certainly the utmost extent that could be tolerated. Such was the testimony of men who had no interest but that of truth, whose character was pledged for the accuracy of the testimony which they gave, and who gave it as a most solemn duty which they owed, not only to their own character, but to the unfortunate subjects of it. It was a happy consideration in this case, that they had great reason to believe that no real loss would be incurred by the master-manufacturers, for many mills were now conducted where the work both of adults and children was restricted to ten hours, though the work was of the most important kind. He held a list, containing the names of many of these mills, in his hand, and he might state that the greatest individual cotton-spinner in Scotland, Mr. Dunn, of Duntocher, Mr. Greig, also a very extensive manufacturer, and Mr. Wood, of Bradford, the greatest worsted spinner in England, had voluntarily introduced this restriction into their factories from a sense of duty, and had had the satisfaction to find, that while they had obeyed the dictates of duty, their own interests had not suffered. A fourth gentleman to whom he felt bound to allude, was Mr. Fielden, Member of Parliament for Oldham, from whom he differed on almost every political question, who avowed himself a Radical Reformer, but who did not the less on that account appear to him to be worthy of respect and veneration. That gentleman was a Radical Reformer, and he had never heard of any other, though there might be such, who began by carrying reform into his own business and affairs. He believed this gentleman had a vast property embarked in manufactures, to an amount, indeed, he was told, that would scarcely appear credible, and yet he had not only been willing to hazard all upon this great question; but, when the matter was under discussion in another place, he had had the magnanimity to exclaim, "If the question is between the stability of manufactures, interested in them as I am, and justice to these poor

children, throw manufactures to the winds." That declaration was made before an assembly, in which was delivered the famous speech of a right hon. Gentleman now no more, but which seemed to him to sink into insignificance before the declaration of Mr. Fielden. "Perish commerce, but live the constitution," was the famous apophthegm of Mr. Wyndham. In conclusion, he would only say that he thought the case, coming to their Lordships, as it did, with so many strong considerations, entitled to their most serious attention.

Viscount Melbourne wished to make one observation in reference to what had fallen from the right rev. Prelate, but it was not his intention to go into the subject, although undoubtedly it was one of the greatest importance and interest. The right rev. Prelate had stated, that within the last four years 8,000 children had been abandoned by their parents in the town of Manchester. On hearing this statement, he had inquired of persons who were closely connected with that part of the country, and who declared that the statement was most erroneous. The return cited by the right rev. Prelate comprised all children who had been lost or had strayed, and had been taken in consequence to the police-office. It by no means followed that those children had all been deserted by their parents.

The Bishop of Exeter said, that it appeared from a return in his hand, that in Salford 470 children had been lost in the course of four months. He then went on to say, he was reminded that recently an attempt had been made to fasten on their Lordships the blame consequent on the failure of an Act of Parliament introduced three years ago, for the protection of the factory children. He held in his hand a newspaper which appeared about a month ago, just at the time when public attention was most anxiously directed to the possibility of a collision with the other House of Parliament. It was there stated as a ground of complaint against that House, that the failure of the Act of 1833 was owing to the treatment it received from their Lordships. That Act was so full of defects as to make it nearly inoperative, and to such a degree that Government thought it necessary to bring in a bill to repeal one of its worst provisions. This statement was as follows:—The clauses of the Act providing for the education of the factory children were mutilated very much, if we remember

rightly, in the House of Lords, and neither the factory Commissioners, nor Government, who had adopted their plan, were responsible for the alterations which had *pro tanto* marred their efficiency. The fact, however, was, that the noble Lord whose name could never be mentioned (with too much respect), who had introduced the Bill elsewhere, had endeavoured in vain to get it through the House—that he was at last compelled to give it up to the Government—that they altered the whole of its provisions—that when it came up to their Lordships, one Committee reported in favour of the principle, and another (composed by a majority of two to one of noble Lords on the Ministerial side of the House) in favour of the details—and that it was ultimately passed with only such amendments, as rendered a provision clear and efficient, which would otherwise have been useless and ridiculous. It was, in fact, the measure of the Government of 1833.

Petitions to lie upon the table.

HOUSE OF COMMONS,

Friday, July 1, 1836.

MINUTES.] Bills. Read a second time:—*Stannaries Court Bill*; *Light Houses*.

Petitions presented. By Dr. BOWRING, from Dumbarton, for the Scotch Municipal Corporation Reform Bill.—By Mr. WILKS, from Milton and Sittingbourne, for Abolition of Church Rates.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By Mr. RUTHERN, from various Places, for the House to adhere to the Irish Municipal Corporation Reform Bill as originally passed by them.—By several HON. MEMBERS, from various Places, against Factories' Act Amendments Bill.—By Mr. WALKLEY, from the Medical Practitioners of Ashton-upon-Line, for Reducing the hours of Labour in Factories.—By Mr. S. MAXWELL, from various Places, for Relief of the Handloom Weavers.—By Mr. LEADER, from Temple, in favour of the Ballot.—By several HON. MEMBERS, from various Places, for the House to adhere to the Irish Municipal Corporations' Bill as originally passed by them.—By Captain GORDON, from Fraserburgh, for Protection; and from Leith, against the Scotch Municipal Reform Bill.—By Mr. BUCKINGHAM, from Sheffield, for Repeal of Newspaper Stamps.—By Mr. S. CRAWFORD, from various Places, for Abolition of Tithes (Ireland).

APPROPRIATION OF CHURCH FUNDS.]

Mr. Harvey said that he had to present a petition from an individual which was in every way entitled to the consideration of the House, inasmuch as it was the petition of a working clergyman who was very ill paid, and laboured hard. It was the petition of the rev. Charles Collier, vicar of Hambleton-cum-Braunston, in the county of Rutland, and the statement of the petition peculiarly merited the atten-

tion of the House at a time when they heard so much of the doctrine of appropriation, and when there was so much laudable solicitude evinced that the revenues of the Church should be appropriated to their original purpose. The petitioner stated, that, in 1822 he was inducted to the living, that it was of the annual value of 150*l.*, and that the value of the tithes originally derived for religious purposes exceeded the sum of 2,000*l.*, which by one of those contrivances which characterised the discretion of our ancestors, and which was somewhat rising again in the clauses of the Irish Tithe Bill, which proposed to appropriate 30*l.* per cent. of the property of the Church, gave the tithes of this parish to temporal purposes—tithes which were applicable in former times to the spiritual wants of the people—which realised a considerable sum, and produced 2,000*l.* Of this sum this individual received about 150*l.* The petitioner stated that 380*l.* was advanced from Queen Anne's Bounty for the express purpose of suiting the convenience and consulting the taste of his predecessor, and that it was expended in erecting stables adapted for a gentleman who indulged in fox-hunting, but which were wholly unnecessary for a person who had clerical duties to perform. This 380*l.* was charged upon the living, and the petitioner was called upon to pay the interest annually, and now threatened with legal proceedings in default of payment of the principal. In what way, he would ask, was this Gentleman to receive relief? Was there any party in that House to whom this Gentleman could appeal? Would that House call the Commissioners of Queen Anne's Bounty to account, and compel them to do justice in administering the funds committed to their charge? A sum of 30,000*l.* had been allowed to remain in the hands of the treasurer; the treasurer became an insolvent, and only 8,000*l.* recovered from the sureties, and that by his interference. The trustees afterwards agreed to make up the difference, but refused to pay the interest, so that 4,000*l.* a year was lost to the Society for ever. The petitioner called upon the House to protect him from paying a sum of money which had been misapplied to certain purposes, and in the way named in the petition.

Petition to lie on the table.

OUTRAGES—(IRELAND).] Mr. Finn, is

reference to certain returns, begged to ask the noble Secretary for Ireland whether instructions had been given to the police to suppress any details, or to make alterations, in any statements regarding outrages in Ireland?

Colonel *Perceval* interposed, and requested the noble Lord to state whether the reports were true that accounts of outrages in Ireland were sent by the inspectors under the superscription of "private and confidential," and whether returns were made of a more flattering aspect than was warranted by the real facts of the case. If the return made were *bona fide*, of course he should be glad to hear it; if not, he wished to ascertain whether he had been rightly informed.

Lord *Morpeth*, as far as his knowledge went, could take upon himself to say that there was no truth in the story: he was not aware of any alterations in returns, and certainly no directions had been given to make them.

Colonel *Perceval*: No directions to have accounts of outrages suppressed?

Lord *Morpeth*: Most certainly not.

Colonel *Perceval*: I am glad to hear it. Subject dropped.

CHURCH AND TITHES—(IRELAND).] Viscount *Morpeth* moved the order of the day for the House to resolve itself into a Committee on the Church and Tithes Bill (Ireland). On the question that the Speaker leave the Chair.

Mr. *Sharman Crawford* rose to move the total extinction of tithes in Ireland, as prayed for by petitions he had just now presented, as well as upon many former occasions, and he hoped the House would indulge him with their attention while he supported his position with a few plain statements and facts. The only claim he could put forward for such indulgence was, that he brought forward his motion from an honest conviction that he was only performing his duty to his constituents. The principle he advocated was not whether the Catholics of Ireland should be relieved from a fractional portion of the tithe assessment, but whether they should still continue to pay that odious impost which stamped them with the name of slaves in the land of their birth. But there was a still higher question—it was the religious (and consequently the civil) liberty of all Protestant as well as Catholic non-conformists in the British empire. It was the

right of conscience against the tyranny of establishments.—It was whether man should be accountable for his religious faith to his God, or to his fellow-man. It was, whether the State was entitled to set up an idol of its own, and say, you shall worship this idol, or pay the priests who minister to it. On this doctrine—on the right of the state to govern religious opinion the assumption of tithes by the church established was founded—the principle was clearly asserted by the Acts of uniformity of Elizabeth and Charles, and under that Act the tithes were monopolised in Ireland. The Presbyterian ministers of the north, after the colonization of Ulster, were for a time in the possession of tithes. Under the Acts alluded to, the tithes and Church preferments were seized, and both the ministers and the laity were persecuted and expelled their country. This ought to be treated as a Protestant question. Presbyterians of the north were as determined against tithes as the Catholics of the south. The same principle operated in this case which had produced persecution in every age of the world. All persecutors deny that they controlled religious opinion; they said they persecuted because men refused to obey the laws. On the very same principle was the tithe persecution founded in Ireland, and the persecution of Scotchmen for the non-payment of the annuities' tax in Scotland. How could Protestants support this infringement on religious liberty? On what grounds did they dissent from the Church of Rome, unless on the maintenance of religious liberty? Did they hold themselves entitled to enforce the profession of religious belief according to the dictates of the State? If they did not, what right had they to compel the people to pay for the diffusion of doctrines they believed to be false? It was said that the payment of tithes was no grievance on the proprietors of estates, because they purchased subject to the tithe assessment—but did the appropriation make no difference? Tithes were originally for the payment of the clergy of the whole people and for the support of the poor. The purchaser was subjected to tithes on condition that those duties should be discharged by means of that payment. Now, the whole was monopolised for the clergy of a portion of the community, and the non-conformist was obliged to pay his own clergyman and the poor, over and above the tithe assessment. Thus he was actually robbed of a portion

of his original bargain, and the tithe assessment, from being a benefit, was converted into a nuisance and an extortion. Was that no breach of contract? Then, again, it was said, the late purchasers of estates purchased subject to the present application of the tithes. He maintained they purchased so from necessity—but was that a reason why the purchaser should be precluded from endeavouring to correct that injustice. This position is aptly illustrated in a late publication. It was asked—if a man purchase an estate subject to the incursion of wolves, was he not to destroy these nuisances? and if he did so, was he to be deprived of the advantages of his labours. Again, with regard to the Irish tenant, it was stated, his landlord paid the tithe and not the tenant, and that the landlord allowed for it in the rent. Could any one assert that allowances of any description were made in setting the lands to the poor Irish tenants. But there were three special points on which this position might be controverted. First, by the law of Ireland, pasture lands were excluded from tithes—some years back the greatest part of Ireland was let as pasture lands; they were afterwards improved and cultivated; and he asked, was it not the tenants paid the tithe? 2d.—A great part of the lands of Ireland were let to tenants in a state of nearly barren wastes; the tenants improved these wastes, and became responsible for the tithe. 3d.—When the land was sub-let to the miserable cottier at a rack-rent, had this poor man any allowance for tithe from his immediate landlord? Another grievance imposed on Ireland arose from the composition acts—a voluntary Composition Act was first provided. The people were entrapped into temporary agreements, under particular circumstances, and then those agreements were rendered perpetual by a succeeding Act, and new agreements imposed under an arbitrary valuation, without any allowances for expenses of marketing, collection, &c., as by the English act, or for that still more important cause of reduction, the exemption of pasture lands by the laws of Ireland. Thus, the composition as a permanent charge, was at least double what it ought to have been. Then as to the provisions of the Government Bill. One proposition of the Bill was to sink a portion of the tithes; another proposition was to appropriate another portion of the tithes in a different manner; and a third proposition was to force the tithes to be paid

by the landlord. He insisted that this payment was merely nominal, as the Bill gave full right and title to the landlord, when he paid tithes, to enforce repayment in the same manner as rent was collected. So that, although tithes might be nominally imposed on the landlord, he asserted that they were actually paid by the people. One of the great evils that would arise from the propositions of the Bill was, that it combined together rent and tithes. By combining a tax that was unjust, with a payment that was just, and for which the people received value, they would be induced to make opposition to that, as well as tithes, and a complete confusion of property would be the consequence. The effect of the Bill would be, to put the landlords in the position of proctors for the clergy; and if other gentlemen desired to be placed in that position—if others conceived it to be a position of honour, he did not. The proposition might be exemplified in this way—Suppose a man paid 10d. tithes. By the present composition 8d. would be sunk—he would then pay 7d. From this sum one-seventh was appropriated to purposes of education, and the remaining six-tenths was paid by the Catholics of Ireland, for the use and support of the Established Church. He would wish to ask, would that satisfy the people of Ireland? He would refer the House to the numerous petitions presented by himself and other hon. Members, and ask what was the demand of the petitioners? Was it not in almost every instance for the total extinction of the tithes in name and in substance—for the principle that every man should pay for his own church? These sentiments were embodied in the petitions in such distinct terms as not to be mistaken. He would not trouble the House with referring at length to these petitions, but he would shortly state the prayer of one presented from the Protestant parish of Tullyish, in the county of Down, which stated that nothing short of a complete abolition of tithes would secure the peace of the people—restore the clergymen of the Established Church to the station in society they should occupy, and unite all classes of his Majesty's subjects in one common bond of brotherly affection. Such were the sentiments of the Protestants of that parish—and he would now refer to a petition from the rev. W. Handcock, rector of Clontarf, a clergyman of the Established Church, who stated, that so long as tithes were levied in Ireland it would have

the effect of continuing agitation, perpetuating sectarian strife, renewing scenes of slaughter, and extending the system of lawless terror. These were the sentiments of a clergyman of the Established Church, and he thought they were entitled to some weight. He would now refer to the words of an eminent character, a member of a former government (Lord Stanley), which expressed the feelings of the people of Ireland. That noble Lord said, in substance, that the amount of the tithes was not the real grievance, but the conscientious feeling which prevented Dissenters from the Established Church contributing to its support. He would refer also to an authority far greater than his own, and one which, from the station the individual held, must have its due weight; he alluded to a letter which he had received two years ago from the hon. and learned Member for Kilkenny. That letter stated, that in the opinion of the hon. Member for Kilkenny, so long as tithes existed, emancipation was but a mockery. He would next read his first resolution to the House:—

“That it is expedient that tithes and all compositions for tithes in Ireland should cease and be for ever extinguished, compensation being first made for all existing interests, whether lay or ecclesiastical; and that it is also expedient that measures should be adopted to render the revenue of the Church lands more productive and more available for the support of the working clergy of the Establishment, and that all persons not in communion with the Established Church of Ireland should be relieved from all assessment for its support.”

He would first explain that part of the resolution which respected the making a more effective provision for the working clergy out of the revenue of the Church lands. He conceived that the tenants had most beneficial terms offered to them on which to purchase the fee under the Act of the 2nd and 3rd of William IV., and, in his opinion, an Act ought to be passed to render it compulsory on the tenants to purchase the fee, or that if they did not, they should be deprived of their right to purchase the fee, which should then be sold to the best advantage for the state. He should also propose that a change should take place with respect to the Archbishops and Bishops after the decease of the present possessors. With respect to the Archbishop he should propose that a sum not exceeding 2,000*l.* a year should

be allowed, and for the Bishops a sum not exceeding 1,000*l.* a-year, the surplus to be obtained by such a reduction, should be applied in aid of the stipends of the working clergy of the Established Church. He would also propose that the revenues of deans and chapters, minor canons, &c., should entirely cease after the demise of the present possessors, except in so far as they might be connected with special application to the cure of souls. He would state to the House some particulars relative to Church lands in Ireland. The hon. Member accordingly read the following statement.

“By a parliamentary return in 1833, the number of acres in the Bishops’ lands are stated at 669,247 acres. In this return the Bishopric of Raphoe is not included; and as some of the best lands in Ireland are in the possession of the Church, and one Bishopric is not returned, the average on the acres returned may be estimated, without danger of exaggeration, at 1*l.* per acre, or 669,247*l.* annual income.

“The Act of 3rd and 4th of William 4th, chap. 37, provides that the tenants may purchase the fee at the improved value, on certain terms therein specified; a rent being reserved for ever, equal to the rent and fines now paid. The amount of the present reserved rent and fines is 151,127*l.* The future revenue from the Church lands will then be ascertained by estimating the value to be paid for the fee by the tenants over and above the reserved rent. It may be calculated as follows:

Gross amount of income (as assessed)	£669,247
Deduct the perpetual reserved rent, equal to the present income of the see lands, from rents and fines	151,127
Net amount to be purchased	518,120
Value of this at five per cent., or 20 years’ purchase	10,362,400
Deduct, agreeably to the act, four per cent., or 1-25	414,496
Value of the fee	£9,947,904
From the above sum the value of the tenants’ interests is to be deducted. That interest, except in some special cases, cannot exceed a term of 21 years—although in many cases it may be less; but assuming the whole at that term, the value of the above profitable interest, calculated as an annuity of twenty- one years, would be worth (according to the common tables of calculation) 1,612,154 (or nearly thirteen) years’ purchase, which in this case would produce	6,612,294
Balance to be derived from the sale of the fee	£3,305,010

Then the Bishops’ lands would produce a revenue as follows:—

Rents per annum	£151,127
Capital produced by sale of fee, 3,305,010 <i>l.</i> ; interest thereon at 4 per cent.	132,200
	283,327

To this is to be added the income arising from the rents of glebe lands as per returns 86,572
 Ditto from dignitary and chapter lands 30,124

Total annual revenue £400,223
 The charges on this would be as follows:—
 Four archbishops at 2,000*l.* per annum; eight bishops at 1,000*l.* per annum 16,000
 Estimated annual expenses of vestry assessments 59,412
 75,412

Balance applicable to the stipends of the parochial clergy £324,811

Revenue omitted in the above calculations with a view to cover errors or deficiencies, or debt already incurred.

In the above calculations the value of the fee of the glebe lands and chapter lands (which it is proposed shall be purchased by the tenants) is not included. The rent now paid is—
 Glebe lands £86,572
 Chapter lands 30,124

£116,696
 If we take the difference between the value of a twenty-one years' interest, and the fee at seven years' purchase, this would amount to £316,872
 It appears by return No. 461, the Commissioners are entitled to an annual sum of 7,500*l.* for fifteen years, being the amount of annual instalments repayable on loans. This, at ten years' purchase, and five per cent., is worth 75,000

By these calculations then, it would appear that a revenue of upwards of 800,000*l.* per annum might be made applicable to the parochial clergy. His second resolution was,—

“That it is expedient that the monies necessary for the aforesaid compensation should be advanced out of the public revenue, and afterwards repaid by instalments from the proceeds of a tax to be imposed on the profit rents; such tax to cease and determine as soon as the said debt shall be discharged.”

It was necessary he should show the practicability of ascertaining and levying the tax proposed; and for this purpose he would read all the resolutions which he should submit, in the event of the first and second resolutions being agreed to.

Resolution 3.—“That for the purpose of ascertaining and levying the centage required by the second resolution, power be given in the respective parishes to the churchwardens (or such other officer as may be appointed for the purpose) to ascertain by an inspection of the leases or receipts—or by such other means as they may deem expedient—the amount of rent paid by each occupier of lands or tenements—and to make a return of the amount so paid, and to whom paid, and of the total amount paid to each landlord,

Resolution 4.—“That the per centage shall be charged on the landlords accordingly (allowing a power of appeal against error, and a drawback on rents reduced or in arrear,) which per centage (after due notice) shall be paid by the landlords, within a time to be limited, to the officers appointed to receive the same. That such per centage if not paid shall be re-

coverable as any other debt due to the Crown; and in case of non-payment on a decree of any Court, a power shall be given to enter into the receipt of the rents of the premises till the per centage be discharged.

Resolution 5.—“That in all cases of per centage chargeable on sub-landlords, such sub-landlord and all intermediate landlords shall be entitled to deduct a like amount of per centage from their superior landlords respectively, till it ascends to the landlord having an interest in fee, or any other interest which for the purpose of this assessment shall be declared equivalent thereto. That in like manner, landlords subject to rent-charges, or other incumbrances secured upon lands, shall be entitled to deduct a like per centage from payments made under such securities.”

The hon. Member then read the following estimate, with reference to the amount of compensation:—

Lay tithes, as per returns, amount to about	£100,000 yearly
Deduct three-fourths,	30,000
	£70,000
Compensation on this sum, at sixteen years' purchase, would amount to	£112,000
If the reductions which would take place on the revenues of incumbents should amount to 250,000 <i>l.</i> yearly, and if we suppose their life interests to be worth, on an average, ten years' purchase, the sum required for compensation would be	2,500,000
	£2,612,000

The rental of Ireland, at the lowest calculation, amounted to 12,000,000*l.*; one shilling in the pound on this income would amount to the annual sum of 600,000*l.*, which would repay the debt with interest at 8½ per cent. in less than five years. But it was probable that much less compensation would be required, because if the estimate of revenue from the Church lands proved correct, it would be nearly sufficient to pay the whole incomes of the existing incumbents, under reasonable deductions. He would appeal to the representatives of Ireland upon this question. He would refer to the statements and declarations that had been made on various occasions by gentlemen who represented the liberal party of Ireland. He called upon them to declare to the House distinctly what it was the people of Ireland wished to have, and what it was that they would be satisfied with. They had frequently stated that the people of Ireland would not be satisfied with any thing short of the total extinction of tithes; and how, he would ask, could they accept the Bill that had been offered to them by his Majesty's Government? Would the people of Ireland agree to sacrifice the principle upon which they demanded religious liberty, freedom of con-

science, and a right to worship their God as they thought fit? Would the Catholic Members of Ireland deser the grand principle of religious liberty for the paltry bribe offered by the Government Bill? Would they thus desert the Protestant interest of the empire in their efforts to throw off the restraints of religious monopolies. If the Catholics were willing to take this course, he would tell the House there was a Protestant interest in Ireland, which, if he knew their principles, would not succumb to this degradation—he alluded to the great mass of the Presbyterians of Ulster, who were determined to demand the extinction of tithes on the noble principle of religious freedom—who were ready to give up their own *regium donum*, on the condition of tithes being extinguished—or even, he believed, without that condition. He called upon Irish Members, representing the Catholic Community, not to permit his Majesty's Government—that House—or the British Nation, to be deceived with reference to the objects and demands of their constituents—and not to agitate the minds of the people for any object which they would not support in that House. They told the people that it was contrary to conscientious principle to pay tithes to the Established Church—by those means resistance was generated—blood was spilt; for this blood, then, they alone would be accountable, if they excite the passions of the people for objects which they were not themselves determined to sustain by their votes in that House. He was himself a proprietor both of lands and tithes—and, therefore, in the proposition he submitted, he should not be liable to the imputation of forcing upon others, who had interests in those properties, any measures which he was not willing himself to submit to. He must also state, that he was a member of the Established Church—and he advocated the extinction of tithes, with a view to the advancement of Protestant principles—from a feeling that the diffusion of these principles had been retarded by the offensive position in which the Protestant Church had been placed by that impost. He stated, that he could not give a vote in favour of the Government Bill, from the objections he had already submitted. But there was another objection—which, as a Protestant, he could not overcome—it was this—that by the intended Bill the stipends of the clergy would be left in so great a degree at the discretion of the Government, as to their amount,

that the clergy would be rendered the degraded expectants of the favour of whatever Administration might be in power; they would receive their stipends like the *regium donum* of the Presbyterians, which was sufficient to debase and paralyze any church, and to render its ministry ineffective to the cause of religion. The hon. Member concluded by thanking the House for their patient indulgence, and by moving his first resolution.

Viscount *Morpeth* said, that after the full discussion and decided opinion which the House had given on this subject, he hoped the hon. Member would not think him chargeable with disrespect to him if he declined entering into any reply to his speech, and called upon the House to proceed to the practical matter in hand.

Mr. *Dillon Browne* rose to second the motion, and begged to make one preliminary observation. He did not second the motion for the purpose of embarrassing his Majesty's Government, but for the purpose of fulfilling a duty to his constituents, and redeeming the pledges he had given them. He did so for this purpose, that if hereafter he thought it necessary to agitate this question amongst those persons who had sent him to the House, it might not be stated that he expressed sentiments out of doors which he had not the manliness to maintain and justify within the walls of this House. In supporting the propositions of his hon. Friend, the Member for Dundalk, it might be stated that he was embarking on a wild and visionary scheme, but such arguments had been offered in the infancy of every measure affecting the liberties of this country. In days gone by, the advocates of Catholic emancipation had been considered as vainly speculative as he might on the present occasion, and within his own recollection, he could point to the period when as a boy, he read with delight the speeches of the noble Lord, the Secretary for the Home Department, when within those walls he propounded his schemes for the reform of that House to an inattentive audience, and supported only by a few but faithful friends. In advocating the propositions of his hon. Friend, he begged to state that he did so [reservedly]. He did not altogether approve of all the points embraced by his hon. Friend's resolutions: but he supported them because they embraced a great principle, the total abolition of tithes in Ireland, or rather the diversion of tithe property to other,

and, what he conceived to be, better purposes. Did he do so at the suggestion of the people of Ireland? He begged to state that he advocated a measure recommended by the universal prayer of the people of that country; for let the House regard the different petitions forwarded from that country, and they would find the sentiments of the people expressed in this strong and unequivocal language—"We pray for the total abolition of tithes, not in name but in reality." Here there was no mention made of an adjustment of this question by appropriation clauses, no speculation upon surplus estimates, but a bold and unanimous call for the total and unqualified abolition of that impost. He might be asked what he meant by the total abolition of tithes—did he mean that the tithes should be taken from the Church establishment to be added to the rent-charge of the landlord? He contemplated no such change. Such an arrangement would only abolish the word from the vocabulary of the language, while the substance which the term tithe represented would continue as a burthen upon the people, though not in the same noxious and offensive character. He cared not whether it was called tithe or rent; but he considered it nearly an equal infliction to the unfortunate tenant to have his property distrained at the command of a Carlow landlord, who might justify such proceedings by saying it was "his right," as had been stated in that House; or to have himself handed over by a charitable preacher of the Gospel (one of the gentle Beresfords forsooth) to the tender mercies of the Barons of the Exchequer. What he meant by the abolition of tithes was, that the tithe property should be subjected to a valuation—that the present incumbent should be provided for for life—that the surplus should be devoted to the relief of the poor, and that each religion in Ireland should in future contribute to the support of their respective church establishments. He begged to state, that it was an anomaly in Government that millions should contribute to the religious worship of a few thousands. Did the missionaries of the Established Church mean to convert the Papists by this means? They speculated wrong; and he believed, that the benighted children of Rome, though they made them pay toll for the road they took to Heaven, would not be induced to go that way, but would rather go round by purgatory, than take the short cut which had been recommended to them. The Irish Church had been aptly

compared to an Irish regiment, which had the whole train of officers from the Colonel downwards, but only one private. So with that Church establishment; it had its goodly apparatus of Archbishops, Bishops, Deacons, Prebendaries, Canons, Rectors and Curates, and what was better still, its tithes, glebe-lands, cathedrals, churches, but no flock. The noble Lord, the Member for North Lancashire, he believed it was who had used the term "Cerberian." The Irish Church might be as aptly compared to that many-headed gentleman. He did not mean to say that it was the guardian of the same portal; but it had as many heads stretched out for sops, and but one lean and emaciated body. Let them suppose three goodly Bishops, followed by a meagre sexton, and a sexton comprised in his person generally the aggregate of an Irish congregation. Let them suppose these things, and they would have an apt personification of the many-headed monster and his spectre-like frame. Hon. Members had spoken of the immaculate purity of the church and of the piety, zeal, forbearance, and other Christian virtues of her clergy; but as long as these men continued to be tithe-campaigners of that Church, were they calculated to conciliate the people? He could imagine nothing more heinous, than that men, wearing the garb of religion, should be prodigal of the lives of their fellow-beings. They might have revealed truth in their mouth, but the uncharitable would say, they had the mammon of iniquity at their hearts. They laid one hand on the sacred book, and they grasped the sword in the other. He had already said, that he was grateful to Government. Ireland ought to be grateful to the present Government, for it was the only Government which had given earnest of doing justice to that country. The British people ought to be grateful to the Ministers, for they had candidly avowed that they had made reform the great principle of political architecture on which they meant to continue the structure of the constitution. Reform had taken deep root in the soil—no legislative power could impede its growth. Coercion Bills might be passed, but such measures, by exciting the indignation of the people, only produced a re-action that must tend to the extension of civil liberty: and from the wounds they left on the Constitution there sprang a thousand fresh and vigorous shoots. What he desired was, that tithes, as at present existing, should be subjected to a revaluation—that the clergy

of the Established Church should be provided for for life—and that the surplus should be devoted to the relief of the poor. By that, not alone an act of justice would be done, but it would be accompanied with a favour and a blessing. It would not alone remove the serpent from its victim, but would extract from the body of the dead a remedy to heal the wound that had been inflicted.

Mr. *Randall Plunkett* said, that as he had a strong conviction on his mind that the Government did not intend to yield one iota of the principle of appropriation, and as hon. Members on his side of the House were as determined to oppose that principle, he could not conceive what object the noble Lord could effect by going into Committee on this Bill, unless the noble Lord was prepared to say that he had an object in carrying it where there was a majority, in order that it might be rejected where there was an opposing majority. He believed the hon. Member for Dundalk was sincere in the course he was taking, but he denied he had any right to assume that the Presbyterians of the North were by any means unanimous in favour of an extinction of tithes. For his part, he protested as strongly against the Bill of His Majesty's Ministers as the resolutions of the hon. Gentleman, for he did not think it behoved a Protestant Government, by subtracting from the means for maintaining its own Church Establishment, to provide instruction for those from whose doctrine they conscientiously dissented.

Mr. *O'Connell* said, that this was a most fruitless discussion. His hon. Friend the Member for Dundalk, had made what they would call in Ireland an "out-of-a-face speech"—no compromise—nothing but eternal justice; yet what the hon. Member moved began with those miserable words, "it is expedient." He first rested his case upon justice, and then turned round and talked of expediency. He (Mr. *O'Connell*) could not agree with the hon. Member's resolutions for the abolition of tithe. But then they made compensation. Yes; but he would ask where was the good of taking money out of one pocket to put it into another? Persons not connected with the Established Church were to be relieved from all assessment, and instead of which it was to be supported out of the public revenue. Now, this part of the hon. Member's proposition was most contradictory; for did not Roman

Catholics and Presbyterians contribute to the revenue as well as Protestants? But he proposed to repay the revenue by a tax to be imposed on profit rents, to which the very same answer applied, namely, that that tax would fall upon Roman Catholics as well as Protestants. His hon. Friend, the Member for Mayo (Mr. *Browne*) had supported both the abolition and appropriation of tithe; but if tithes were abolished, he (Mr. *O'Connell*) should like to know how they were then to be appropriated. In his opinion no man could support the motion of the hon. Member for Dundalk.

Dr. *Bowring* thought that every proposition of his hon. Friend, the Member for Dundalk, was entitled to the approval of the House of Commons. His eloquent Friend, the Member for Kilkenny, had argued that the expediency of putting an end to the tithe system was a different thing from its justice. He could not perceive the distinction. In legislation justice was expediency, and expediency was justice. The proposition went on to say that tithes ought to be extinguished, but it did not deny that the rights of living proprietors should be respected; on the contrary, it insisted that they should be recognised, and made more available for the purposes of religious instruction. It proposed that the really meritorious, the working clergy, should be more liberally remunerated; but went further, it proclaimed the greater and the higher principle, that no man should be compelled to contribute to the expenses of a religion of which he disapproved. This was the true, the simple application of the Christian principle.

Mr. *W. Smith O'Brien* had already stated that his opinion was, that the fairest way of dealing with the question would be to raise a land-tax, which should fall equally on persons of all persuasions.

Mr. *Grattan* said, he in part agreed and in part differed from the resolutions of his hon. Friend; but he thought the better course for him to take would be to withdraw his resolutions.

Mr. *Crawford*, in explanation, said the proposition he now brought forward was suggested to him by the hon. Member for Kilkenny himself.

Mr. *Finn* said, that he had always maintained that after the lives of the present incumbents the Protestant Establishment ought to cease to exist.

Mr. Shaw believed he should better consult the feeling of the House, as well as abide by the understanding which existed between both sides on the subject, by not dwelling at any length upon the observations which had been made by hon. Gentlemen opposite in that stage of the measure. With regard to the proposition of the hon. Member for Dundalk to abolish tithes and tithe compositions altogether, it might be more honest and consistent than the plan of the Government—but still, as it was not even entertained by them at present, it would be a waste of time seriously to argue it—then as to the various allegations which had been made against individual clergymen, he had no doubt, if he had an opportunity of inquiring into the facts of these cases, he could satisfactorily answer or explain them—but after all, what had it to do with the merits of the present question, whether this or that particular curate was well treated or otherwise by his rector? He (Mr. Shaw) was as anxious as any one could be for the better provision of what were called the working clergy—to put an end to non-residence, unions, pluralities, and every defect which might exist in the church, but that was not the object of the present Bill. He could, too, disprove the calculations as to numbers and property of the church, which had been adduced as arguments by gentlemen on the other side, but he felt he should be departing from the agreement to which the House had bound itself, and he would, therefore, confine himself to matters of detail in the Committee.

The House divided on the original Motion—Ayes 61; Noes 18: Majority 43.

List of the AYES.

Aglionby, H. A.	Hardy, J.
Balfour, T.	Heathcote, John
Barclay, C.	Heathcote, G. J.
Barnard, E. G.	Hector, C. J.
Bentinck, Lord W.	Howard, R.
Bernal, R.	Howard, P. H.
Bewes, T.	Hoy, J. B.
Blamire, W.	Jephson, C. D. O.
Brodie, W. B.	Jones, W.
Brotherton, J.	Jones, T.
Campbell, Sir J.	Lister, E. C.
Crawley, S.	Mangles, J.
Dillwyn, L. W.	Martin, J.
Dunbar, G.	Moreton, hon. A. H.
Entwistle, J.	Morpeth, Lord Visct.
Ferguson, Sir Rob. A.	Murray, rt. hon. J. A.
Fergusson, rt. hon. R. C.	O'Brien, W. S.
French, F.	O'Connell, D.

O'Connell, M. J.	Shaw, right hon. F.
O'Connell, M.	Smith, J. A.
Parker, J.	Stanley, Lord
Pinney, W.	Stuart, V.
Plumptre, J. P.	Tancred, H. W.
Poulter, J. S.	Thornely, T.
Price, Sir R.	Vere, Sir C. B.
Pringle, A.	Wakley, T.
Pusey, P.	Walker, R.
Roche, D.	Warburton, H.
Rundle, J.	Ward, H. G.
Rushbrooke, Colonel	TELLERS.
Russell, Lord J.	Stuart, Mr. R.
Scott, Sir E. D.	Stanley, Mr.

List of the NOES.

Blake, M. J.	Nagle, Sir R.
Bodkin, J. J.	Pease, J.
Bowring, Dr.	Power, J.
Brabazon, Sir W.	Ruthven, E.
Brady, D. C.	Thompson, Colonel
Bridgeman, H.	Walker, C. A.
Butler, hon. P.	Westenra, hon. J. C.
Callaghan, D.	TELLERS.
Finn, W. F.	Crawford, Mr. S.
Grattan, H.	Browne, Mr.
Musgrave, Sir R.	

The House went into Committee.

Clause 1. Compositions for tithes abolished, &c.

Mr. Shaw begged the attention of the Committee to one of the most unjust provisions that he believed had ever been attempted in an Act of Parliament—he meant, that by which all arrears due to the Irish tithe-owners—except those payable by the landlords—were by this clause to be swept away without compensation or consideration. In the various bills that had been introduced on the subject, such a gross and glaring injustice had never before been contemplated. He defied the noble Lord to produce one precedent in the whole statute-book of such a total disregard to the rights of property. The case was so monstrous, on the face of it, that argument was impossible and unnecessary. Let the noble Lord grant the balance of the million yet remaining in hands for the purpose, if he pleased. He would prefer that; but he appealed with confidence to the noble Lord and to the House, that upon the commonest and first principles of justice the idea was not to be for a moment entertained, that you could, without compensation or consent of the parties, take away the existing legal remedy—nay, further, cancel an existing legal debt; thus, too, punishing the obedient, and rewarding those who had been disobedient to the laws. He (Mr. Shaw) would not insult the good sense of the Committee by stopping to argue so self-evident a proposition, but at

once move to strike out that part of the clause which related to arrears now due. The words to be struck out were—"heretofore accrued or." He could not believe, that the noble Lord could oppose the amendment.

Mr. French could not conceive in what manner his Majesty's Government could justify this clause as it at present stood; and although he was convinced it must be abandoned, he thought some explanation ought to be given as an excuse for its introduction. A number of unquestionable debts, legally and justly due by one set of private individuals to another set of private individuals, were to be cancelled; the debtor was to be discharged from his debt, the creditor was to be degraded, and no compensation to the injured party was contemplated by the Bill. If public expediency required that private claims should be arbitrarily extinguished, the individuals whose rights were sacrificed were at least entitled to compensation, and that course had been pursued in all the measures which had hitherto been proposed on this subject. In the Bill of last year the arrears of tithe were proposed to be cancelled, but provision was made for their payment out of that portion of the million loan which remained unappropriated; there was at the present time an additional year's arrear to be provided for, and the provision for payment was altogether omitted. Not only were the debts due by the occupiers when their enforcement might lead to breaches of the peace to be cancelled, but the landlord who had become liable under Lord Stanley's Act (not by certificate or agreement, but as owners of estates, the tenants of which hold at will), were to be exempted from payment; a distinction was taken in favour of those who had adopted legal proceedings, who had enforced their claims by filing writs of rebellion, of the fatal consequences of which they had heard so much, and those were the persons who would be protected; those alone who had forborne to take legal proceedings were to be mulcted and punished. The class which was most deserving of consideration, those who had been lenient and forbearing, who had preferred to forego their incomes rather than have recourse to harsh measures, and to come into collision with their parishioners, were to be the sufferers. If a measure were to be devised to diminish respect for the laws—to make all parties feel it to be their interest to resist, not to obey them, this was exactly the measure,

and all this for a miserable, paltry saving of the balance of the million fund—a saving, he contended, Ministers had no right to propose, as this House had twice sanctioned the application of this money, for the purpose of giving peace to Ireland. He would move the omission both of the proviso, and the words "heretofore accused or"—

Viscount Morpeth said, that for some reasons which had been stated before, the Government did not think fit to call upon this country to advance 200,000*l.* or 300,000*l.* to meet the arrears of tithes. He admitted, that there was some difficulty on the face of the clause, but that might be obviated by fixing a time, up to which, after the passing of the Bill, an opportunity would be afforded for recovering arrears.

Mr. Jephson considered this as one of the most monstrous clauses that ever was introduced into any Bill. He himself was a tithe-owner, and he waited before taking steps for the recovery of his tithes to see how Parliament would deal with the subject. He was obliged to give directions to his solicitor to commence upwards of seventy actions for the recovery of the arrears due to him; and he begged to assure the noble Lord that he was determined not to sacrifice his property. He would tell those hon. Members from whose mouths the words "justice to Ireland" dropped, that this would not be an act of justice. What would be the effect of the clause? A tithe-holder, who, from the best motives, had suffered his tithes to run into arrear until he could ascertain what Parliament would do, both in reference to the security of the tithe-owner and the relief of the tithe-payer, would be deprived of his arrears, unless he adopted those forcible means which he had been so anxious to avoid. He thought some indemnity ought to be given for the arrears.

Mr. David Roche contended, that the clause did not bear the construction put upon it.

Mr. W. Smith O'Brien thought it was useless to discuss the likely effects of the Bill, when, as had been intimated by an hon. Gentleman opposite, it was not probable that it would be carried.

Mr. O'Connell entirely concurred with the hon. Member for Limerick. It was clear that they were only wasting their time, for no measures for the pacification of Ireland, respecting tithes, or anything else, were likely to be passed in the other

House. He felt that they were wasting their time most miserably; and he was sorry that the hon. Member for Wenlock, who had taunted the notion of Irishmen having any rights, was not in his place to confirm that feeling. Any Bill which might contain anything like solid relief for Ireland would be destroyed by that party, which was in reality the destructive party. The mischiefs, then, which were anticipated as the result of the clause, were not likely to occur; but, if possible, they ought to be guarded against. Perhaps something might be done with respect to the remainder of the million; but he was afraid to propose any plan. In fact he was legislating in despair.

Viscount *Morpeth* saw no difficulty in carrying the clause into effect with respect to tithes that would hereafter become due; but he was quite willing to allow of some modification of the other part of the clause. He would suggest that three months should be allowed for the recovery of arrears after the passing of the Bill.

Lord *Stanley* said, that the clause prevented the parties from recovering the arrears, while it gave them nothing in lieu. This he thought most unjust. His noble Friend proposed to give time for the recovery of arrears by action. Continual complaints had been made, that Ireland was overrun with suits and actions for tithes, and yet his noble Friend now proposed to renew and protract those objectionable proceedings. He could not conceive why his noble Friend should hesitate to strike out the words relating to the arrears.

Mr. *O'Connell* wished it to be recollected what was the intention of this Bill. It was intended to pacify the people. By consenting to strike out the words referred to, his Majesty's Government allowed litigation to remain, and all suits for the arrears of tithes to continue. When there was a wish for the pacification of the country, he was surprised that any paltry consideration as to the saving of the remnant of the million could be thought of.

Mr. *Shaw* could safely undertake on the part of the Irish clergy, that they would allow their personal and private interests to interfere with any equitable and permanent adjustment of the question of tithe property, and in that spirit he was sure they would be ready to acquiesce in any reasonable arrangement for meeting the surplus of the million, applicable to the settlement of existing arrears.

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Mr. *Thornely* objected to the giving up the remainder of the loan for the purpose of paying off the arrears.

Lord *J. Russell* agreed with the hon. Member for Wolverhampton, and said, he was not inclined to consent to such a disposal of the remainder of the money advanced by this country. He also remembered, that the hon. and learned Member for the University of Dublin, when the loan was first proposed, denounced it as a measure pregnant with the greatest mischiefs to Ireland, and said it would be a bonus for the non-payment of tithes.

Mr. *Shaw* said, he held precisely the same opinion still, and felt that the result had fully justified his prediction, that a suspension of the payment would encourage opposition, and ultimately effect the security of the property in tithes; but now, that an entire new arrangement as to the future payment was making, he was willing to agree to a compromise in all that related to the past, and so close the account as to existing arrears.

Clause agreed to.

Clause 2.—All sums payable by instalment under the 3rd and 4th William 4th, c. 100, remitted; and any money heretofore paid thereunder to be refunded.

Mr. *Shaw* said, that if the government meant to apply the remainder of the million to the liquidation of the arrears, the present was the clause by which that should be effected; but as the Government declared that no part of the Bill should pass without the appropriation clause, he rather threw this out as a suggestion than for any practical purpose, as he (Mr. *Shaw*) was well persuaded that the Bill never could pass with the appropriation clause.

Lord *Stanley* said, that there were names in the list of those who had availed themselves of the million loan, that he thought would have sooner cut off their right hands than have applied for any portion of that loan, which was intended by Parliament for a very different purpose indeed. There was one case connected with the grant of money to tithe-owners which came under his observation, and which he should just mention to the House. It was well known that where lay improprators were compensated for the loss of their tithes, they delivered in lists of the parties who were indebted to them. One of the claims founded upon those lists was disallowed upon very sufficient, but rather remarkable, grounds. The individual, whose name he should not mention, made his claim in the usual way;

the list he had given in was observed to contain one name exactly the same with that of the claimant; the explanation he gave of the matter was this—that while he was a tithe-owner he ought to have been a tithe-payer; he, therefore, owed tithe—to himself. Thus had he become a defaulter, for he never paid himself; he thought he was entitled to payment from himself to himself, and, therefore, he had included his own name in the list of the defaulters.

Clause agreed to.

Clause 3.—All lands subject to the payment of tithe compositions, charged with an annual sum, by way of rent charge, equal to seven-tenths of such compositions, to be payable by the party having the first estate of inheritance, &c., in such lands.

Mr. *Shaw* objected to the words “seven-tenths,” and proposed “three-fourths” instead. He had before consented to a reduction of twenty-five per cent, thinking on the whole that was too large, but still feeling that, as a consideration must be allowed to the landlord, the Church was disposed to make a liberal allowance, and not to stand upon too nice a calculation of what the cost of collection from the occupier had actually been. He knew that in many parts of Ireland, and particularly in the south, before the tithe agitation had been excited, the tithes had been collected at a cost of five per cent; but as to thirty or forty per cent, that would be an appropriation to the landlords to which he never would give his consent.

Mr. *O’Loghlen* was glad to hear from such competent authority that the opposition to tithes did not commence with the Roman Catholics, as had been so frequently stated, but with the Protestants of the North of Ireland. He was also glad to hear from the right hon. and learned Recorder for Dublin, that he had no objection to the appropriation—that was his phrase of twenty-five per cent of the tithes to the landlords. What, he would ask, became of the right hon. Gentleman’s sweeping objection to appropriation generally, if he approved of appropriating twenty-five per cent of the whole amount of tithes?

Mr. *Shaw* denied that he had said the opposition to tithes commenced with the Protestants of the north; but he did say, that, on the whole, the Roman Catholics of the south paid them cheerfully, until they were urged on to opposition by selfish agitators and a relaxation of the law. He was surprised at the misrepresentation of

his words by the right hon. Gentleman. He studiously avoided the term appropriation, when he spoke of the twenty-five per cent agreed upon as a consideration for throwing upon the landlords a payment to which they were not liable by the existing law; and he took credit to the clergy for dealing with them liberally and disinterestedly on that point. What he did say was, once go beyond what could fairly be considered as a deduction in consideration of the landlord’s new liability, and you would then virtually be appropriating to the landlords the property of the Church. Against that he protested, and deducting forty per cent would palpably be such an appropriation.

Mr. *O’Connell* would wish to bring forward an amendment of which he had given notice. What he would propose to do would be this—that the tithes should be reduced forty per cent—he would have the deficiency supplied out of the money collected by the Woods and Forests, from Ireland, and generally expended in England. From that sum he would take 50,000*l.* to make up the deficiency. This would make the income of the clergy equal to what it is under this Bill, and it would also afford the means for appropriation. The appropriation was most important, as it would mitigate the objections entertained against the payment of tithes. He did not want to press his motion to a division; he had no desire to waste the time of the House. There was, he said, no possibility of the Bill passing as there was a determination in the other House not to do anything to quiet the country. The other House had linked itself with the ascendancy party—of that party who appeared determined to sink or swim. He did not think that there was much buoyancy about it; but this connexion was most disastrous—certainly disastrous to Ireland at this moment, and likely to be equally so to that House at a future period. He would not, having briefly explained his views, press his motion to a division.

Clause agreed to,

On Clause 9.—Rent-charges to be under the management of Commissioners of Land Revenues.

Mr. *Shaw* objected to the rent-charges being vested in the Commissioners of Woods and Forests for seven years; and he would ask the noble Lord what was to become of them then? He had not objected to the provision introduced by the noble Lord near him (Lord Stanley), giving them the

O'Brien) knew not for what purpose they were there at all.

Lord Stanley said, that hon. Gentlemen opposite had repeated so often that it was a mere mockery to discuss the details of this Bill, because there was little chance, as they alleged, of its passing into law, that he really was inclined to believe that his Majesty's Government had no inclination to go on with the Bill. But if it was not the intention of his Majesty's Ministers to stop the progress of the Bill, he considered that it was not a mockery for the House of Commons to assemble in Committee for the purpose of expressing their opinions as to what portions of the Bill they approved of, and which they dissented from. He certainly was not prepared to say that he expected to see this Bill pass through the other House of Parliament. When he recollected the very small majorities by which certain principles of the Bill had been supported in the House of Commons, varying from thirty-seven to thirty-nine, and the very large majorities by which they had been rejected in the House of Lords, he certainly was not prepared to hazard an opinion on the prospects of the future. At the same time, however, he thought it highly important that the country should have an opportunity of seeing what points there were in this measure upon which both branches of the Legislature were agreed. He had no objection that where concealment or fraud had taken place, that the compositions should be re-opened, but to open the compositions generally since 1823, when it was morally impossible the present incumbents could be in possession of the requisite proofs, he thought would be a measure of the grossest injustice, and one calculated to produce greater mischief than it was proposed to rectify. At all events he thought justice required that no compositions should be re-opened later than the passing of his Bill in 1832. That Bill gave the tenants three months to appeal under Mr. Goulburn's Act, and if they neglected to avail themselves of it, they should not now be permitted to do so after such a lapse of time, as rendered almost impossible that the existing clergyman should have the proof required to substantiate the fairness of the composition into which his predecessor had entered.

Viscount Morpeth said, that the prin-

ciple of this clause was one which had been very often discussed, and had always been decided in the same way. Undoubtedly, many cases of hardship existed; and it was, he thought, both fair and expedient that a power of revision should be allowed.

Mr. Sergeant Jackson said, that ten out of twenty, or, he might say, ninety out of every 100 clergymen in Ireland would find it impossible to bring forward the proof required. At the time the compositions were entered into the clergyman thought they were final, at all events for twenty-one years? Was it likely, then, he would ask, that they were now in possession of the evidence upon which those compositions were formed? But was the House aware of the nature of the evidence? It was composed principally of the promissory notes of poor farmers for a few shillings each, and the tithe proctors' returns. Was it, therefore, at all improbable that the clergyman should have put such documents in the fire? Where injustice or fraud could be proved he had no objection to re-open the compositions, but to re-open them generally, he thought an act of the most flagrant injustice. The hon. Member for Limerick had characterised the proceedings as a farce, but he knew not why. He understood that it was the intention of an hon. Member to bring forward a motion for expunging the appropriation clause. If that clause were expunged, he thought the Bill might be made a beneficial Bill. He thought it too much to taunt the proceedings as a mockery and a farce, but if it be either, who brought us here.

Mr. Finn asserted that the appropriation clause was the only clause in the Bill of any value to the people of Ireland—the only clause for which they cared one button; and if that clause were not preserved the Bill would be valueless.—As to the question of the re-valuation of tithe, he contended that you would commit an act of the grossest injustice, unless the compositions were to be re-opened in many cases.—It was quite a delusion to hope that the appropriation clause could be expunged, and without it there was no chance of passing the Bill through that House, unless the Government and the House were satisfied to disgrace themselves for ever.

Sir Robert Bateson: As a lover of the peace and tranquillity of his country, re-

that a Protestant gentleman, Captain Willis, complained most bitterly of having been overcharged.

Mr. *Estcourt* said, that from communications he had received from Ireland, he could corroborate the statements of hon. Members on his side of the House, that the clause as it stood would be productive of serious evils to the Irish clergy, amongst whom the greatest apprehensions prevailed.

Clause agreed to.

On Clause 12, being proposed by the Chairman.

Lord *Stanley* objected to the provisions of this clause, which took the decision of a supreme court of appeal—that of the judges of assize and the Privy Council, and gave the jurisdiction to the three barristers who were to be appointed Commissioners under this Bill. The provisions of the clause would have the effect of still further opening the composition, and that, too, in a manner most objectionable.

Mr. *O'Loughlen* remarked, that the merits of any case once decided by a judge of assize, of course that decision would be acted upon by the Commissioners.

Mr. *French* contended that if any objection was to be made to these clauses, it ought to come from the Liberal Members. They were, if anything, too restrictive. The maintenance of these clauses was absolutely necessary both to the voluntary and compulsory composition. The hon. Members who objected, to interfering with existing arrangements, seemed to forget that they were about to interfere with them in a most important manner, viz., without the consent of the parties concerned, converting agreements for a short and limited time into perpetual ones. Injustice might be submitted to for a short time, but it was rather much to ask it to be permanently borne. The hon. Member for Bandon had altogether mistaken those clauses, all compositions were not by them necessarily opened; on the contrary, nothing could be more guarded against vexatious proceedings. First, it was necessary that a case should be made out to the satisfaction of the Commissioners of Woods and Forests, and unless they were satisfied of the necessity, no revision could be allowed. The statement before them must be verified on oath. It was then to be referred to the Lord-Lieutenant, and ultimately to be adjudged by barristers of standing in

their profession appointed for that purpose. He really could not imagine how it was possible to guard more effectually against vexatious proceedings.

Clause agreed to.

The House resumed—Committee to sit again.

HOUSE OF LORDS,

Monday, July 4, 1836.

MIRRORES.] Bills. Read a third time:—Chapels of Ease (Ireland); Benefit Building Societies.—Read a first time:—Suits in Equity.—Received the Royal Assent:—Sugar Duties; Revenue Departments Securities; Bankrupts' Funds; Dublin Police; Waste Lands (Ireland); British North American Bank; Dublin Steam-Packet Company; and a Number of Private Bills.

THE WAR IN SPAIN.] The Marquess of *Londonderry* begged to be allowed to say a few words in postponing the notice he had given, with reference to the letter moved for by the noble Duke on the cross-bench (Richmond) on the 19th of May last. He (the Marquess of *Londonderry*) should not have moved for the production of that letter himself, because he felt that any discussion as to the state of the war in Spain might be attended with some inconvenience to the public service; and considerable reserve had, therefore, been shown upon the question on his side of the House. But he did expect, when the noble Duke on the cross-bench had moved for that letter, bearing, as it did, on the disgraceful and disgusting manner in which the British troops had been engaged in the war, he would have favoured the House with some observations on the subject. That noble Duke declared himself free from all party; the motion he made some time ago on the subject of the Irish Municipal Corporations appeared to have exercised considerable influence on the course pursued by Ministers elsewhere; he had also shewn great dexterity in bringing down a noble Earl the other night, who had before taken leave of political life, and whose speech from the same cross-bench had been so much praised by both sides of the House, although he could not say with much justice; the noble Duke sitting on that cross-bench, and exercising so much influence, ought, after moving for the production of the letter in question, to have directed the attention of their Lordships to the subject. The question now related not only to the state of the war in Spain, but concerned the profession at large; it came home to every soldier;

for it was impossible to say whether, as matters now stood, if Lord John Hay were taken to-morrow, summary punishment would not be inflicted on him. For God's sake let things remain no longer in that state; the King's troops and ships could not be employed in that service without involving Government in a responsibility of the most frightful character. But in consequence of the absence through indisposition of his noble Friend, the Duke of Wellington, whose opinions were entitled to so much weight on every thing connected with the Peninsula, he was induced reluctantly to postpone his motion. He hoped that the Session would not pass over without their Lordships having their attention directed to this subject, and without Ministers being called to account.

The Earl of Minto rejoiced, that it would not be necessary for him to say one word, either as to the reasons which the noble Lord had given for thinking that these questions ought to have been put some days ago, or as to the reasons which he had assigned for thinking, that as those questions had not been put then, they ought not to be put now. He wished, however, to offer one observation in reply to those which had just been offered by the noble Earl. The noble Earl had said, that one of his reasons for not putting these questions now was, that he apprehended the discussion might be injurious to the public service, and that he observed, on the part of his Majesty's Government, some shrinking, which looked like reluctance to enter upon it. Now, in reply to that observation, he would say, first, that he saw no inconvenience likely to arise to the public service from the questions of the noble Earl; and secondly, that he himself had no reluctance to answer any question put to him by the noble Earl consistent with his duty to the public. He said this, that it might not be supposed that he shrank in the slightest degree from this discussion. He thought that the noble Earl's speech was rather addressed to the noble Duke on the cross-benches than to the Members of his Majesty's Government, and he should therefore leave the noble Duke to reply to it. The noble Earl had condemned the war in Spain, had said that it was a new and anomalous state of things, and had asked in what character did this country appear in it. His (Lord Minto's) answer to that question was, that our country appeared there as an ally

under the treaty of quadruple alliance. Under that treaty we were bound to send an auxiliary naval force to co-operate with the forces of the Queen of Spain. There was nothing new or anomalous in their appearance in the field in that character. Whenever the noble Earl asked his questions he should be prepared to give them a distinct answer.

The Duke of Richmond would not enter at present into the question of the propriety of the war in Spain. When that question was regularly before the House, he should be ready to give his opinion upon it. He could not, however, permit the noble Earl to say that the noble Earl late at the head of his Majesty's councils (Earl Grey) had recently come down to the House upon his (the Duke of Richmond's) persuasion. That noble Earl had come down of his own accord, by his own consent, to his own great honour and credit, and had displayed in his speech of that night the same spirit of disinterested patriotism which he had displayed upon every occasion during a long life. That noble Earl had come down, and had made a speech which he could have wished to have had that influence on the cross-benches which the noble Earl said that it produced. That speech must have convinced many, but he was sorry to see, that however much it might have influenced, and would long continue to influence, the people out of doors, it had not changed the vote of a single noble Peer. He was not the noble Duke who had persuaded the noble Earl to come down on that occasion. He wished to God that he had such influence over the noble Earl, for if he had, he would bring him down as often as he could to assist and benefit the deliberations of their Lordships.

The Marquess of Londonderry had never supposed that the noble Duke had used compulsion to bring the noble Earl down to the House. The noble Duke however, and the noble Earl together had made a formidable diversion in support of Ministers. He should be most happy to have the noble Earl and the noble Duke as his allies; and in saying that, he hoped he should not be accused of saying anything disrespectful to either. He thought that his Majesty's land forces were placed in extreme peril in Spain by the course pursued by General Evans. The noble Earl need not flatter himself that he had got out of the scrape yet; he would have

enough of it before the close of the Session.

The Earl of *Minto* had derived his information from sources less public than those of the noble *Marquess*; and from all that he had heard and seen, he apprehended that *General Evans* would proceed in the same gallant career of success which he had hitherto pursued.

Conversation dropped.

TRANSFER OF PROPERTY BILL.] Lord *Lyndhurst*, in moving the second reading of this Bill, said that all that was necessary for him to state in support of this motion at present was, that this Bill was intended to follow up the intentions which had been partially expressed in one of the Reports of the Commission on the law of real property. Unfortunately, before those Commissioners had made their fourth Report, the time for making it had expired, and their Commission had not been renewed. Mr. *Tyrrell*, who was a member of the Commission, had, in consequence, prepared the heads of a Bill which had been circulated extensively among the members of the profession, and had been very generally approved of. A Bill prepared on those heads had been presented to the House of Commons in the Session of 1834. It was sent to a Committee up-stairs, and there underwent some alterations; but owing to those alterations, and to the multiplicity of provisions which the Bill contained, it had not passed during that Session. It was nevertheless circulated extensively, and was approved universally. The object of the Bill was shortly this:— Their Lordships were aware of the intricate nature of the law of real property in this country. The main reason of that intricacy was, that it applied the ancient institutions of the law to the new habits and circumstances of the country. The law of conveyancing was full of forms, distinguished by great prolixity, and, at the same time by great nicety. The object of this Bill was to lessen the prolixities and to get rid of the niceties which formed so constant a subject of litigation in the Courts of Law. He would illustrate his meaning by two instances. In all ordinary conveyances, the mode adopted was by deed of lease and of release. The deed of lease was rendered necessary to put the purchaser into possession of the property, in order that he might be in a situation to take the benefit of the deed of release. Now this Bill would substitute one deed, which would have the effect of the two old deeds of lease and of

release. Again, where a party wished to convey property to himself and to his wife, it was necessary at present to convey it first of all to trustees, and then to convey it through them back again to the party and his wife. Now this Bill would substitute one direct deed of conveyance for the other two. These were samples of the objects of the Bill, and having made this statement, he hoped that he had said enough to convince their Lordships that it ought to be read a second time.

The Lord Chancellor agreed in the principle and the propriety of this Bill. The rules of conveyancing ought to be adapted to the circumstances of the property of the country. There were some details in this Bill from which he differed, but he would reserve them for discussion in the Committee.

The Bill read a second time.

CHURCH DISCIPLINE.] The Earl of *Shaftesbury* moved, that the Church Discipline Bill be committed.

Lord *Ellenborough* said, his objection to this Bill was, that it introduced Jury trials upon new principles. The Bill ought to state more clearly in what way these Juries were to be summoned, or how the chairman was to decide on the character, property, and even existence of offending clergymen. He had prepared some clauses on the point, and wished them to be printed for the consideration of the House.

The Bishop of *Exeter* also had some clauses to propose in points which now pressed heavily on the Church. At present, it was hardly possible to carry on proceedings against a delinquent clergyman, in consequence of the enormous amount of the costs. If they made the costs extremely light, they might be overwhelmed with the number of applications for proceedings, but at the same time they should not be of such magnitude as almost to prevent the possibility of proceeding. The object, therefore, of the clause which he wished to propose was, that there should be some species of precognition in cases of this kind, which should have jurisdiction somewhat to the same effect as that now exercised by the Grand Jury. He also intended to propose, that provision should be made to have a promoter of the proceedings against a clergyman, against whom an accusation was brought.

Lord *Wynford* complained of the clause which subjected prosecutors to costs in case the prosecution failed; but expressed him-

self generally favourable to the measure, and anxious that, after it had been amended in a few particulars, it should be allowed to pass. He hoped that the noble Lord on the Woolsack would consent either to such a postponement as would afford him sufficient time to prepare his amendments, or do that which he considered the better course—viz., to send the Bill to a Select Committee up-stairs, not, however, he could assure their Lordships, with any view on his part to the final rejection of the measure, which he trusted might be rendered highly serviceable to the interests of the Church.

The Archbishop of *Canterbury* was obliged to the noble Lord (Lord Ellenborough) for the assistance which he was ready to afford in the amendment of this Bill; but it appeared to him that the noble Lord, though he decidedly expressed his approbation of the Bill, had, nevertheless, at the same time objected to it, and, in some respects, he thought rather unfairly. The clause of which he had complained in particular, was no departure from the ancient laws, but actually in accordance with the present custom at Doctors' Commons. For his own part, however, he was disposed to support that proposition, because it was necessary that some security should be afforded to clergymen against malicious and unfounded prosecutions. He was acquainted with several instances in which the want of some remedy of the nature now proposed, had been attended with grievous and oppressive effects upon parties who had been unjustly accused. He had himself, when Bishop of London, been engaged in a case respecting the patronage of a school, in which a caveat had been entered against his licence, which he forbore to sign until it should be determined to whom the right belonged. The prosecutor who commenced this case, was not at the conclusion of it, in any way before the Court, and he himself was accordingly left to pay the costs to the amount of 70*l.* or 80*l.* He had no objection to the postponement of the Committee; his object was to get as good a Bill as possible, and he knew not how that could be better effected than by having all the amendments printed, for the consideration of the House.

Lord Lyndhurst wished to call their attention to one part of this measure. It appeared that the mode of proceeding, according to the Bill, was to be this:—A citation was to be issued to the party

charged, then the charge given in writing, and the answer to that charge was then to be given in; after which a Jury would be summoned to try the case. But suppose the charge was not a valid charge in law, what would be the consequence of that proposition? Why, that the Jury would have to deal with a matter entirely out of their province, for the object of a Jury was to decide questions of fact, and not points of law. Their Lordships knew, that in such cases, at common law, the proceeding was by a demurrer.

Bill committed *pro forma*.

HOUSE OF COMMONS,

Monday, July 4, 1836.

MINUTES.] Bills. Read a third time:—*Murderers Punishment*; Bills of Exchange.—Read a second time:—*Personal Tithes*; *Benefices Plurality*.—Read a first time:—*Hand-loom Weavers*.

Petitions presented. By Mr. BROTHERTON, from various Places, against Factories' Act Amendment Bill.—By Mr. TOWNLEY, from Wisbeach, against Secular Jurisdiction (York and Ely) Bill.—By Mr. FRASER, from Galtway, for Abolition of Tithe on Fish.—By Sir EDWARD COPPIN, from Devonport, for a Repeal of the Act 58th George 3rd, for Regulation of Parish Vestries.—By Mr. HARRISON FLEETWOOD, from Poulton and Thornton, for Repeal of the Bastardy Clause.—By Mr. HARVEY, from the Proprietors of Licensed Beer Houses, Rochford, Southwark, and Eastern Half Hundred of Brixton, to be placed on the same footing as Licensed Victuallers.—By Mr. RINDLEY COLBOURN, from the Procurator-General, Bath and Wells, for Compensation.—By Mr. JAMES OSWALD and the ATTORNEY-GENERAL, from Edinburgh, for Acceleration of the Mail.—By several HON. MEMBERS, from various Places, for Amendment of Municipal Corporations' (Scotland) Bill.—By Mr. DUNLOP, from Beith and Kilmaurs, against Burghs of Barony (Scotland) Bill.—By several HON. MEMBERS, from various Places, praying the House to adhere to the Irish Municipal Corporation Reform Bill as originally passed by them.—By Mr. S. CRAWFORD, from Dundalk and Inniskeen, for Landlord and Tenant (Ireland) Bill.—By Mr. H. FLEETWOOD, from Foston, for Abolition of Beer Shops.—By Mr. Alderman THOMPSON and Mr. FORT, from Sunderland and Chipping Campden, for Abolition of Church Rates.—By two HON. MEMBERS, from various Places, against Church Bill (Ireland).—By Mr. HAWKINS, from Newport, for Amendment of Municipal Corporations' Act.—By the ATTORNEY-GENERAL, from Edinburgh, for Abolition of Annuity Tax.—By Mr. HARVEY, from the Medical Profession, Colchester, for Medical Witnesses' Bill.—By Mr. S. CRAWFORD, from Bangor, against Excise Licences (Ireland).

IMPROVEMENTS IN LIGHT-HOUSES.]

Mr. Warburton presented a petition from Mr. Michael Donavon, complaining of the conduct of the Trinity-house Corporation towards him in regard to a new method which he has invented for the lighting of light-houses. The petitioner stated, that an experiment of his invention had been made at the South Foreland Light-house, and that he had been employed himself there for three months; and he further stated, that the Trinity-house had distinctly acknowledged to him that his invention

was a valuable one, which must lead to very important improvements in the existing system of light-houses. It appeared from the statement of the petitioner, that his invention consisted in the employment of refracting lenses, instead of reflecting mirrors, with oil lights. The hon. Member stated, that the Report of the engineer of the Trinity-house Corporation spoke in high terms of the invention of the petitioner. The petitioner also stated, that having been thus for three months employed at the South Foreland, the light-house keeper sent up a Report to the Trinity Board that an explosion had taken place, and that the light-house had caught fire. The petitioner complained that no opportunity had been afforded him of being confronted with that person; that he had been at considerable expense in fitting up his apparatus, &c., and prayed the House to take his case into consideration. He would wait until he heard the explanation of the hon. Member opposite, an elder brother of the Trinity-house, Mr. A. Chapman, before he would decide on what steps he might hereafter take in regard to this question.

Mr. Aaron Chapman defended the conduct of the Trinity Corporation, and maintained that they had acted most generously towards the petitioner. Certainly an explosion had taken place, by which the lights were at once extinguished, and he called upon hon. Gentlemen to consider what might have been the effect had any of his Majesty's ships or any merchant vessels been in the neighbourhood of the Goodwin Sands at the time. The Trinity Corporation had undoubtedly promised this individual to pay him any sum that might be required in making an experimental trial of his new light, and acting upon that feeling, they had given him 100*l.* for his model, and 350*l.* more for his own time; and on an application being made by him for further remuneration, they conveyed to him an intimation of their readiness to meet his demand, provided it was anything within reason, but the demand made by him was so exorbitant, that they felt they should be guilty of a gross dereliction of their duty to the public to entertain it for a moment. In conclusion the hon. Member remarked, that this Gentleman seemed offended that his invention had not been adopted in preference to those of others, such as Lieutenant Drummond, and other gentlemen of certainly equally high scientific character and pretensions.

Mr. Warburton observed, that the explanation of the hon. Gentleman was not satisfactory, and thought that the Trinity-house should have erected an experimental light-house on shore, by which without incurring any risk, the advantages of the new invention might be put to the test until the discovery was perfected.

Petition to lie on the Table.

CROWN LAND—RADNOR.] Mr. Harvey said, he had a petition to present from certain persons who felt themselves aggrieved by a statement made in that House by his Majesty's Attorney-General on a former occasion, when he (Mr. Harvey) presented a petition from those parties, complaining of the conduct of the Commissioners of Woods and Forests in reference to the disposal of certain manors in the county of Radnor. The Attorney-General said, that they were instigated to take the course they had adopted by an attorney of the name of Parsons. The petitioners stated, that so far from Mr. Parsons having instigated them to take that course, they had applied to him in the regular course of business to defend and conduct their case. He begged also to present a petition signed by several persons in the county of Radnor, complaining that the manors in that county had been sold in a way very disadvantageous to the public. Since the former discussion on this subject, he (Mr. Harvey) had learned that on the manor which was sold to Mr. Watt for 1,200*l.* that Gentleman had, by intimidation and other means, succeeded in getting seventy poor persons to attorn the little properties which they held to the amount of 200 acres, upon which several of them had built cottages, and which they had possessed for twenty or thirty years free and unmolested. Now, cheap as land was in Wales, the property thus gained by Mr. Watt was at least worth 1,200*l.* He thought that these petitioners had a right to complain that those manors belonging to the public were not disposed of by public auction.

The Speaker begged to call the hon. Member's attention to the first paragraph in the first petition he had presented. The petitioners stated, that "having read with astonishment a statement made in the House of Commons, &c.;" he submitted to the hon. Member that such a petition could not be received.

The Attorney-General said, that he, for one, would take no objection to the reception of the petition, though certainly the

objection started by the Speaker could not be got over. With regard to the statement he had made on a former occasion, he would only repeat, that he received his information from a quarter to which the greatest credit was due, and that he had no reason to doubt a single word of the information he had thus received. Indeed, he was since informed, that a great number of the names to the former petition had been actually in the handwriting of Mr. Parsons.

Mr. Harvey said, that so gross a charge against a gentleman, a highly respectable attorney and a banker, in his own town, could not of course have been made by the Attorney-General upon light grounds. The learned Gentleman must have some reason for believing it. He (Mr. Harvey) most undoubtedly did not believe it, and if the gentleman so accused should write to him (Mr. Harvey) demanding an investigation, he would certainly move that he be examined at the bar on the subject.

The first Petition withdrawn.

Sir E. Codrington said, Mr. Watt had bought this property for 5,000*l.*, and that he had not benefited by it a single shilling. The proceedings complained of had not been taken by Mr. Watt, but by the Commissioners of Woods and Forests, who were obliged to complete their bargain with him.

Second Petition laid on the Table.

CHURCH AND TITHE (IRELAND) COMMITTEE.] Viscount Morpeth moved the Order of the Day for the House to resolve itself into a Committee on the Church and Tithes Ireland Bill.

On the question that the Speaker leave the Chair,

Sir George Sinclair rose, not for the purpose of discussing the principles or examining the provisions of this Bill, but in order to denounce the disingenuous and evasive course pursued by his Majesty's Ministers respecting the clause which was now to be considered in Committee—a course, which though entitled to high commendation as a model of astuteness and dexterity, was, in his opinion, totally at variance with the dictates of candour and straightforwardness. "Five months have now elapsed," said the hon. Baronet, "since the Session commenced. The introduction of this measure, upon which the Government grounded their chief claim to public confidence, and for which they were so clamorously impatient when seated on the opposition benches, was de-

ferred until the latest possible moment; and after sundry bit and bit postponements, the Bill may be considered as once more virtually abandoned, because it is reluctantly dragged forward for commitment under a perfect conviction that it cannot possibly pass; and that his Majesty's Ministers have not the power, even if they possessed the inclination, to adopt the means which are essential for ensuring its success. Did any statesmen ever lay themselves more open to the charge of palpable tergiversation, or more unscrupulously kicked down the only ladder by which they could have clambered into place? "None but themselves can be their parallel;" and we must take a retrospective view of their last year's devices, to find a somewhat analogous illustration of their present proceedings. The Appropriation Clause, though instantly "sent to Coventry," until the 26th of June, was sanctioned, by a majority, I think, on the 6th of April. I myself suggested to this House the propriety of at once transmitting the resolution to the House of Peers, in order to ascertain whether, as the noble Lord affected to believe, they would ratify the principle, or whether as I ventured to assert, they would reject it with indignation. This would have been a manly and consistent course, but the noble Lord prudentially declined to adopt it; he shrank from the experiment of bringing the question to so speedy and decisive an issue. An usually protracted recess, a very favourite expedient of his Majesty's Ministers, almost immediately supervened. After banns had been proclaimed in the usual form by the Secretary of the Treasury, his Majesty's Ministers were formally re-married to their official brides, from whom in the preceding gloomy month of November, they had been suddenly and reluctantly divorced—

"priscus amor redit,

Diductosque jugo cogit aheneo."

They then retired, to pass at their respective country seats, the halcyon days of the honeymoon. Next occurred the catastrophe of the Devonshire election. The tutelary genius of Great Britain and Ireland was for a short time obscured by a temporary eclipse. Nothing could be done whilst the noble Lord was out of Parliament; *cum tot sustineasac tanta negotia solus*. The Government resembled a time-piece, whose evolutions have been put a stop to by the unexpected rupture of the main spring—but

that defect was speedily supplied by the able mechanics of Stroud, and another important wheel was instantly furnished by the accommodating artizans of Tiverton. We might, therefore, have ventured to hope that although the Ministerial machine might now and then have required to be wound up or set right, it would have performed its future movements with precision and regularity. The whole country was lost in amazement at the course pursued by the Government. The noble Lord being called upon to adjust the conflicting claims to priority between English Municipal Reform and the consideration of the Irish Tithe Question, was guilty of a palpable solecism in the heraldry of politics, by adjudging precedence to the former. Can any impartial judge confirm the noble Lord's decision? Was there, in point of urgency, the most remote comparison between these questions? But, then, it was manifest that the Government would strengthen their own hands, and secure their own tenure of office, and, therefore, "the clergy starve, that Ministers may dine." If the prominence which the two measures respectively occupied in the colloquial intercourse of private life might be assumed as a standard for estimating their relative importance, I should say, that for one quidnunc who ever broached the subject of corporate abuses, there were at least fifty anxiously inquiring from day to day, "Well, pray when does the Irish Tithe Question come on?—have you heard what Ministers mean to do with regard to the appropriation clause?" After several intervening weeks of silence and procrastination, the answer to the last interrogatory uniformly was—"Do? why they mean to do nothing at all. The clause, you may rest assured, will henceforth be a mere *brutum fulmen*, now that it has fairly answered its purpose of ousting a rival Administration." Some persons likened it to an old hat suspended on the top of a pole half enveloped in a tattered red jacket, with a rude wooden musket in its right hand, and a clumsy old broomstick in its left, and stationed in the middle of the Treasury Gardens, to scare away the whole feathered tribe of the Tories, and preventing any unwelcome intermeddlers from nibbling any portion of its golden fruit. Others, again, compared it to a train of artillery, brought up for the purpose of compelling some obstinate fortress to surrender, but which is quietly replaced in the arsenal as soon as the garrison

capitulated and marched out with all the honours of war. No one indeed, either thought then, or can imagine now, that the principle would ever be formally avowed and openly abandoned by his Majesty's Ministers, or that they could, without a total loss of character, resort to any expedient for shaking it off; but is there any essential difference between such ignominious inconsistency and the annual reiteration of the Machiavelian farce of postponing the question until the *fig-end* of the Session, when most of the Members of both Houses are out of town, out of health, or out of patience; so that discomfiture may be instantly succeeded and palliated by a convenient prorogation of Parliament—a discomfiture, permit me to observe, which his Majesty's Ministers endure with philosophic equanimity, and indeed with a display of every virtue under heaven, except that of a becoming resignation. But their design manifestly is to make the two ends of the Session meet as soon as possible, so as to secure to themselves the disbursement of the loaves and fishes during the recess. Notwithstanding the late plentiful harvest of mitres, more bishoprics may be dropping in, judicial situations may become vacant, the monthly obituary of general officers is usually most prolific during the autumn; in this way, it is more than probable that the gaping mouths of many Ultra-Whig Cerberuses, whether lay or clerical, legal or military, may be stopped, or rather sopped, before Parliament meets again. Never were Utopian simpletons more palpably the dupes of their own credulity than those who fondly imagined that the age of influence, like that of chivalry, is past; that the era of economists and calculators had succeeded, and that the glory of patronage was extinguished for ever. Why, Sir, the very system is openly avowed to be one of the principal engines for maintaining Ministers in office. There never was a period in our history, when offices of every description were so eagerly grasped and so tenaciously monopolized by those who subscribed to all the articles of a certain political creed, and when the decisions of the Government in this department were watched by jealous supporters with such lively and lynx-eyed vigilance. It is become almost a *sine qua non* even for admission into the magistracy, that every candidate should be faithful, and bear true allegiance to his Majesty's Ministers, as well as to his Majesty

himself. It must, however, be admitted, that with regard to the distribution of official patronage, his Majesty's Ministers, though much to be blamed, are, perhaps, still more to be pitied. There are amongst them some who, if left to themselves, are not indisposed to be liberal, in the old and obsolete acceptation of the term—that is to say, not harsh, not unkind, not ungenerous, not exclusive; but they are in a state of abject and ignominious vassalage to imperious and importunate partisans: and, above all, to a ruthless and rapacious press, without whose countenance and co-operation neither their places nor their popularity would be worth a fortnight's purchase. Of them it may be said, as of the Jews in Egypt, that their lives are made bitter by hard bondage. The grasping greediness of their satellites out of doors is become a by-word and a reproach in every district throughout the empire. They are beset, besieged, and bullied, by a countless legion of hornets, harpies, and horse-leeches, vociferating without intermission, not only, "Give, give to us," but "Take away, take away from every one besides." If the power of these inquisitorial autocrats were commensurate with their vindictive avidity, they would, without ceremony, distinction, or remorse, rend the coil from every Tory judge, and snatch the mitre from every Tory bishop, and cashier every Tory Lord-lieutenant, and dismiss every Tory public functionary, however blameless his conduct, however amiable his character, however eminent his deserts, however moderate his political opinions. If a war were to break out, his Majesty's Ministers could not venture to intrust the command of an army to so incorrigible a Tory as the Duke of Wellington. Had Lord Nelson been spared to his country until now, and possessed Conservative politics, it would have been an act of high treason against the exclusive spirit of ultra Whiggism out of doors, and as much as their places were worth to have placed him at the head of a fleet—for, if we may judge from the sentiments embodied in sundry Ministerial publications, there are not a few politicians in this country, whose zeal outstrips their patriotism, and who would rather that a British squadron were defeated under a Radical commander, than that a Conservative admiral achieved a triumph. The public mind, however, cannot long be deluded by the flimsy pretensions of pseudo patriots. We know that selfishness is the banner under which they subsist, and that slander is the garbage

upon which they luxuriate. But no candid or well-regulated mind can remember without honest indignation the foul and atrocious aspersions with which his right hon. Friend, the Member for Tamworth, was assailed by reckless libellers during his brief but brilliant career as Prime Minister of the empire. He was told that no man regretted so much as he did the necessity of being virtuous; that he ought, by a timely retirement, to save the wreck of his former character. To the eager partisans of revolution throughout the realm it was announced, with ferocious exultation, that not only his physical strength, but his mental energy, was sinking under an accumulated weight of solicitude and responsibility. And this, forsooth, was proclaimed, as a cause for natural gratulation, with respect to the very individual who, a few weeks thereafter, on his lamented and ominous retirement from office, was not only honoured by hundreds of thousands of his disinterested and intelligent countrymen with the loudest and most unequivocal assurances of their confidence and gratitude, but has since had what some would account the honour, but what he, perhaps, deemed the misfortune, to be eulogised and quoted as an authority by his Majesty's Ministers themselves. I would observe, in conclusion, that a great majority of the religious, enlightened, and wealthy classes, view the intentions of his Majesty's Ministers with alarm, and their principles with disapprobation. They long to see a Government formed under the auspices of my right hon. Friend, the Member for Tamworth, and my noble Friend, the Member for Lancashire—a Government which, whilst zealously engaged in temperately reforming all abuses, would at the same time maintain the institutions of the country inviolate and unimpaired. I do believe that if any member of the present Cabinet had been assured a few years ago that he would be concerned in some of the measures now in progress, and that the ablest and most indispensable of its supporters would gravely enrol in the books a notice for reforming, or rather for degrading, the House of Lords, he would have exclaimed, like Hazael, when told by the prophet that he would perpetrate a crime of which he at that time deemed himself incapable, "Is thy servant a dog, that he should do this thing?" To what still more desperate extremities they hereafter may be urged to proceed in the headlong career of

their ambition, I shall not attempt to prognosticate; but, in my humble judgment, the whole system of their present policy, both foreign and domestic, is much more calculated to prevent, than competent to promote, "the advancement of God's glory, the good of his church, the safety, honour, and welfare of our Sovereign and his dominions."

The House went into Committee on the Bill.

On Clause 50, enacting the appointment of the Ecclesiastical Committee of the Privy Council,

Lord Mahon said, Sir, the preceding clauses of this Bill are of such a nature that, discussed in a spirit of fair and mutual concession, they might be probably adjusted to the satisfaction of both parties. But the Committee has now arrived at a point of principle, and, on the fullest and calmest consideration I have been able to give it, and with the most anxious wish to see this question settled, these dissensions appeased,—I must say that the question of the inalienability of Church property is one that admits of no compromise, of no concession. On this principle, therefore, do we take our stand; and on this do I feel myself bound to move, that this, and the following clause, be omitted from the Bill. Sir, in the course of these discussions the arguments of those who advocate a diversion from the revenues of the Irish Church, may, I think, be classed under two heads. It has been alleged by some, that the Irish Church establishment is, or has been, so negligent and inattentive to the duties connected with it, that it does not deserve the same consideration as the Church of England. Others, without having recourse to these attacks, rest their objection solely on the great disproportion of numbers between the Protestant followers of that Church, and the Roman Catholic population. I think that all the arguments we have heard belong to one or the other of these two. Now, with regard to the first, I am not prepared to assert, that the Church of Ireland has been at all times free from blame; I fear that, on the contrary, if we look to earlier periods, we shall find that serious charges of negligence and remissness could, with justice, have been brought against it; and I derive this opinion, not merely from the positive testimonies which have been alleged to that effect, but from the following consideration. In common with a great majority of this House, I believe that the cause of the

Protestant religion is the cause of truth. I believe, also, that the people of Ireland are fully as intelligent and acute as the people of Great Britain. To what cause then, can I ascribe the slow diffusion of what I believe to be the truth amongst a people which I know to be intelligent, whilst the same truth has so triumphantly prevailed in England and in Scotland? Why, Sir, I am driven,—reluctantly driven,—to the belief that the cause must be ascribed in some degree, at least, to the negligence and inefficiency at that time of the Irish Church Establishment.

But, Sir, is this the case now? Were the causes of this inefficiency of a temporary or a permanent nature, may not this inefficiency be traced most clearly as a natural effect of the old penal laws, under which the Roman Catholics suffered? Those unhappy Statutes set up an insuperable barrier between the Protestant and Roman Catholic population of that country—bound together the Catholics by the common tie of persecution, and checked the Protestant clergy in all their attempts to gain the confidence and love of their parishioners. Can we wonder, then,—I put it in candour to the honourable Gentlemen opposite,—that, in many cases, the Protestant clergy should have been discouraged and disheartened—have flagged in exertions which they have always found unavailing, and too frequently forsook the benefices, where they found themselves the objects of popular ill will? In like manner, as the conversion of Connaught and Munster was checked in the 16th and 17th centuries, by the lawless habits and separate language of the people; so in the 18th century, it was prevented by the penal laws, which only irritated and estranged those whom it was intended to restrain. Such, Sir, was the cause, and such was the effect; and it will be found, that in the same proportion as the cause has been removed, the effect has ceased. In the same proportion as these laws have fallen one by one, before the rising spirit of the age—before the benevolent efforts of such men as Mr. Burke—in that very same proportion have the Protestant clergy become more constant in their residence, more assiduous in their cares, more eminent in every acquirement, that can add lustre to their sacred office. I am firmly persuaded, that there does not now exist upon the earth a body of clergy more pious—more irreproachable—more eminent, both for virtue and learning, than the suffering

Church of Ireland. Any honourable Member who thinks that he ought to deal with it as with a corrupt church, would, I am convinced, be legislating for the past and not for the present. This is frequently the case—the cry against an abuse continues long after the abuse itself has been removed. The cry continues—it becomes triumphant—and then it happens that the innocent suffer for the guilty! Any legislation which you would carry on in this spirit against the Irish Church, amounts to this:—That an excellent and irreproachable clergyman, in 1836, is to suffer, because his predecessors some sixty years ago happened to be careless! I believe, from all the information I have heard, that if any honourable Member will look at the Irish clergy with the spirit of a juror, and with a determination to do justice, he will, at the close of his inquiry, with his hand upon his heart, bring in a verdict of “Not Guilty.”

But then, Sir, I come to the second point. Say some persons, the grievance we complain of is independent of the conduct of the Irish clergy; it rests on the anomaly as to the great proportion of the Catholic population. There are less than 1,000,000 of the Established Church; there are above 6,000,000 of Roman Catholics; and this they urge is a monstrous anomaly. Why, in the first place, let me ask, how far is this consistent with the demand for perfect assimilation between the two countries? Have we already forgot the debate on the Corporation Bill? How many days is it since the walls of this House rang with the indignant outcry that Ireland should be treated precisely on the same principles as Devonshire or Yorkshire? Now, then, let me put this case: supposing some parish in Yorkshire or Devonshire, in which the majority of inhabitants are Dissenters; and that they should call, on that ground, for a division of Church property, how would such a demand be received by the House or by the country? Would the House think of admitting such a claim? Now, then, if Ireland is to be governed in all respects as an integral part of Great Britain, we must consider not merely the 6,000,000 of Catholics in the former, but the 16,000,000 of Protestants in the latter, and establish a church for the majority of the whole. Is not this fairly following out your own principle? Or do you think it reasonable to assert a principle just so far as may suit your purpose,

and quietly discard it the moment it has served your turn? But, Sir, I do not meet the question on this ground. I, for one, do not maintain the fantastic notion of perfect assimilation. I am not a political Procrustes; my object is to legislate for the good and happiness of the people; and if any portion of the people be in a peculiar situation, I am not to be deterred by any cant of assimilation from legislating for that portion in a different manner. Well, then, I take the case as to Ireland only. I am told that it is a great anomaly to have a Church of 1,500,000 of Protestants established amongst 6,000,000 of Catholics. I admit that it is an anomaly; but let me ask, does the Bill, does the Appropriation Clause, now before us, remove, or attempt to remove that anomaly? Not at all. Your clause goes to take away a part of the revenues of the Church, but the anomaly consists in the existence of an Established Church at all under such circumstances. If your objection means anything, it means this—not that the superstructure is too rich, but that the foundation is unsound. Are you, then, prepared to root out the Protestant Establishment in Ireland? Why, if I were even to ask the question of the right hon. Gentlemen opposite, they would resent it as a positive insult, and most properly declare themselves determined to maintain the existence of that Establishment as firmly as ourselves. Why, then, Sir, is it honourable—is it statesman-like, to declare that to be an abuse which you yourselves admit it is just and necessary to maintain? I admit that the Church of Ireland is an anomaly,—I utterly deny that it is an abuse. As long as I have a seat in this House, I shall protest against the tendency of the present times to confound together the two ideas of anomaly and abuse—of alteration and amendment. There are many and great anomalies that are not abuses:—for example, property itself—that institution for which all other institutions may be said to exist, and which is the foundation of all society,—even property is liable to very great anomalies. Can there be a grosser anomaly, in theory, than that one man, perhaps of the worst character, should revel upon 50,000 acres, whilst another man, perhaps of the highest merit, has not a hovel wherein to lay his head? Yet, in practice, does any man propose to interfere with property, and correct those anomalies? The Throne

also, or the Peerage—for they both depend on the same principle, that is, hereditary right to a portion of authority—may often lead to anomalies, from the character of any one to whom that authority descends. But are the Throne or Peerage, therefore to be called abuses? Thus, also, the Irish Church is an anomaly, but not an abuse; and depend upon it that, in spite of any apparent anomaly, the British Constitution confers such solid benefits and maintains such equal rights, that we need fear no attack against it, and that I am persuaded it will rise victorious over both its open enemies and its hollow friends. How, then, is the anomaly of the Protestant Church in Ireland to be dealt with? I answer, that it may be greatly alleviated, and almost entirely removed, by a system of commutation of tithes, avoiding any appropriation of its revenue from its present purposes. For let it be observed, that the landed property of Ireland belongs to Protestants in even a much greater proportion than the population belongs to Roman Catholics. I have heard it confidently and, I believe, truly stated, that nineteen-twentieths of the land are in the possession of Protestants. Now, then, if you throw the payment of tithes upon this land, and remove it from the occupying tenant, do you not go a very great way in removing the alleged anomaly? At least, I will assert, that this arrangement is infinitely more free from anomaly than any other which you could devise for religious establishment under this state of things.

I will refrain from entering, exhausted as the House must be on the subject, into the statistical calculations connected with this clause. I could do little more than repeat the statements contained in the clear and admirable speech of the noble Lord, the Member for North Lancashire (Lord Stanley) on the second reading,—a speech, combining, in so great a degree, the most accurate calculations with the most brilliant eloquence. On that speech I take my stand. I rely upon it for the proof of the fact, that there is no surplus; or, that if a surplus be wrung from the Protestant Church, it must be so, by oppression and injustice; and that the revenues of the Church are not more than sufficient for the decent maintenance of its ministers. There are to be only 1250 benefices—this is what is proposed, and this, it is said, is an overgrown establishment. Yet, if we take no account at all of the Roman Catholics and Presbyterians, each

incumbent would still, on an average, have the care of above 700 persons of the Established Church, and these, too, scattered over a most extensive tract of country; and how, under such circumstances, even from the extremity of party spirit, there can be a taunt of a sinecure Church, I own, I find it difficult to understand: however, I repeat it, I will avoid entering again into these details; but I wish to say one word with respect to a subject which is often thrown in our teeth, and which I think has not been sufficiently noticed on this side. I mean the religious system of Prussia. I believe that it was this foreign analogy which chiefly weighed with many worthy and respectable men,—more especially with one of my earliest and most valued friends, who I am sure, neither on this or any other subject gives his vote on any but most conscientious grounds, the hon. Member for Berkshire (Mr. Pusey). Now, with respect to Prussia, there is a Report ably drawn up by Mr. Lewis, and presented to this House under, I must say, rather suspicious circumstances, and leading to the belief that some Members, at least, of his Majesty's Government do not think the Prussian system without application to the state of Ireland. Now the practical question is, how, in the Prussian system of co-equal establishment for both persuasions, religious peace and civil quiet can be in any degree obtained? Why, if hon. Gentlemen will look to the Report, they will find that they are obtained by the absence of freedom, and that the Prussian Government calls its political despotism in aid of its vaunted religious impartiality. In the 7th page of the Report, I find these words:—

“Proselytism, or inducing a person to change his religious faith by force or persuasion, is specially prohibited by law. Controversial sermons are forbidden by law, and are punished by a fixed term of imprisonment.”

Now, then, here you have the article, but what say you to the price? Are you willing to subvert the Irish Church at the expense of subverting also the British Constitution? Would the Prussian regulations be considered acceptable in this country? What would you say, here, where the press is as free as air, and the fullest licence given to every controversy, if you saw a Protestant clergyman dragged to prison for preaching against what he believes the errors of Popery? Or, take the opposite case, which I am just as ready to put. Do you wish to see imprisonment

put in force against the Catholic priests for denouncing (as they have a perfect right to do) what they would call the dangers of heresy? Such a system of ecclesiastical government is totally incompatible with the free Constitution of this country.

Sir, in conclusion, I must earnestly appeal—not to his Majesty's Government, nor to the followers of the hon. and learned Member for Kilkenny (Mr. O'Connell), but—to the independent Members of this House. Several of them have not hesitated to own in conversation their alarm at the aspect of the times, and their apprehension that his Majesty's Ministers would not be found sufficiently firm in the day of trial. Let me, then, ask them whether they will risk the dangers that will most certainly follow, merely for the sake of trying an experiment with an abstract principle? Will they, for the sake of a surplus which must be either imaginary or extortionate, take the first step against the property of the Irish Church? If they do, let them be assured that the first step will be followed by another against ecclesiastical property at home, and that, in fact, the battle of the Church of England will be fought on Irish ground. Let them depend upon it that they cannot say to the multitude any more than King Canute could say to the waves, "Thus far shalt thou come and no further." I trust, then, that the honest and independent Members of this House will vote in support of the motion which I have now submitted; and, in so doing, afford us what I shall consider, not a party triumph, but a great national advantage.

Mr. Poultier: Sir, I cannot admit that this Bill does alienate permanently any portion of the property of the Church. I see in it provisions for the appropriation of that which it seeks now to deal with to the moral and religious instruction of the whole people of Ireland, only so long as there can be discovered no substantial Protestant duties unprovided for. And I see in it provisions for supplying such deficiencies wherever they shall truly arise. The noble Lord who has just sat down says, that though he will not agree to the principle of appropriation, he would propose a complete reform of the Protestant Church in Ireland. I ask the noble Lord why it was that such a proposition never proceeded from the other side of the House until appropriation was demanded? When was it that Gentlemen on that side ever thought of looking into the abuses of the Irish Church, until his Majesty's Government thought it

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their duty to set apart the surplus of its revenues to the moral and religious education of the Irish people. They never adopted reform till they were driven to it by dread of something else. They act upon the question of Irish Church Reform, exactly as they did upon Irish Corporation Reform. When they wanted to stave off reform in the Irish Corporations, they told us they were ready to give up all the abuses of the old Protestant Corporations. But they never discovered those abuses until his Majesty's Government brought forward a measure that would give new reformed Corporations to Ireland. And now the noble Lord, in opposition to those who on this side of the House advocate most conscientiously a religious principle—brings forward his pretended proposition for reform, which was never dreamt of by Gentlemen opposite except as a means of averting something still more obnoxious to them. Had Government never acted as they have done, they would have continued the abuses of the Irish Church and the Irish Corporations; and they now only wish to prevent the greater measure of reform by conceding the smaller. The noble Lord talked about the English Church, and said present Bill was only the precursor of an attack upon that Church; but that is not a fair argument; does not every body know that in the most fair and equal distribution which can take place, and I am happy to learn that a more fair distribution is about to be proposed to Parliament. Does not every body know, that in the present population of England, it will be impossible to bring home to every part of that population the benefits of the Protestant Establishment. So far therefore from agreeing that there is any fear of the principle of this Bill being applied to the English Church, the noble Lord knows well that such a proposition would be rejected by a vast majority of this House; nay, that without any assistance from the other side, the great majority, if not all, of those who sit on this side would instantly negative a proposal to deduct one farthing from the Protestant Establishment of this country. The noble Lord spoke of private property; but what analogy is there between the case of property conferred upon a certain body of men upon condition of their maintaining a high public character, and conducting themselves honourably and with propriety, and the case of private property, which is held by individuals, who cannot be deprived of it upon any such grounds? Private property is

held upon no condition whatever. And what similarity is there between it and property which is held by a Church, in the nature of a public establishment, having public duties to perform, in default of which it is subjected to forfeiture as having violated the conditions which the legislature of the country thinks fit to impose. To me it has always been a great recommendation of this Bill, that it does not touch vested interests; that it does not take from any man that, the possession of which he has long enjoyed, and the continuance of which he has always contemplated, and looked to for the maintenance of his family. But the noble Lord, the Member for North Lancashire was Secretary for Ireland when a Bill passed this House which did touch vested interest, I believe it was the Church Temporalities Act, and for Gentlemen opposite who voted for that measure to object to this, is indeed, after swallowing the camel, to strain at the gnat. This Bill is founded upon just principles,—whoever accepts any living under this Bill will do so voluntarily,—will do so, fully acquainted with the nature of the reductions it proposes to effect. Whereas the Church Temporalities Act, tore away in many instances from the clergyman, that which he had looked forward to as the only means of subsistence to his family. [Lord Stanley intimated his dissent from this] I remember well hearing from the right hon. Baronet, the Member for Tamworth, a most affecting appeal on behalf of a clergyman who had been reduced to the deepest distress in consequence of the taxes imposed by that Bill.

Sir James Graham: No, no; it was because he could not collect his tithe.

Mr. Poulter: And the right hon. Gentleman stated also, that the distress of the clergyman arose from the reductions effected in his income by that Act. [No! no!] At all events I return to my original proposition, that this Bill does not touch vested rights, it will establish a new state of things, under which any clergyman who accepts a living will do so voluntarily, and fully cognizant of the reductions which it will effect in his income. There has been a great change even in the language of the noble Lord opposite, the Member for North Lancashire. I remember the time when he would not consent to go into any calculations of the revenues of the Protestant Church, nor of the numbers of the Protestant population in Ireland. His argument was this,—“I don't care what your

account of the revenues is, what your calculations of numbers are; whether the revenues of the Church of Ireland be great or small in reference to the population of that country.” But this year the noble Lord has condescended to give us some calculations of the amount of those revenues, he has even given us some calculations as to the numbers of the Protestant population. Next year, perhaps, he will consent to go into calculations as to the Catholic population of Ireland; and in the course of time I have no doubt he will come up to the full measure of reform proposed by Government. Now, with regard to the population, I have heard it stated on the authority of a person on whose veracity I can depend, that in days of old, in the good old times, before men discovered that language was given men to conceal their real sentiments, a Protestant rector was heard to say, “I have but one parishioner, and I hope he'll soon be converted.” At first sight this seems a very improper speech, but when we come to examine it, we shall see that it was very natural that the Protestant rector should feel ashamed of having a single parishioner; it is a grievance, that a man should be placed in such a situation. It is the fashion, Sir, to call all measures of Church Reform in Ireland “concessions,” concessions which will end only in total destruction. Sir, I am an enemy to concession; I object not only to the principle, but I believe the word itself to be radically an improper word; it ought to be expunged from the political dictionary. If it means anything it means this, the departing from the line of just principle, and to that, I for one, will never concede; and I never wish you to make “concessions” on this subject any more than on any other; I ask you to do that which is due to a nation, and I will never consent to apply the term concession to that which common honesty and justice demand. It reminds me of a speech I once heard uttered by a Lord Chief Justice of the King's Bench, in reply to a defendant, who having gained the cause thanked his Lordship for his kindness and “concession” to him. “Sir,” (said the indignant Judge,) “the Court of King's Bench never does a kindness, it never makes a concession, it administers justice impartially to all. A great deal, Sir, has been said respecting the relation of the two Houses of Parliament, and it has been confidently predicted that this Bill will never pass the Upper House. I do not think the situation of the two branches of the Legislature is at all diffi-

cult to be understood. If the two Houses always agreed upon the same specific measures, there would be no use in having two Houses. The constitutional agreement which it is necessary for the good government of those kingdoms should subsist between them, is an agreement not upon the same precise points of opinion on any subject, but an agreement upon great and leading principles. Difference of opinion may fairly, nay, advantageously exist as to the means of carrying out those principles, the errors of one House being thus corrected by the deliberations of another. But in the present situation of public affairs the difference comes to the whole spirit and principle of the government of this country; such a difference must show itself upon some occasions, and therefore, in the present instance, which is not to be regarded by itself, *per se*, but as only part of a system of hostility on the part of the Upper House to great and fundamental principles of government manifested in this particular measure. This is the state of things to which we are now reduced; I look upon the body to which I have alluded as the first body of nobility upon the face of the earth, and this only increases the regret which I feel, that such a body should for a single moment have endangered their privileges and existence, by resisting to the last every measure of reform—by obstructing all attempts on the part of a liberal government to carry on the business of the country, and especially, by resisting the settlement of the Irish Church question, as well when it was submitted to them without, as when it was coupled with, the obnoxious appropriation clause. Sir, I should rejoice to see the day in which confidence could be placed in the liberal policy of the House of Lords. I am against any organic change in that House; I am convinced that nothing but the injuries and insults which the hon. and learned Member for Kilkenny and his countrymen have sustained, would have induced him to advocate such an extreme proposition. I forgive him, but, for myself, I look to the remedy of existing evils, to the continued, forcible, but temperate expression of public feeling in the country, and in the future proceedings of this House.

Mr. Plumptre: Sir, I object to this Bill, because I believe it has a tendency to weaken the Protestant Established Church in Ireland. I am decidedly attached to that Establishment, because I consider it the main bulwark of the Protestant religion. I am attached to Protestantism, because I believe it to be the main

bulwark of the national welfare. And I am sorry to observe, that in the consideration of this question neither the Government nor the country appear duly to have appreciated the Protestant religion. It pains me to see a measure introduced, which will, I believe, tend to weaken that religion. It seems to me a most short-sighted policy to grasp at a delusive shadow of at best a temporary tranquillity, and neglect the interests of that religion which I repeat is the only true source of the real, the permanent prosperity of a land. I object, Sir, to this Bill, because it embraces a principle to which I can never assent—the principle of appropriating property dedicated to one purpose to another and a totally different object. I object also to this Bill, because the funds which it proposes to appropriate would be diverted, or appropriated to the maintenance of a system of education in Ireland, which (however I may differ in so saying from Gentlemen even on this side of the House,) I conceive to be vicious in itself, and which, as far as I can learn, is working now in that country to the benefit of one party exclusively. I object to this measure, and especially to the appropriation clause, as unnecessary and delusive. It is quite in the power of Parliament to legislate for the Established Church in Ireland, or for a national system of Education in Ireland, without mixing the two together, and without framing a Bill which will, I believe, plunge many of the pious and unfortunate Irish clergymen into distress and poverty, but who will, I am well convinced, be not induced by any sufferings, however painful, any distress, however poignant, to neglect the duty which they owe to their flocks, and to that God by whom they have been set over them.

Mr. Emerson Tennent: Although he believed it was understood by the House that the consideration of this clause would afford an opportunity for the discussion of the general principle of the Bill, he would not avail himself of that permission, as well because he regarded it as a waste of time to protract the debate on a measure which all parties admitted could never pass into a law so long as this appropriation clause was retained, as because on its other main provisions but little difference of opinion existed in the House. He, of course, excepted those extraordinary provisions for wiping away the tithe arrears which were at present accruing due, and for exempting the landlords of

tenants at will from those liabilities which were now imposed on them by Lord Stanley's Act, and under which the greater majority of them had already charged themselves with the tithes of their estates. He believed that it was a precedent unexampled in legislation to wipe away by one arbitrary clause the legal debts of a whole nation—to defraud by one sweeping provision some hundreds of creditors of their just and equitable claims. It was unnecessary to point out the injustice of such a proceeding towards those tithe-payers who had struggled to discharge their debts, and those tithe-owners who had abstained from any harsh proceedings for their recovery. [Lord Morpeth: Those clauses are struck out.] He would therefore confine his observations exclusively to the clause under discussion, and which avowedly formed the great and distinguishing feature of this Bill, and he, (Mr. E. Tennent) could state, from personal knowledge, that it was less popular at the present moment, after two years' consideration, than it was at its first introduction in the last session of Parliament. It was then eagerly embraced by that party in the country who would with equal readiness have grasped at any other expedient, however ultimately ruinous, provided it suited their immediate purpose of effecting a change in the Administration. But that very party were now of all others the most anxious to abandon it, from a conviction too strong to be resisted, that although its adoption for the moment sufficed for the overthrow of other opponents, its permanent retention must lead to renovating themselves. For a long series of years the peace of Ireland and the repose of this country had been disturbed and destroyed by a demand for an adjustment of the question of the Irish Church; that adjustment was on the verge of being effected by the right hon. Baronet (Sir R. Peel) on terms which he (Mr. E. Tennent) firmly believed would have been satisfactory to all parties, when the forcible introduction of this appropriation principle flung back the question into its original position, and interposed an insuperable barrier to its settlement: thus with a Ministry on the one hand pledged to resist every settlement of this question which did not involve the principle of appropriation, and on the other hand the remaining branches of the Legislature and the majority of the people of England equally determined to resist any arrangement in which it is included, is it

not a literal and undeniable fact, that the tenure on which the present Administration avowedly retain their power, is a solemn and positive engagement against any adjustment of Irish tithes and any possible settlement of the Irish Church? Was it probable, he would ask, or was it possible, that a Ministry could continue to hold office on such terms, in the face of an unavoidable confession of their inability to effect a settlement of some of the most important questions which could occupy the attention of the Legislature? Is it "justice to Ireland" to keep open this fertile cause of discontent, festering and irritating from year to year, for no other assignable object than the retention in place of one set of men, who cannot effect a satisfactory adjustment, to the exclusion of others who can? Above all, is it justice to the poor Irish tithe-payers, who have had it in their power for some time past to obtain an abatement of from 20 to 30 per cent., which the tithe-owners were willing to pay to them in consideration of the increased facilities of collecting their income, which an equitable commutation would afford them?—is it fair or just, he would say to them, to declare that they must forego this advantage, because the abstract resolution of 1835 prohibits them from enjoying it? He (Mr. E. Tennent) knew that these were considerations which now occupied the minds of men out of doors who last session were eager for the adoption of this appropriation clause, and he felt satisfied that in that House there was no party more anxious for the abandonment of that clause than the partisans of the right hon. Gentlemen who occupied the opposite bench, provided any decent expedient could be devised for "shaking off their engagements." But there was another class, much more numerous and influential, with whom during the last year this appropriation clause has ceased to be popular; he alluded to those moderate and well-meaning men who, without being partisans on either side, were deluded by declamation and misrepresentations of the wealth of the Established Church, and allured by specious professions about the promotion of education, and the moral instruction of the people, with which the communication of this proposal was accompanied, and who, without investigating the principle of the alienation, saw nothing in the result but the application to one legitimate purpose of a sum which they conceived was not required for

another, and believed that they were insuring peace to Ireland and contentment to the Roman Catholics, without injury to the interests of the Protestant Church. In every one of these particulars the parties have been successively undeceived; the vaunted riches of the Establishment have exhibited on a scrutiny a deficiency rather than a surplus, and the tone of exultation with which the proposal of their confiscation has been hailed by the Roman Catholics of Ireland has satisfied them that the passing of this clause, so far from being the end of agitation, is in reality but the beginning of change. The noble Lord who introduced this Bill (Lord Morpeth) professed to regard it as a measure of reform, and not as a project of destruction, and he (Mr. E. Tennent) had no reason to question the sincerity of his profession; but was there any man in his senses who knew the real condition of Ireland who would say that such were the feelings with which it was regarded by the Roman Catholics of Ireland? The noble Lord was a stranger in Ireland, and placed in a position with regard to it above all others obnoxious to misrepresentation and deception, and he might possibly be persuaded of the reality of a spirit of moderation which did not exist; but those who were in habits of association with the people, and who heard the undisguised expression of their feelings and objects, knew too well the extent to which they were disposed to carry every measure of (so called) Church reform. However these sentiments may have been concealed during previous Administrations, they have been avowed since the present Ministry came into office, and above all, since the passing of the appropriation resolution, with a boldness which amply evinces a belief, whether well or ill-founded, in a corresponding sympathy on the part of the Government. A Roman Catholic newspaper, lately published at Belfast, contained in one of its strictures on this measure a candid avowal of the feelings of its party from which he would beg leave of the House to read a very few sentences: "We cannot too warmly applaud the appropriation clauses of the Bill; they are admirable in providing at once a fund of large amount for the public benefit from sources which have hitherto been productive only of public injury and wrong; but they are admirable chiefly in the recognition of a doctrine which strikes at the foundation of the Irish Establishment,

and furnishes a wedge which, if we have spirit and energy to drive it home will rend assunder and lay prostrate that towering system of iniquity. It is the beginning of Irish Church reform, it is nothing more; but that the beginning should have been made, is a subject for proud and exulting satisfaction. The Government, by adopting this measure of appropriation, has made a breach in the muniments of the English Church of Ireland which never can be repaired; which every day must widen until the whole fabric shall be dissolved, and the parties which have been striving in mad hostility about it for troublous centuries shall join in amity at last over its ruins." If such are the sentiments entertained by the cool and cautious Roman Catholics of the north of Ireland as to the effects of this "final measure" of Church reform, what may we imagine are the feelings of the more sanguine and inflammable inhabitants of the south? and with such evidence of the inclination, is it wise or is it prudent in his Majesty's Ministers to furnish the means to those who are so undisguisedly anxious for the destruction of the Protestant Church in Ireland? At the present moment it is chiefly as a question of principle, and not as a question of amount, that the present proposition is especially formidable. As a matter of finance the 50,000*l.* which it proposes to alienate is too contemptible in itself to afford grounds for contention on the part of the Roman Catholics, what they covet is the precedent of confiscation, and not the mere acquisition of a sum which

"Not enriches them, but makes us poor indeed."

But that precedent being once conceded, the sacredness of property being once invaded, and the first process of the sacrilegious appropriation achieved, can we for a moment imagine that they will be content to let it remain as a question of principle, and they will not speedily convert it into a matter of gain to themselves, and of ruin to the Establishment? The anxiety which the noble Lord (Morpeth) has evinced to manufacture a surplus, on which to make the first essay of this important precedent, amply attests that the party are not disposed to allow the Resolution of 1835 to remain a dead letter. It being once resolved that Parliament might deal with a surplus, it became instantly indispensable, by some means or other, fair or foul, to discover a surplus for their operations—

"*Ram facies, si pennis recte—si non, quocunque modo rem.*"

Even 50,000*l.* was not considered too trifling a sum for the first experiment, and, paltry as it is, see with how much toil even this miserable amount has been achieved. By the Bill of last year it was to be procured by hewing off 850 parishes; by the present measure it is to be collected by paring down the entire number. Having failed with the hatchet, the noble Lord betakes himself to the plane, and the shavings of this Session are to equal in amount the loppings of the last. And even supposing the first statement effected, is it in the nature of things to suppose that it can possibly afford satisfaction or ensure contentment, or that further demands will not be made with equal appetite and insisted on with equal energy? If the Government are not prepared to accede to this—if they are resolved to concede only the first demand, and to resist every subsequent attack upon the Church—the result of their present proposition, even if successfully carried into effect, will be ruin to the one party, the exasperation of the other, and a perpetuation of that discontent and agitation which they profess it to be their first object to allay. As a political measure, this clause, therefore, is pregnant with mischief and danger, and having served its purpose as a political engine, it has not only ceased to be an assistant, but has actually become an incumbrance to its promoters. Like the horse in the fable, they sought the aid of an ally, but have effectually saddled themselves with a rider. There was but one other point connected with the question on which he (Mr. E. Tennent) was desirous of offering an observation, and that was, the power of Parliament to interfere in the manner which was here contemplated with the property of the Church. He did not mean the absolute and irresponsible power which Parliament possessed to effect this or any other object, but the right and equity of such a proceeding as was threatened. He did not mean to enter upon the general question of such a power, but simply to allude to one of the most prominent arguments which had been used in favour of it by the supporters of this Bill, and which he conceived, though constantly adduced, by no means afforded a case in point,—he referred to the argument drawn from the confiscation of ecclesiastical property at the period of the Reformation, and its

appropriation to the uses of the Protestant Church. Parliament, we are reminded, gave its sanction in the reign of Henry 8th to the transfer of Church property from the monasteries and clergy of the Roman Catholics to Protestant establishments, and consequently, they argue, it possesses an equal power to reconvey it from the Protestants to the Roman Catholics, or to any other parties, at the present day. The assertion was made in a total forgetfulness of the relative positions of the Parliament and the Church at the period of the Reformation and at the present time. The Roman Catholic Church then claimed to hold its property altogether as an independent and irresponsible Corporation, confessing its allegiance to Rome alone, and acknowledging no authority or right of interference in the Crown or the Parliament. Even the power of their own taxation was then, and till a period long subsequent, solely in the hands of the Convocation of the clergy. One great constitutional effect of the Reformation was the destruction of this *imperium in imperio*, and the transfer of its property to the Protestant Church and other lay subjects of the realm, who acknowledged the Crown as their head, and received their endowments under the guardianship and protection of the Legislature. Parliament, in fact, neither claimed nor exercised over church property any species of authority till it had been transferred from the monasteries to those who acknowledged themselves subjects of the Crown; and the effects of the change were amply attested in the reign of Queen Mary, who, having restored the Roman Catholic religion, applied for the sanction of Parliament to restore to it its property likewise; which Parliament, although chiefly composed of Roman Catholics, themselves resolutely refused, on the ground that having, by its confiscation from the Church of Rome, become vested in their trust for the subjects of the Crown, they could not, without a violation of all faith, permit it to be alienated. The conduct of the Parliament in the reign of Queen Mary, therefore, rather than in that of Henry 8th, affords the precedent by which this House ought to be guided; its transfer to the Church of England by the latter was an act of power without involving a breach of trust; but its reconveyance now would be a violation of the faith of the Legislature and the honour of the Crown. He (Mr.

E. Tennent) knew how futile it was to rely upon any reasoning of this kind as arguments to alter the foregone conclusions of the majority of that House; he knew how vain it was to hope that any thing but popular influence would affect the decision on which they were about to come on this question. Among the many evils which agitation had inflicted upon this country, it was not the least or the most alarming, that it had gone far to destroy the deliberative functions of that assembly, and that questions which formerly exercised the judgment of the Legislature were now settled at the chapels and the hustings, whence representatives were delegated to record their decisions in Parliament. He (Mr. E. Tennent) had little expectation that any observations of his could have weight with Gentlemen who were about to vote under such influences, but he still cherished a hope that his Majesty's Ministers, who of all others must most sensibly feel the inconveniences arising from this appropriation principle, might still be induced to withdraw it from the Bill, and thus remove the only obstruction to the satisfactory, and he trusted the final, adjustment of this important question.

Mr. *Morgan John O'Connell* said, it was his intention only to notice some few of the remarks that had fallen from the hon. Member who had just addressed the House. That hon. Member had told them of what were the opinions entertained upon the Church question by the sober and reflecting people of the north of Ireland. He did not know precisely what the feelings of the people in that part of Ireland were at this moment; but he recollected this—that opinions equally bold, equally strong, equally violent, were, if not entertained, at least expressed, some few years ago amongst the people of the north of Ireland, with respect to the House of Lords. At that time, when the Lords were spoken of as hereditary legislators, they were also sneered at as

“The tenth transmitters of a foolish face.”

He begged to state to the House, that such, at least, was the language used towards them by the hon. Member opposite. Now with respect to the question before the House, the hon. Gentleman, as he understood him, complained upon this, as he did upon the former Bill, that it tended to reduce the ministers of the Established Church. Before he discussed that point,

he could not but remark on the singular felicity of choice that hon. Members opposite made when they were resolved upon opposing measures beneficial to Ireland. When Ireland was to be refused Corporations, an ex-secretary for Ireland was the organ of the Opposition; now, when a settlement of the Church question was to be refused, an ex-secretary for Foreign Affairs was the selected representative of the Opposition; those who were the advocates of the Miguelites in Portugal, and the Carlists in Spain, now came forward to oppose Popery in Ireland. Now, with respect to the point urged by the noble Lord, and echoed by the hon. Gentleman, he did certainly expect, when such a point was referred, more accuracy of detail from hon. Members opposite. There were to be 1,250 benefices under this Act. Now they were not to infer from this, that there would be only 1,250 clergymen. On the contrary, it was to be supposed that there would be not only rectors but curates. It was to be recollected, too, the numbers of those belonging to different sects, who were not Catholic Dissenters, Wesleyan Methodists, and others, never reckoned themselves as Members of the Established Church. But then it was complained, that what was provided under this Act was not sufficient for the maintenance of an adequate number of clergymen in proportion to the members of the Established Church, while the fact was overlooked of the numbers belonging to the Roman Catholic Church, and for whom the spiritual duties were performed by those priests who were supported solely by voluntary contributions. There were 6,400,000 Roman Catholics in Ireland. Did the noble Lord know how many clergymen attended to their spiritual wants? In the report of the Commissioners of education there was a return for each county of the number of the Catholic clergy. There were 995 parish priests and 1,175 curates, the total being 2,170 working clergymen. These 2,170 discharged the religious duties for that vast population, being a proportion of 3,000 persons to each clergyman. Now if it were said that the Protestants were scattered, recollect that the Roman Catholic were more scattered. The Protestants were to be found generally near towns, and living in the neighbourhood of the gentry, or residing close to a church. The Roman Catholics lived in the bogs and mountain glens in Ireland. Wherever

they were, there Roman Catholic clergy were to be found in the exercise of their laborious duties, and attending the spiritual wants of their flocks. He knew of a single parish himself, in which there were 330,000 Roman Catholics, and but a single clergyman to attend to them. Nominally eight parishes were combined together—a single clergyman had to attend this scattered flock—he had to attend two chapels every Sunday, and where the assistance of a curate would be of the greatest use, where it was most desirable, one could not be procured, for the parish was so poor, that it had not the means of supporting one. He did not wish, however, to rest upon isolated cases. This he trusted he might be permitted to say, that the Roman Catholic clergymen, however onerous, however arduous, were the duties imposed upon them, were indefatigable in discharging them. Hon. Gentlemen opposite might deem them erroneous in their opinions, might call them papists, idolaters, or designate them by any other terms, that in the exuberance of their charity they chose to bestow upon them, but they could not deny that the Catholic clergy, in the laborious duties they had to perform, were constant, untiring and persevering. Individuals discharged those duties which it was said would be a hardship upon the Members of the established Church to perform. They saw the Catholic clergy, supported alone by voluntary contributions, undergo those hardships and labours. They saw some of them travel seven or eight miles, exposed to the most inclement season, upon bad roads to visit a miserable people in their wretched hovels. They saw the Catholic clergy, wherever their aid was required, always ready to yield it; whatever was the danger or the peril to be encountered. Now, however hon. Gentlemen opposite might object to the influence of the Catholic clergy over the minds and hearts of their flocks—however they might condemn the exercise of that influence, yet hon. Gentlemen could not deny, that it was an influence to which they were fairly and justly entitled. They saw another Church, at present existing in Ireland, with a number of Ministers very nearly equal to the Ministers of the Roman Catholic Church. There was not a difference of 200, between the Ministers of the 800,000 and the 6,000,000. The people, then, cried out against the appropriation of a fund from

which they received no benefit, and yet to which they were obliged to contribute. What was the answer made to them? That they should contribute, and that not the least portion should be applied to their wants in any way. Could they wonder that heartburnings and outrages were the consequence? The noble Lord alluded to the property in that country. He told them that there was no injustice done by acting upon his principles, for while four-sixths of the people were Catholics, nineteen-twentieths of the property belonged to the Protestants. He could not tell what was the noble Lord's authority for stating, that nineteen-twentieths of the property of Ireland belonged to the Members of the established Church. He did not know that any returns were made upon this subject, except by the late Conservative society, and he must say that he did not consider them a very impartial source of information. Tithes were not charged upon the fee of the land. He would ask the noble Lord in how many instances it occurred, that the fee, or nominal rent, belonged to absentees, while the actual rent was the property of Roman Catholics. The attempt on this subject to prove that landed property in Ireland belonged to Protestants, reminded him forcibly of an expression which he had seen in the newspapers, and applied with singular felicity to this point, that it "was not the cure of souls that was alluded to, but the cure of acres." Hence it was said, no matter how small the number of the population belonging to the established Church, that it was with reference to the quantity of acres in the hands of Protestants, that they were to look to the maintenance of the Protestant establishment. They had at length undertaken to remedy to a small extent the existing state of things. This Bill did not, as it was said, do any thing towards the destruction of the established Church. Members on his side of the House, had been accused of wishing for that destruction; but be that as it might, and whatever opinions individuals might entertain, yet they were bound to look at the Bill before them, with reference to itself alone. The Bill did not propose the destruction of the established Church, nor the substitution of that of the Roman Catholics—no such consequence was to be drawn from it. The Bill only proposed the reduction of a surplus, which was a disgrace to the Church. He had heard the imputation

east upon Roman Catholics, that they were anxious for the establishment of the Roman Catholic religion. For his own part, he spoke only his own opinion—he, as a Roman Catholic said this—God forbid that he should ever see the day, in that country, or in this, in which his religion should be connected with the state. He thought that its clergy would continue more respected, and its doctrines remain purer, while disconnected from the state, than united with it. He did not know that such a connection could serve religion—he believed it injured the state. The proposition then before the House was to reduce something from the superfluities of the Church. The extent of the reduction was objected to by the noble Lord the Member for North Lancashire, when opposing the second reading. The noble Lord upon that occasion argued, as he always did, ably, he could not add justly. A few nights since, the hon. Member for Tipperary had complimented the noble Lord upon his consistency, but assured him that he ought never to have advocated reform. He wished to make another exception—in his opinion the noble Lord ought never to have been a supporter of the Church Temporalities Act. When the noble Lord supported that Act, he had not the honour of having a seat in that House, but he heard the noble Lord on that occasion speak with more than his usual success. The noble Lord then argued for the reduction of the number of the bishops, on the ground of the paucity of the clergy to be attended to. Now he did not see why there was not a greater relation between pastors and their flocks, than between bishops and their clergymen. Perhaps the noble Lord did not see the relation; but he considered it affected the principle. If they reduced the number of bishops because they had not clergy to attend to, why must not they also reduce the number of clergy if they had not flocks to attend to? He hoped the House would again sanction the principle as it had done before. Those, he thought, who were sincere friends to the church, would act as its best friends by reducing those excrescences which were an injury to it. If there came a cry for the church, it would be found in a far better condition by removing those excrescences, than by maintaining it with all its enormities—they could, in such circumstances say, that the Church

being reduced to a reasonable and rational scale upon that we take our stand.

Sir Frederick Trench had listened with great attention to the speech of the hon. Gentleman who had just sat down. He had listened to his observations indeed, with the more attention, because they were free from those menaces and that very objectionable tone of language which had become so common in debates in that House. The hon. Gentleman who had just sat down, had made his statements very candidly and fairly; but at the same time it brought conviction to his mind, that that hon. Gentleman looked forward to the property of the Protestant Church reverting to that of the Roman Catholic, though he did not wish it to be applied to the purposes of the State. He thought that the hon. Gentleman conceived that the property of the Protestant Establishment should be converted to the interests of the majority; and he looked with dread to the practical application of any such principle. The hon. and learned Member for Kilkenny, indeed, had taught the people of Ireland to keep within the line of the law;—but when the Government officers came forward they set the law at defiance. The language of the Attorney-General tended to nothing but the destruction of the Protestant Church—though education was the pretence which was set up for the adoption of this measure. Now, no man was more anxious than he was to see education spread over Ireland, because he looked to obtain, by its agency, the extinction of the Roman Catholic religion in Ireland. ["Oh!"] Yes; he believed that education would open the eyes of the people of Ireland to intelligence. Then would the unbounded power of the priests over their minds cease; and under this conviction he was a friend to the diffusion of education. But under no pretence, and by no propositions which might be made, would he, for one, ever consent to allow one farthing to be taken from the Established Church. He had seen, indeed, the noble Lord, the Chief Secretary for Ireland, gradually relaxing to the influence, not from without, but from within. In his (Sir Frederick Trench's) conscience he believed, that the love of power and place had led him and his Colleagues to listen to suggestions made to them of which they in their hearts disapproved. He believed them to be mere creatures in the hands of the hon. and learned Member for Kilkenny—that powerful and mighty giant. They had

heard of the giant Briareus with his hundred hands, and if he could not follow up the simile, still if he gave a pair of hands to each Member immediately under his control, the amount of hands of the hon. and learned Member for Kilkenny would be nearly the same as those of Briareus, and that with these powerful hands, he might strangle and extinguish his Majesty's present Government. What had been the language of the Attorney-General at the end of a seven days' debate—was it not almost telling the Irish people that they might assassinate those who opposed them?

Doctor Baldwin : Oh ! oh !

Sir F. Trench begged to tell the hon. Gentleman that he had referred to the Reports to which the House were in the habit of appealing, and from those Reports he would read. The hon. and learned Attorney-General began his speech by asking—"what benefit would be conferred on the Christian community by erecting churches which were a grievance to one set of believers, and an insult to another?" This was the preface to the speech to which he referred. "He had visited that beautiful and hospitable country a year and a half ago; and, knowing the inflammable temperament of the Irish people, he had observed that the celebrated Marquis of Argyll had hated all Popery and superstition, and that such was the feeling in Scotland at the assassination of Archbishop Sharpe, that that assassination was, he believed, approved of by the majority of the people." This surely, was a broad hint to a people who were known to be of an inflammable nature, and upon whose minds had been strongly inculcated by the hon. and learned Member for Kilkenny, the words:—

"Hereditary bondsmen know,
Who would be free, themselves must strike the blow."

Then, after having said that the murder of Archbishop Sharpe was approved of by the majority of the people, the learned Attorney-General had said, "There was nothing to compare, in Ireland, to this assassination; yet it was a common observation in Scotland that the killing of Archbishop Sharpe was no murder." The hon. and learned Member for Kilkenny, he supposed, expressed his approbation of these remarks, but he (Sir F. Trench) confessed he did not; nor did he think that any man, knowing the nature of the Irish people, would admire the proceeding

on the part of the Attorney-General. He thought that if the people of England did not express a very strong feeling, the Irish Church would be speedily extinguished, and that, almost as speedily, the destruction of the English Church must follow; and he thought that those who supported this spoliation and appropriation of the funds would not have done so if they were not constrained. He had heard it said that no bargain had yet been made. Lord Melbourne had said elsewhere that he had never made any bargain, and he believed that a more honourable man than Lord Melbourne did not breathe; but he would ask any hon. Gentleman whether he could entertain any other opinion than that, whether Lord Melbourne was cognizant of such a bargain or not—whether such bargain was or was not made, still the destruction of the Church in Ireland was intended? He had known Lord Melbourne all his life, and had an affectionate regard for him. It grieved him to see him play the part of a special pleader, or a casuist; he did not believe him to be either; but there could be no doubt what was the power which kept his Majesty's Government in place.

Doctor Baldwin said, that the hon. and gallant Member who had just sat down had not edified the House with the soundness of his argument, or the comprehensiveness of his views. He begged to say that he disdained the charge which the hon. and gallant Member had imputed to those who sat on that side of the House; he denied the imputation intended to be conveyed. He sat in this House as an independent Member, and as a friend and supporter of his Majesty's Ministers—not because he was led by the hon. and learned Member for Kilkenny—not because he was bound to follow his doctrines, but because he, with others, had selected that hon. and learned Gentleman most freely as being the most capable to lead them. He sat in that House, not because he paid submission or obedience to the hon. and learned Member for Kilkenny's dictation, not because that hon. Member had an influence over the people of Ireland, which, indeed, he certainly had, and deserved to have. He could not agree that his Church should be connected with the State; at the same time he respected those who were members of the Church of England, and of the clergy of the Church of Ireland, acquainted with, a

respectable men; but he could not see why those who dissented from that Church should pay to their support. The best mode of building up and fortifying the Church of Ireland was to correct its abuses. The number, indeed, of Protestants in Ireland were becoming, he believed, every day less. Tithes were taxed in England for the benefit of the poor, and a similar principle ought to pervade Ireland. The people of Ireland had no objection to the existence of the Church in that country—they had no objection to the Protestants, as Protestants—but they had objection to be burdened with an onerous and cruel establishment, for the support of a Church which they had not sought to have, but which had been imposed on them by Act of Parliament. If they did not render justice to Ireland by an Act of the Legislature, the people of that country were determined to right themselves by force. If the House adopted the measures of his Majesty's Ministers, they would amalgamate the people of Ireland with the people of England, and make the two countries one; but if they kept up the present system of division and exclusive interest, they never would bring the people of Ireland to believe that their country was a part of the British Empire. He implored them to recollect that dangers might in future assail them, though they were now at peace, and how desirable it was to secure the great force which Ireland might bring in the field to the assistance of the Empire. He trusted, therefore, that if they valued the peace and tranquillity of the country they would assent to the measure before them.

Mr. *Hardy* thought that, after the speech of the hon. Member, little dependence could be placed on the professions of the Catholics. At one time they heard that, if concession were made, no more would be heard of any attempt to subvert the Protestant Church. Well, then, concession having been made, and amply made, they next heard that if further concession, such as would suit the insatiable appetite of innovators, were not made they would extort their claims by force. The hon. Member opposite said he would not rob any individual of the Church, but yet he was doing so in the lump, for he was robbing the whole Church. His condescension was as much to be admired as the frank declaration of the hon. Member for Cork, that the Church, and of course

its members, was alien to the feelings and habits of the Catholics, whom he pronounced exclusively the people, and should be swept away. The hon. Member was certainly a most useful, if not convenient, advocate to the Irish Catholics, whose boasted aim, as expressed through their organs, was the extirpation of Protestantism in that country. He would maintain that tithes were property that exclusively belonged to the Church and could not be alienated without an infringement of the fundamental principles of our Constitution as now established. This he would maintain, though he heard speeches in that House, and had read letters written out of it, maintaining that the grievance of tithes was the more, inasmuch as tithes once belonged to Catholics, and ought to belong to them again. He denied that the tithes belonged to the sect now called Catholic, for all the errors of the Catholic Church crept into it since the institution of tithes. It was since the time of Gregory, who first sent Augustine into England, when tithes were first introduced, that the abominations and superstitions of Popery, such as worship of images, transubstantiation, confession, which they, the rational Christians, protested against, were introduced. Look to the progress of the present question, and judge of the degree of confidence that ought to be reposed in the veracity, the principle, and consistency of these men. In the year 1834, when the proposition for commutation of tithes was introduced to the House, the present Ministers opposed the appropriation clause, as utterly unconnected with the real question; but now it appeared that appropriation was essential to an adjustment of tithes. He could not presume to judge of the means by which such a change was worked in the sentiments of the Ministry, whether it rose from the persuasion or intimidation of the Member for Kilkenny. At all events Ministers were induced or compelled shamefully to desert their former principles. He was released from defending by any arguments the wisdom and expediency of maintaining an Established Church by the declaration of the noble Lord opposite (Lord Morpeth) a few nights ago, when he said that an Established Church was useful, and he would support one. He was glad of that declaration. But it was in no way to support an Establishment to give subsistence to parsons who had only a certain number

of parishioners. The object and utility of an Establishment was to provide moral and religious instruction for the people. Could this be done if the sphere of a Clergyman's usefulness were to be circumscribed within the precincts of a single parish, and his duties dependant on the chance of having a certain number of parishioners? It was the duty of the clergy to see that no other but the best doctrines should be taught to the people, and it was also the duty of the State, when endowing a body of clergy, to see that no other but the best religious system be sanctioned—justice to Ireland, the clap-trap used by the opposite side to delude the people, meant strictly—and to this sort of justice he would fully subscribe, to inculcate in that country those sound and moral lessons which would not only serve their temporal but their future interests—as would give them the same freedom of thought in matters of religion and action as the people of England and Scotland now enjoyed, a freedom that raised them to their present unexampled pitch of prosperity and greatness. There might have been abuses in the Church. But if the Church failed, then reform it, but do not destroy it. Place a teacher in every parish, and give him a competence to enable him to render himself useful. They ought to circulate copies of the Scriptures among the people of Ireland, and then they would confer upon them the greatest blessing which they could accomplish for them. The House might rely upon it, that this Bill would not have the effect which was its professed end and aim. If persons conscientiously objected to tithe as tithe, because that was the fund which supported the Irish Church, they would also conscientiously object to a rent-charge as a rent-charge. He had been curious enough to look over the Report of the Commissioners of Public Instruction in Ireland, and he found that out of 1,440 benefices in Ireland there were no less than 866 in which the congregations were increasing, 495 in which the congregations were stationary, and only 91 where they were diminishing, and the cause of these diminutions was attributable to the neighbourhood of other churches and chapels, which had drawn their members away. He maintained, then, that the present was not the time to take any thing from the revenues of the Church on the ground of her diminution in numbers.

Viscount *Morpeth* said, that the prin-

ciple of this clause was one which had been so frequently and thoroughly discussed, and, in making the proposition which he felt it his duty to bring forward, he had entered at so great a length into the arguments and bearings of the question that he should not trespass very long upon the attention of the Committee. He was the more willing to use this abstinence, from his impression, in stating which he might he put down by assertion, but he did not think he could be by argument, that every fresh consideration of this question had led the House and the public to a better knowledge and appreciation of the truth of the principle on which he and hon. Gentlemen on his side of the House professed to ground their course, and also of the correctness of the details and calculations on which they had endeavoured to carry out the course they had adopted. He should endeavour to limit the few observations he had now to address to the Committee to matters more immediately connected with the present position of the question. His Majesty's Government had not expected, on the present occasion, to escape the reiteration of imputations which, in spite of contradiction, in spite of confutation, had been so often cast upon them. The hon. Member for Scarborough had attacked his right hon. Friend the Attorney-General for Ireland. Now, his memory went far enough back to recollect an attack which the hon. Gentleman had made on his noble Friend, the present Lord Chancellor of Ireland, when he (Lord Plunket) filled the office of Attorney-General. And, from what he could call to mind of that event, he was certainly induced to think that attacks on Attorney-Generals were not amongst the most fortunate of the hon. Gentleman's reminiscences. The hon. Member for Kent had also addressed the Committee; and though the general terms of his speech were soft as snow-falls, yet they were not, he must say, altogether unmixed with some hard sayings against his Majesty's Ministers, containing the charge that the Protestant religion was not sufficiently appreciated by them. Now, he was willing to give the hon. Gentleman credit for an anxious desire to promote the Protestant religion; but when the hon. Gentleman persisted in saying that we did not in our hearts and consciences appreciate the value of the Protestant religion, which we professed, he must tell him that he was endeavouring to fathom motives which he could not reach, and departing from that

spirit of candour which he no doubt wished to couple with the other virtues that adorned his character. With respect to the argument of the hon. and learned Gentleman who spoke last, he did not wish to grapple with that, because it did appear to him to carry on the face of it so arbitrary an assumption, that every thing which happened to be out of the pale of his own opinions and religion, must necessarily be immersed in flagrant error. For his part, he could only say, that he would not assert that salvation was not to be found within the Church of Scotland or the Roman Catholic Church. Now, for the sake of sustaining the correctness of the calculations which he had made on a former occasion, he felt bound to offer some few remarks on this part of the question to the Committee. The right hon. Baronet opposite, the Member for Tamworth, had, upon a former occasion, taken some of the items from our own computations in summing up the amount which would be necessary for the future maintenance of the clergy, according to the provisions of our Bill. He should be ready to go through the separate items, to point out the difference between the statement of the right hon. Baronet, and the calculations themselves, and he should not shrink from any inquiry as to the comparative correctness of the two statements; but he owned he thought this less worth while, because the right hon. Baronet had himself admitted that, according to the scale which we proposed, there would be an eventual surplus, for the gist of his argument consisted in this, that that surplus could only be made out by the sale of the Church lands. Now whilst he was ready to resist any attack on the principle on which the Church Establishment was founded, still he confessed he felt comparatively callous to those objections to be urged against the appropriation clause, which were merely founded on the large amount still retained for the provision of the Established Church in Ireland. The right hon. Baronet had pointed out some inaccuracy in that part of his statement which bore upon the question, on the number of members, and the extent of country attached to each pastoral cure in the churches of the three countries. Now it would be in the recollection of the House, that he had spoke subsequent to the time at which his noble Friend, the Member for North Lancashire, had made his motion; and if he allowed himself to be guided by his noble Friend's calculations, he did so be-

cause he thought his noble Friend had too much of the skill, as well as the zeal of the advocate, to weaken his cause by any incorrect statements in support of it. However, a mistake was undoubtedly made, and he was now most happy to give the Committee a correct statement. The noble Lord then read a statement, the substance of which, it appeared, was to this effect:—In England and Wales the number of benefices were 10,718, the average income 285*l.* for each, the population 1,014, and the number of acres 3,460. In Scotland the number of benefices was 900, the income for each 240*l.*, the population 2,000, the number of acres 2,148, and the square miles 23½. In Ireland the number of benefices belonging to the Established Church were 1,250, the average income 294*l.*, the population 681, and the number of square miles twenty-five. He considered it necessary to have said thus much with respect to the statement which the right hon. Baronet had made. The hon. and learned Member for Bandon (Mr. Sergeant Jackson) was pleased, in a speech which he made to the House on a former night, not only to throw a degree of general discredit over the Report of the Commissioners of Public Instruction, but also to bring forward specific statements in support of his allegations. He (Lord Morpeth) had upon that occasion no opportunity of replying to the learned Sergeant, and if he had he must, necessarily ignorant as he was of the particular circumstances connected with this part of the subject, have done no more than express his entire disbelief in the accuracy or justice of the statements which had been then made. Since that, he had been overwhelmed, or he might rather say flooded, with remonstrances from the parties whom the assertions of the hon. and learned Sergeant had affected; from Mr. Sergeant D'Oyley, Mr. Barrington, and Mr. Hamilton, and other gentlemen stated in the Commission, who expressed their opinions with an energy and warmth which he was anxious to dilute, and which made him desirous of believing that the hon. and learned Gentleman was a dupe, and not the originator as to those statements which he had made. These gentlemen requested, they required of him, in justice to their characters as gentlemen, and to their trustworthiness as men employed in the discharge of a public duty, to submit that explanation to the House, which he would do as briefly as he could, consistently with what was due both to the House itself and

to them. The particular cases which the hon. and learned Gentlemen referred to, were four in number; the first, and that which alone he was bound in justice to say the hon. and learned Gentleman had a leg to stand upon, was with respect to the Kildare-street schools. The other three were with reference to the population returns, giving the numbers belonging to the Established Church in each of the benefices. The first of these statements to which he would call the attention of the Committee, was from the gentleman who acted as secretary.

“Dublin, June 11, 1836.

“He first asserts that the Commissioners only report the number of schools ‘under the Kildare-place Society’ to be 235, whilst he states the true number to be 1,050. Now, it is worthy of observation, in reference to these schools, that on the 4th day of October, 1834, the Commissioners of Public Instruction, applied by letter to the Kildare-place Society for a return of the schools in connexion with it. The application was refused, but a series of annual reports were sent, ending, however, with that for 1831. These reports merely contained the list of the schools, of which the masters had received ‘gratuities, as appearing to be deserving of encouragement.’ A list like this could have been of little value as a guide to the Commissioners at any time, but it was of no value at all after a lapse of three years, during which period, as is now stated, the changes had been so extensive, that the number of schools was reduced from near 1,700 to 1,050. Thus the society declined giving any assistance towards identifying their schools, as other like institutions did.

“In the next place the Report does not profess to state the different establishments ‘under’ which the schools may be for any other purpose than that of pecuniary support. The inquiry was a financial one. The heading of the Report, therefore, is “Sources of Support” of each school; and after referring, in about twenty instances, from the schools returned in the Report of the Society for 1831, to the Reports of the Commissioners for the dioceses of Down, Connor, and Dromore, I find that every school has been reported upon, with the statement that its ‘source of support’ its ‘payments by the children,’ ‘10l. a-year from Lord A.,’ and the like. It may be very true that the Kildare-place Society give gratuitous rewards to the masters or grant-books for the children in every one of these cases, and thus entitle itself to number these schools among its dependents; but the society did not thereby become a ‘source of support’ in the sense in which that expression was understood by most of the visiting Commissioners, particularly the two who visited the above dioceses. In every case where it was shown that the

schools derive pecuniary support from the Kildare-place Society, it has been so stated.

“There is, however, an obvious error in the General Report at page 15, where it professes to sum up the schools in connexion with the Kildare-place Society. This should have been explained as meaning a connexion in the way of support. That such must be its true meaning is evident, inasmuch as the heads of the summaries cannot differ in kind from those of the Reports. The latter give merely the source of pecuniary support. How then could the former sum up both these and all other sources of reward, nominal connexion, &c.?

“Mr. Sergeant Jackson next alleges error in the Population Returns; and to prove this, asserts that the number of members of the Established Church, in the parish of Dromore, was returned by the enumerator as fifty-six, whilst the Commissioners have only reported forty-nine, insinuating that the motive was to reduce the number below fifty. Now, perhaps, the incumbent may have had the opposite motive; for it was proved by evidence, with which, as the visiting Commissioner informs me, the incumbent, after some time expressed himself satisfied, that he had included in his census of the parish a family not belonging to it. It appeared that these seven persons properly belonged to the adjoining parish of Killenane, and were assigned to it by the Commissioner.

“The enumerators had taken a wrong common boundary in 1831. The Commissioner merely adjusted the conflicting claims of the two neighbouring incumbents.

“Mr. Jackson next asserts, that he had seen the census made by the ‘excellent clergyman’ of the parish of Desertsarges, near Bandon, and that the members reported were fifty under the actual number of Protestants of the Established Church. Now it so happens that the number in the Report—namely, 432, is precisely the same as that given in the original census made and delivered to the Commissioner by the very same clergyman. The Commissioner took the number from the census; so that if what Mr. Sergeant Jackson states be correct, this ‘excellent clergyman’ has shown him a census differing from that which he had lately sworn to contain a true census of the population.”

“The Right Honourable, the Viscount Morpeth, &c., &c.”

The next was from Mr. Acheson Lyle.

“Gardiner’s-place, June 11.

“Mr. LOMB—In the Report of the debate upon the Irish Church Bill, Mr. Sergeant Jackson is reported to have said—“That Mr. Hudson of Springfarm, in the county of Wicklow, had been requested by the Roman Catholic clergyman of the parish in which he resided, to make a return of all the Protestants and Catholics employed by him, and he gave a return of fifty-six Protestants in his house and employment, and ten Roman Catholics.

He received a letter from the Roman Catholic clergyman thanking him for the return, but when the Commissioner appeared in the month of December, a list was handed to him by the Roman Catholic clergyman of only thirteen out of the fifty-six Protestants. He asked again was it fair, was it safe, to act upon such a return?"

"As I was the Commissioner who visited the parish respecting which the above observations were made, I think it right to give your Lordship a correct statement of the facts, that you may be able (as I think you will) to correct the misrepresentation.

"Your Lordship is aware that both the census of 1831 and our enumeration was founded upon the number of inmates in every dwelling-house within the parish, those persons only being reckoned in each family who slept in the house at the time the enumerator visited it. A return, therefore, of the number of persons, Protestants and Roman Catholics, who were in the house and employment of any person, could not have been adopted by the Commissioners, or used for any purpose. Those who did not reside in the house of the person making it, must be enumerated in their own dwelling-houses. Whether any such return was made by Mr. Hudson to Mr. Stennett, the parish priest of Delsany, I know not; but if it were, it is plain that it could have been of no manner of use.

"My report of the number of Protestants in Mr. Hudson's family was made from an original census of the Protestants made by the rev. Thomas Grey, the Protestant curate of the parish of Delsaney, verified by him upon oath, in which the number of Mr. Hudson's family is stated to be thirteen.

"The list made out under the directions of Mr. Stennett, the Roman Catholic clergyman, gives precisely the same number, as does the census made by the enumerator of the parish employed by the Commissioners, and both contain the names of many Protestant labourers in the parish who may have been in the employment of Mr. Hudson. It is a gross misrepresentation, however, to say that because they are not returned with Mr. Hudson's family, that therefore they have been subtracted from the Protestant population of the parish, and that our Reports are not to be depended upon.

"I inclose the original census made by Mr. Grey, and the list handed me by the Roman Catholic priest, which was made of each townland separately, in both of which you will see Mr. Hudson's family returned as consisting of thirteen persons, all Protestants.

"I understand that Mr. Hamilton writes you respecting the other misrepresentations in Mr. Jackson's speech, and I only therefore trouble your Lordship with the above, as it personally concerns me. I have the honour to be,

"My Lord, your obedient servant,

"ACHESON LYLE.

"The Lord Viscount Morpeth, &c."

These documents proved the accuracy of the returns in every fact and particular attested in the Report. He thought, then, that the hon. and learned Gentleman would have done well to bestow a little more labour and attention on this subject, in order to ascertain the trustworthiness of statements, before he impugned the character of men equal to himself in station, and in no other respect his inferiors. He hoped at all events, that that House would learn to be circumspect in placing implicit reliance on general assertions and insinuations, however dignified or decorous were the channels from which they might happen to proceed. Now let the two propositions for the adjustment of this question be compared. The lowest amount of annual income, according to this Bill, could not be less than 100*l.* exclusive of glebe. Now, suppose they were to stop with the measure where it was proposed by the noble Lord the Member for North Lancashire, and they were to leave out all the appropriating and re-distributing clauses, it should be borne in mind by the Committee, that it had been already decided that thirty per cent. should be deducted from the present amount of tithe-composition as the means of supplying the future rent-charge. Now, the number of the livings to which he had just alluded, and in which the income was limited to 100*l.* per annum, exclusive of glebe, would, under their Bill, be 120*l.* But let the Bill be taken divested of the appropriation clauses, and the income of this class of livings would then not amount at most to more than 100*l.* a year without glebe (many of them falling far short of that sum), and the number of livings thus circumstanced would be 287. Thus it would be seen that those who had the most severe duty imposed on them would be worse provided for by the noble Lord's proposition than that of the Government. He had never pretended that this was a perfect measure; he had never pretended that if they were completely masters over the circumstances connected with the question, they might not have proposed a different adjustment of it: but what they contended for, and what he on their part persisted in contending for was, that in comparison with the existing state of things this measure went far to correct the glaring inequalities of the present system. He was prepared to maintain that this measure would have the effect of much

more nearly apportioning ecclesiastical revenues and duties; and, in addition to this advantage, it had this sovereign and crowning recommendation, that in the present perverse and lamentable state exhibited by the Church in that country, the clergy of which might well be said to be composed of militants or litigants—of men who were either starving or enduring the worst privations, or who were drawing down upon their heads the curses of those who were supposed to be their flocks. I don't, said the noble Lord, say that this is a right state of things. I don't say that it is either proper or christian that it should so continue, but I only lament that such is the fact. Much better would it be in my opinion, if instead of sanctioning a system by which the clergy of the Established Church are either compelled to eat the bitter crust of want and dependance, or to spill the blood of those intrusted to their spiritual care, as well as to endeavour in vain to hush the cries of their families for bread, the Committee were to accede to the present Bill, unshorn and undivested of that principle, which perhaps for the last time may be now made available towards effecting an immediate settlement of this question, and supplying an assured provision to the existing clergy. Coupling then the other provisions of this measure with that which has, I am led to believe, the sanction of public opinion, without which no adjustment can be real or satisfactory, we hope and think that there is sufficient advantage resulting from it to the bulk of the people to induce them to give it their cordial acquiescence.

Mr. Sergeant *Jackson* said, that after the attack which had been levelled against him by the noble Lord who had just sat down, he hoped he should be permitted to maintain the statement he had formerly made to the House, and to show that the noble Lord was but little grounded in his doubts as to the accuracy of that statement. He had stated to the House nothing in reference to the Commissioners of Public Instruction he was not prepared with documentary evidence to sustain. He had not imputed, or even attempted to impute, improper motives to the gentlemen composing the body of Commissioners; but he certainly did undertake to prove (and he thought he had succeeded in proving) that the returns made by them were, to say the least, incorrect. With the permission of the House he would

now proceed to make manifest the accuracy of this his assertion. The noble Lord opposite had thought fit to treat lightly on the subject of the returns bearing upon the schools in Ireland in connexion with, or receiving assistance from, the Kildare-place Society. Now, the returns of the Commissioners in these respects showed upon the very face of them the grossest and most unaccountable inaccuracies—inaccuracies such as must go a great way towards demolishing any faith or confidence which otherwise might rest upon other portions of the Report. Now, nothing could have been easier than to take an account of the schools actually in existence, with the number of children of all persuasions receiving instruction in those schools, instead of counting head by head the Protestant population of Ireland. But here it was the first inaccuracy arose. He had stated to the House, when he last addressed it on this subject, that with regard to the archdiocese of Armagh the Commissioners of Public Instruction had not returned a single school in connexion with the Kildare-place Society as belonging to or being situate in that see. The noble Lord had been pleased to have recourse to special pleading upon the contents of the Report in this respect, but if the noble Lord, the Secretary for Ireland, would look to the returns, he would find that for the three diocesses of Dro-more, Down, and Connor, not a single school in connexion with the Kildare-place Society was returned, and the noble Lord's ingenuity would be put to the test to reconcile this omission when he stated the facts as they existed. For this omission he referred to page 4 of the summary of the Report, under the head of the province of Armagh, and there it would be found that credit was given only for 235 schools in connexion with, or receiving support from, the Kildare-place Society. Now he begged to state that in those diocesses the Kildare-place Society had more schools than the Commissioners gave them credit for in respect of the whole of Ireland. The number of schools in connexion with or receiving assistance from the Kildare-place Society in the diocesses of Down, Connor, and Dro-more, nearly approached 300. The Kildare-place Society had on seeing the Report employed inspectors—gentlemen, who, without disparaging the Commissioners of Public Instruction, were quite their equals, were

sent down to visit these schools, and they returned to the society the most ample particulars in relation to them, especially in the three diocesses which he had mentioned. These Gentlemen visited the schools, saw the masters, and inspected the correspondence, and he (Mr. Sergeant Jackson) could prove that in the districts to which he had alluded, not only 150 schools exist, but also that returns of those schools were actually furnished to the Commissioners. He held in his hand one return, a counterpart of which had been given to one of the Commissioners, viz. the hon. Mr. Strangways. To that Gentleman the inspectors of the Kildare-place Society applied on the subject of this return, a duplicate of which was sent to the Commissioners at head-quarters. Mr. Strangways was applied to for it; but that hon. Gentleman replied that he had not received it from the board of Commissioners, and then a counterpart was furnished to him. This counterpart contained a return of the number of schools in the parish of Bollymoney and elsewhere in these districts, in reference to which no returns had been made, and he found that there were eleven schools of which the document he held was silent, though it contained information as to the number of children attending those schools, classifying the Roman Catholic, the Presbyterian, and Protestant children, and all these were in close connexion with the Kildare-place Society. Nay, more, he had the means of proving that with regard to 159 schools in these very diocesses in which none were said to exist, returns were furnished to the Commissioners of Public Instruction. Now, if he were disposed to impute motives, this he thought would be the instance on which he ought to make the assault. Despite this information, the Commissioners had not returned a single Protestant school—despite this declaration they were silent. Look again at St. George's parish, in the county of the city of Dublin; the Commissioners had returned about four schools situate in these districts. The Commissioners of Education had, in the years 1824, 1825 and 1826, returned twenty-nine schools, while on the other hand, the Commissioners of Public Instruction had returned only four, while in the parish of St. George alone there were twelve schools still existing. Now what excuse could be offered for this negligence? What reliance could justly

and properly be placed upon such parties. It was a curious fact to observe, with regard to these returns, that the Commissioners of Education Inquiry in Ireland in 1820 and 1825 returned 11,823 schools in Ireland, whilst the Commissioners of Public Instruction had informed the House that, in 1835 and 1836, the number of visitants amounted only to 9,567, being 2,256 fewer in number than the schools reported in 1824. He did not precisely understand the meaning of the cheers of the hon. and learned Member for Kilkenny. (Mr. Finn) because he could tell the hon. and learned Member that education, instead of retrograding in Ireland, had actually and positively advanced very considerably since the year 1824; for though the number of schools might have diminished, the number of scholars attending the still existing schools had increased, the numbers of scholars in 1824 being 568,964 and in 1836, 663,946. These facts he could prove on oath before a Committee or any other tribunal which the House might think fit to appoint. He was prepared also to prove that the Report of the Commissioners of Public Instruction, as far as it related to the Kildare-street Society, was given with the grossest inaccuracy. The first parish to which the noble Lord opposite had referred was the parish of Dromagh, in the county of Kerry. With respect to that parish the Knight of Kerry had stated to him, that although only forty-nine Protestants were returned, there were, in fact, fifty-six Protestants in that parish. Since then a letter had been written by the clergyman of the parish to the Knight of Kerry, to place in his hands, in order that he might state the fact to this House, that in that parish there were now, not forty-nine but sixty-three Protestants. With such information he had felt it no more than his duty to communicate it to the House. He asked whether, under existing circumstances, he was not justified in making use of that information. The noble Lord had next referred to the statement, he had, on a former occasion made with respect to the state and condition of the parish of Dysart, in the county of Cork. The noble Lord had attributed the information which he Mr. Sergeant Jackson had received on this head to the rev. Mr. Longfield.—Now, he had never referred to the rev. Mr. Longfield, the incumbent of the parish, who was a

very old gentleman, totally unable to perform all the duties of the parish. The statement he had made was, that a young gentleman, the hon. and rev. Mr. Bernard, had gratuitously undertaken the duties of the parish, and that, being so engaged, had shown him a book containing entries of the names of every Protestant individual in the parish—entries not made for the purpose of checking the returns of the Commissioners but for the purpose of enabling him to perform his duties as a Protestant clergyman. This book, compiled from actual visits paid to Protestant families in the parish, showed that the number of Protestants was fifty more than the number returned by the Commissioners, and the accuracy of those returns Mr. Bernard was prepared to prove on his oath at the bar of this House. The next case adverted to by the noble Lord was that of Mr. Richard Hudson, the clergyman of a parish in the county of Wicklow, a gentleman wholly incapable of falsifying any statement. That Gentleman had returned to the Roman Catholic priest the number of Protestants in his employ as being fifty-five persons, and though he had done so, the number in the Commissioners' return was set down the number only of the actual inmates of his House. He did not, nor had he ever meant to say, that these returns were false; but he had stated, and he now repeated the statement, that it was not safe, but, on the contrary, that it would be folly and madness, to act on these reports. With regard to the trifling mistake made by the noble Lord opposite, on a former occasion, in his calculations, as to thirteen instead of twenty-five miles being the circuit of each parish, as pointed out by the right hon. Baronet, the Member for Tamworth, he understood from the explanation of the noble Lord, that he now admitted the error into which in this respect he had fallen. In conclusion, he (Mr. Sergeant J.) must apologise to the House for having thus again trespassed upon their attention, but he felt thus much necessary in justification of himself, and in order to show that he was not without grounds for the statements he had made.

Mr. *Hewitt Bridgeman* said, that in the part of the county of Clare, where he resided, there were two school-houses in connexion with the Kildare-Street Society, but in neither of them was there a school-

master. One of them was occupied by the coachman, and the other by the gardener of the brother-in-law of the hon. and learned Gentleman.

Mr. *Sergeant Jackson* said, that they had both been occupied by schoolmasters, till, from the violent opposition of the priests, parents were deterred from sending their children to be instructed there. The manifest object of the priests was to stop all scriptural education.

Mr. *Finn* wished to know whether the two schools in question, which were now occupied by the coachman and the gardener of Captain Scott, the brother-in-law of the hon. and learned Gentleman, were returned in the calculations which the hon. and learned Gentleman had made out?

Mr. *Sergeant Jackson* said, they were not. No schools were in the returns which were not at this moment in active operation.

Mr. *Sheil*: The hon. and learned Gentleman has pronounced a funeral oration upon the Kildare Street Society. That body is, for all Parliamentary purposes, extinct. The right hon. Member for Tamworth withheld the grant to it, and it is somewhat singular that the learned Sergeant did not recollect, while he was inveighing against the new system of education, that the Members for North Lancashire and for Tamworth, with one of whom the new system originated, the other of whom continued, and even augmented the grant, were beside him. But let not our attention be diverted by any thing of so small account as the Kildare-Street Society, and the minutiae of its merits, from the great question on which the destinies of Ireland depend, and which is before the House. I come to that question, and to the great principle on which it rests; for it has been agreed that the discussion upon its principle shall tonight be taken. Some persons are of opinion, that after the very significant intimation which has been given by that House, which is sometimes called the Upper, (and it must be owned that its tone corresponds with its designation,) it is useless to carry this Bill through its remaining stages in this House, and worse than useless to send it, for the purpose of abrupt repudiation, to the House of Lords. I do not concur in that view. I do not think that this Bill will suffer by the condemnation of those to whom every opportunity ought to be afforded of confirming the impression which they have taken so much pains to produce in their own regard.

If they will not do justice to Ireland, let us give them means enough to perform another act of justice, of which Ireland will not be the object. For my part, notwithstanding the temporary obstacles in the way of this measure, of its ultimate success I have no doubt. I believe, I feel, I know the truth to be on our side, and in the greatness of truth, and in its inevitable triumph, I enthusiastically confide. Mark the progress which this question has made within the last four years. In 1832 it was treated with a disregard amounting almost to disdain; and now we not only command a majority of this House, but I firmly believe that the majority of the English people are on our side. I repeat it. In this, the Peel Parliament, we have a majority of the representatives of the people, and by that test I abide. The people of England begin to feel that the Ecclesiastical Institutions of Ireland are not adapted to its condition—that its wealth is far more than commensurate with any service which it has rendered, or is capable of rendering—that it has not answered any one purpose for which an Establishment ought to exist—that while the money of the people circulates amidst the Church, the religion of the Church does not circulate amongst the people—that even with the aid of the Exchequer as a *propaganda*, it is not likely that Protestantism will be diffused, and that the interests of true religion are not likely to be advanced by the recurrence of such incidents as those which have attended the exaction of the ecclesiastical revenues; and when the people of England see Ireland distracted by the Church, every project for her improvement arrested by the Church; when they see that you are yourselves infested by our rabid animosities, and that Cabinet after Cabinet has been dissolved by this fatal question, the two Houses of Parliament are advancing to a collision, by whose shock the whole fabric of our legislative system may be shaken to the centre—when, I say, they see these things passing before their eyes, the people of England ask themselves this plain and pregnant question, “where are the advantages by which such results shall be counter-vailed?” Sir, I think it sufficient to peruse the preamble of this Bill, and to reflect upon the facts and inferences which that preamble contains, in order to be convinced that this question must be settled,

and that the principle upon which the Bill is founded affords the only basis on which it can rest. I shall go with rapidity, I hope with perspicuity, through the preamble of the Bill. It commences with a reference to facts; and rightly—for it is as well that we should observe the shadows which events have cast behind. The preamble states that the Legislature has been repeatedly baffled in the collection of this fatal impost. This has held good for more than a hundred years. If the ponderous folios of the Irish Parliament were upon that Table, I should be able to prove that almost every Penal Act has some reference to tithe. “Laws,” says Arthur Young, “which were fit only for the meridian of Barbary, were passed to repress excesses which oppression in the exaction of tithes had produced. “The Riot Act,” says Grattan, “was a Tithe Act, and the White Boy Act was a Tithe Act.” It is now upwards of seventy years since that great man raised his voice in the Irish Parliament, to exhibit those anomalies against which we are to this day protesting—a Catholic people, a Protestant Church—millions upon one side, thousands upon the other. Against this monstrous abuse, this inversion of every course of policy, with a matchless eloquence he unremittingly and vehemently inveighed. That illustrious man, whose devotion to his country, whose elevation, moral and intellectual, was never disputed. is no more: he lies hard by—the depository of the glorious dead; one of the greatest statesmen ever produced by Ireland was borne by its greatest warrior. It was a noble and heart-touching sight to see Arthur Duke of Wellington sustaining the remains of Henry Grattan to the grave. I wonder—I shall be pardoned by the illustrious survivor for wondering—when sadly and slowly he laid him down, the great captain whispered to himself, that it would have been well if the policy of his great compatriot, from whom he differed in life, but whom in death he honoured, with regard to their common country, had, at an earlier period been adopted. He has lived to carry that policy upon one great question into effect. I remember, it would indeed be difficult to forget, his exclamation, when, in speaking of the necessity by which concession was dictated, he protested that, rather than his country should for a single month be exposed to the horrors of a civil war, he would gladly lay down his

life. It was a noble sentiment, worthy of that conjunction of humanity and of heroism which is found in the truly brave. Would that those who were perpetually giving way to a dark and sanguinary wish, who say that it must come to a fight at last, who deal in frightful innuendos, and who would shed blood as heedlessly as they quaff wine—would that they could impress that merciful sentiment upon their own hearis, and that the celebrated person who gave it utterance would extend it beyond the question to which it was applied; and in following up that great measure to its necessary consequences, in order to avert the evils that impend upon his country, he would wake to the crowning immolation. I have deviated for a moment from the course which I had prescribed to myself. I return to it. I may perhaps be told, that I should not revert to events which, without being irrelevant, are remote. Why, indeed, speak of the Whiteboy Act, when an Act passed in 1832, and appropriately associated with a celebrated name, is so close at hand? True. Since the date of that Act how many calamities have befallen? I shall not dwell upon them; they are vivid in the public recollection. The blood with which they are writ in the annals of the country is too fresh. Enough to say that it is on all hands agreed that that Act must be relinquished. The Tories gave it up, and the Member for Lancashire has virtually denounced it, by proposing a reduction of twenty-five per cent. This has become inevitable. But in 1831 had our advice been taken, this sacrifice might have been avoided; England would have saved a million; events which all must contemplate with grief, and some with remorse, would not have befallen, and a distinguished individual would have escaped the somewhat mortifying necessity of sharing in that spoliation which in terms so unmeasured he so virtuously denounced. Something, then, must be done. What shall it be? The Church Commission shall inform us. The second paragraph in the preamble refers to this Commission; of its origin I shall only say that it was issued by Earl Grey. Gentlemen hint that his Lordship is not favourable to appropriation. See how they deal with that eminent man: they avail themselves of his supposed authority, and when he adjures them to pass the Municipal Bill, not like a partisan hot from the contests of faction, but like a soothsayer from a temple, when he comes forward to

point to the dark and gloomy likelihoods that lower upon us, they reject his admonitions with disdain. Of the origin of the Commission I have said thus little; of its results I shall not say much more; I shall insist but on a single fact that stands prominent in the midst of a great mass of details. There are in one province in Ireland forty-five thousand Protestants, and one million one hundred thousand Catholics. Propose a new distribution after that! New distribution! until new appropriation became irresistible, of new distribution you never spoke, of new distribution you never thought, no not even when Queen Mab was with you, and tickled you with a tithe-pig's tail, of new distribution you never dreamed. This single fact is sufficient to establish the surplus, if there were no other. I proceed to the last paragraph—it states two things; first, that the spiritual wants of the Irish Protestants are to be provided for; next, that the surplus shall to the purposes of moral instruction be applied. What are the spiritual wants of the Irish Protestants? How much money do they want? The Scotch Church has not three hundred thousand pounds; why should the Irish Church have more? Because the Irish Church has got Bishops. You cut them down to twelve; they are not to be more; how does it appear that they ought not to be less? Why should the primate have more than the Lord Chancellor? The Bishop of Derry more than Chief Justice? Your difficulties about a surplus are imaginary, and are, indeed, of your own creation. Apply the principle of the Church Temporalities Act, and a surplus will be straight produced. You diminished the number of Bishops; why should not the number of parsons be also cut down? You provided that benefices in which divine service had not been performed for three years might be suppressed. Do not suppress, but consolidate, and the difficulty is at an end. But how is the surplus to be applied? To none, it is said, but Protestant ecclesiastical purposes. But I shall not enter into abstractions; it is far better to devise some construction of the words "ecclesiastical purpose by which all differences may be adjusted." When men are determined to quarrel, they find ingredients for hostility in a word; when men are anxious for accommodation, they discover the materials for friendship in a phrase. How fortunate it would be if we could devise some liberal but not illegiti-

mate interpretation, by which the purposes of Christian morality and all the feelings attached to it could be promoted, even if it were necessary to strain an expression, and it might perhaps be justifiable to do so, in order that peace might be extracted from it. But no violence need be done to language in order to obtain from ecclesiastical purpose what I may venture to call a benevolent, a Christian introduction and, considering all the evils it may remedy, a merciful signification. Sir, I insist that the instruction of the people in the precepts of morality is a Protestant ecclesiastical purpose. The truth you believe to be with you (for the sake of argument let it be for a moment supposed): the increased intelligence of the people must be subservient to its propagation. You perpetually (in my opinion without the least reason) complain that the priests, for their sinister purpose, keep the people in darkness; that ignorance is an expedient of sacerdotal dominion, and that they avail themselves of their barbarism for their subjugation. Break the chain; throw off the yoke, and educate the people. You have tried every other resource of proselytism—confiscation, penalty, national degradation—all has been resorted to except public instruction; put this experiment to the test. But supposing that the augmented instruction of Ireland will not contribute to the extension of Protestantism, surely the diffusion of moral habits is a purpose which every Christian Church must have at heart. Protestants do their religion injustice in assigning to it such narrow, contracted, and exclusive purposes. It is only necessary to peruse the Book of Common Prayer to feel that peace among all Christian people was among the chief purposes contemplated by the men by whom the manual of your national devotion was drawn up. You pray for peace amongst all Christian people; you kneel on the velvet cushions of your churches, and offer up for peace a pious invocation; but when from the temple you turn to the cabal—when from the offices of piety you turn to the business of partisanship—peace and charity cease to be ecclesiastical purposes, and you give to them a disastrous interpretation. But in seeking for a benevolent construction to what better evidence can I resort than the very prayer from which its daily use ought not to take its reverence, and which, if ever it was applicable to our discussions as a preliminary invocation in reference to this Church ques-

tion, is most happily appropriate. This day the respectable chaplain of this House, on the behalf of every man that hears me, no matter what may be the difference of sect, offered up an orison for the union and knitting of men's hearts in the brotherhood of Christianity together. I appeal to the sentiments and to the language contained in that benevolent invocation, in order to rescue your religion from the misrepresentations of its professors. These sentiments and that language are the language and the sentiments of every Christian in every part of the world where the prophecy is fulfilled. Yes, Sir, the knitting of men's hearts together in the brotherhood of benevolence, the propagation of the habits of pure Christian morality, the diffusion of those feelings of forbearance and of charity which teach us to love one another, is a Christian purpose. It is, I hope, a Protestant purpose—it is, I am sure, a gospel purpose. When, to shepherds abiding in the mountains, attending flocks by night, it was announced that there should be glory to God in the highest, with that angelic intimation there was associated a prediction scarcely less holy, that there should be peace on earth. But for us there is in the name of religion to be no peace; there is in the name of religion to be malice, hatred, and ill-will: in the name of religion, our distractions are to be perpetuated, and our rancours are to be exasperated; every bitter spring of calamity, every fountain of atrocity, is to be unsealed; the soil is to be drenched in the blood of the people, and at last, in the name of religion, the fell horrors of civil warfare are to be let loose. To God, we were told a few days ago, to none but God, are the men on whose decision our destinies must rest responsible. In the smile to which that unexpected announcement gave rise, I did not participate: oh that they would feel that the men who abuse the power to do good, by the infliction of incalculable harm, to the power which reads the secrets of the heart are indeed responsible, and that for the calamities in which they will have been instrumental, they will have to pass a terrible account.

Lord Stanley said, that if any persons came to that House to listen to the speech of the hon. and learned Gentleman, the Member for Tipperary, in the expectation of hearing well-turned and highly-polished sentences and richly-ornamented declamation, they would seldom be dis-

appointed, and certainly would not have been so on the present occasion. He would admit that the hon. and learned Gentleman well deserved the tribute which those cheers paid to his oratory, but he must add, that if any had come with the expectation of hearing a great mind grappling with a great question, with sound arguments deduced from solid premises, they would indeed be greatly disappointed, and while they might admire the ingenuity and consummate talents with which he had cloaked his subject, they would have to regret that from the beginning to the end he had studiously concealed any allusion to the merits of the Bill before them. He would challenge any hon. Member to point out any single part of the hon. and learned Member's speech in which he had adverted to the merits of the Bill under discussion. He fully joined with the hon. and learned Member in what he had said of the Protestant religion, inculcating glory to God on high, and on earth peace and goodwill to men. The hon. and learned Member was quite right in applying his remarks to that all but perfect ritual of our Church. He would not speak on that subject in any tone of levity, but he might say that the great principle of our religion was, that it adapted itself to the state of society, and that one of its first principles was, resist not the ordinances of God—resist not the laws—render to every man his due—and take care that you owe no man anything but universal love. The hon. and learned Member had said, that the people of England were in favour of this Bill, and he deduced that conclusion from the assumption that the representatives of the people were favourable to it. If that were so, he called upon the hon. and learned Gentleman to speak out, and tell the people of England what the real objects of the Bill were. Let not the hon. Member, and let not the Members of his Majesty's Government delude themselves with the hope—a hope which could not be much supported by their diminishing majorities—that the people of England were prepared to adopt a measure, the great recommendation of which, in some quarters was, that it would lead to the annihilation of the Church of Ireland. "The people of Ireland are with you!"—"Are they?"—continued the noble Lord. Tell them your objects—tell them the flimsy pretexts on which they are

founded—tell them your prospects, and that no peace is to be for Ireland until those prospects are realized; tell them the goodwill to the Church of Ireland of a large number of those by whom this measure is supported, and then let them tell you whether they are favourable to such a measure. Let his noble Friend (Lord J. Russell) look to his majority on this subject; let him analyze it in the secrecy of his closet; and then let him say how many of that majority he believed to have voted for this Bill, solely from the desire of a reformation in the Church, and who, having obtained that object, were not disposed to go further. Let him separate those who were prepared to go with him and stop where he would stop, from those who would go much further, and who only went that far with him, in order at some fit time to urge him to go further with them, and then he might be able to say who were the supporters of the Church and who were opposed to it. The hon. and learned Gentleman who had said, that the people of England were beginning to ask themselves this question, "of what use is the Church Establishment at all?" If that were so, then, in God's name, let it be openly discussed, and let it be put to the people of England, Scotland, or Ireland, to say ay or no, whether we were to have the Protestant religion or not. Let the real object be honestly avowed, and give the people an opportunity of deciding upon it. He hated this sort of bush-fighting—this fighting with a shadow which they could not touch, while the substance remained behind. The course adopted by the supporters of this Bill was, to say the least of it, most disingenuous. If the opponents of the measure objected that the purpose of the Bill was to destroy the Church of Ireland, they were met at once by a loud disclaimer. Nothing it was, said, was further from their intention than any injury to the Church—all that they wished, it was added, was that an extravagant and bloated Church should for its own security be brought within dimensions proportionate to its intended purpose—all, forsooth, that the supporters of the Bill wished was to take off that surplus which was not wanted by the Church, which they would apply with the utmost care to the purposes of general education; and they added, that the object to which the surplus should be applied should be "strictly Protestant purposes."

That was, that education, no matter in what way given, was "strictly a Protestant purpose." "Who," said the hon. and learned Member, "is opposed to education?" So said he, who was? He was not, but, added the hon. and learned Gentlemen, if you wish the spread of Protestantism you should give education, which will enable the people to break the chain by which they are kept down in ignorance, and emerge from the yoke. [*"A loud cheer."*] He would offer no comment on the interruption of the hon. Member, who had obtained some little celebrity by his exhibitions in that way, but he owned he would rather hear an answer to his argument in its proper time, than an interruption, though that interruption might show the want of argument. But to resume; he would say, that if education was the thing which was so much wanted in Ireland—and far was he from denying its advantages—if education were so essential to the pacification of that country, why not ask the means from the Parliament of England? He was sure that there was no sum too high, no sum which could be considered too great, for such a purpose. There was no sum which Parliament would not be disposed to grant to produce such desirable results. And when the hon. and learned Member (Mr. Sheil) stated that this sum was to be applied only to Protestant purposes, he must, without disrespect, say, that though he agreed in the object as far as education was concerned, he must withhold his assent from the purpose. The hon. and learned Member himself must know that there was something beyond education in the purpose for which this sum was sought. There was a disposition to carry it further. The Catholics were the majority, it was said, in Ireland, and he admitted the fact; the Protestants were the minority, and that he also admitted; but the inference which some parties were disposed to draw from these premises was this—that the Catholics being the majority, the whole of this Church property should belong to them. He would ask those who interrupted him, if the present Bill was to be the be-all and the end-all of the question of Irish tithes, and that the matter was to go no further? Was there any one of the hon. Gentlemen opposite who would say so? Would any of his Majesty's Ministers come forward and say, that the present was to be a final and conclusive measure? If not, then with what face could any hon. Member

come down to that House, and say that this part of the Bill was for the promotion of education, and for that only? But would this graut for education, of which so much was said, settle the matter?—would it prevent any further agitation of the question? Undoubtedly it would not. He had been charged with having introduced a principle similar to the present in the Church Temporalities Bill. He denied the fact. The changes proposed in that Bill were to take effect only when the livings became void. But the hon. and learned Gentleman (Mr. Sheil), with a sort of logic of which he might well be ashamed, had said, "You have cut down ten bishoprics because they were found too numerous for the necessities of the Church, and why not on the same principle reduce the number of clergy?" Now, what was the argument used when that question was under discussion before that House? It was this—that the number of Bishops was disproportionate to the numbers of the clergy, not that the clergy were more than were necessary. And now, when the revenues of the reduced bishoprics were to be applied to the improvement of the smaller livings in Ireland, the hon. and learned Member drew the illogical conclusion that the number of the clergy should be reduced, and thus reduce the proportion of the clergy still lower. It was next said, that the number of the clergy was too great for the number of the Protestants of the Established Church in Ireland. He was prepared to take his stand upon that question. He was aware that he had been accused by the hon. and learned Member for Kilkenny of having on a former occasion objected to the disproportion of the clergy and the numbers they had to teach, but he was then only showing that hon. Members, according to their own data, were wrong in the principle which they adopted. The principle of this Bill, he contended, was a dangerous one, as it gave the state a pecuniary interest in cutting down the revenues of the Church, and thus it set the State, as it were, against the Church. That principle was a bad one. But, in addition, he had this objection to it, that it was worked out by dangerous machinery, and any one who would take the trouble of looking over the clauses of the Bill would find it. The state had a pecuniary interest opposed to the Church; but what were the powers by which that evil tendency was to be corrected? What were the powers of the

Commissioners? and he begged the attention of the House to this:—The Commissioners were to be the sole judges of the changes which were to be made under this Bill. They alone had the power to decide every question. The Lord-Lieutenant was a mere cipher in their hands. They had power according to their discretion to unite or disunite benefices, to fix the boundaries, and to give new names to the new benefices thus made, and to fix the income of each, to arrange as to the glebes which should belong to each. These were considerable powers as related to the Irish Church; but who were they by whom those powers were to be exercised? Were they men distinguished by their attachment to the Established Church? Nominally, at least, they must be Protestants, but beyond that they were the mere creatures of the noble Lord, the Secretary for Ireland, and they must be the creatures of any Minister, and must do his bidding, whether he were attached to, or a member of the Established Church or not. Now, what were the restrictions on these men? The Bill took care that the salary of the Minister should not exceed a certain amount in any case. There was a *maximum* as to income, but there was no *maximum* as to extent of duty. There was a starvation point, it was true, below which they could not go. The Commissioners might extend the duty, though they had not the power to extend the income in the same proportion. Why, then, the whole Bill was a failure. It was one-sided, it was admitted, that if the whole income of the livings of England and Ireland were equalised, the result would be, that in Ireland each living would be 294*l.*, and in England 285*l.*—a very near approximation. In Ireland, according to one statement, the congregations would average 640, in England 1,017, including, according to the noble Lord, Dissenters. [Lord Morpeth: He had not meant to include Dissenters.] He had so understood his noble Friend; but he was glad to be corrected. The average number of members of the Church of England in the parishes of England was 1,017. In England the average size of the parishes was five miles square; in Ireland the average size of the parishes was twenty-five miles square. Now, he was sure that his noble Friend would not pretend to maintain that a clergyman who did duty in a parish

twenty-five miles square, containing 640 inhabitants of his persuasion, had not a much more laborious task than a clergyman who did duty in a parish only five miles square, but having 1,017 inhabitants of his persuasion. Nor, he was sure, would his noble Friend contend, that 294*l.* was an exorbitant average of salary for a clergyman of the Church of England doing duty in a parish five-and-twenty miles square. His noble Friend stated, that under this Bill there would be only 129 clergymen in Ireland, with incomes under 100*l.* a-year, while now there were 287 so situated; and had exclaimed, "See what an improvement this is!" But nobody thought of leaving things as they were. But his noble Friend had not stated the case fairly. He forgot, that under the provisions of the Bill, of 1,250 benefices, the Ecclesiastical Commissioners might, if they thought proper, reduce 799 to 100*l.* a-year. Now, he could not consent thus to leave the pecuniary interests of the Protestant Church Establishment in Ireland subject to the caprice of any Government. He could not sit down without adverting to another fallacy on this subject. His noble Friend, at the head of his Majesty's Government, had, with a rashness which belonged to a younger man, admitted, in the other House of Parliament, that the Bill would inflict a heavy blow on the Protestant interest in Ireland. Let it go forth to the people, that the Prime Minister of England acknowledged that the measure he proposed would inflict a severe blow on Protestantism in Ireland. "I know," said the Premier, "that we are inflicting a severe blow upon Protestantism in Ireland, but (let the House mark the sequel) we cannot help it." Was this a fit argument for the Prime Minister of England to use? "We know our measure is dangerous to the Protestant Established Church—we know that it inflicts a severe blow upon Protestantism; but we cannot help it, and we cannot help it because we are driven on to it by those who are aiming at other things—because we can neither defend our measure on its own merits, nor resist the power of those who compel us to adopt it." The House was told they must give contentment to 7,000,000 of Irishmen.—[Cheers].—Perhaps, the hon. Gentleman, whose cheers were always so significant, and which sometimes drew down upon him a degree of notice not usually ex-

tended to other Members, would tell him, from the accurate investigation he had made into all the merits of the Bill, whether, when by his significant cheer, he expressed so ready and decisive an opinion, he thought, varying in that respect from all the rest of the House, that this measure would afford the slightest degree of contentment to the 7,000,000 of Irishmen who were spoken of [*cheers.*] Let him (Lord Stanley) say, that out of this 7,000,000 there were somewhere about 1,500,000 who had no direct interest whatever in the settlement of this question; and that fact the hon. Gentleman, who should know as well as he (Lord Stanley) could tell him. But then it was said, it was not the amount of the reduction that was to be considered, but the feelings of the people, [*cheers.*] The right hon. Gentleman, the Member for Nottingham, cheered that expression; then, of course, he was quite prepared to go to the full extent required to gratify the feelings of the people of Ireland. That being the case, let the right hon. Gentleman take, not his (Lord Stanley's) authority upon the point of what would be requisite to gratify the feelings of the people, but the authority of the hon. and learned Member for Kilkenny (Mr. O'Connell), who, upon all occasions, declared himself to be the representative of all Ireland; that was to say, of the 7,000,000 whose perfect contentment this Bill was to insure. And let him ask, whether the hon. Member for Kilkenny, in a recent publication addressed to the people of England, had held out a prospect of that peace on earth, and goodwill towards men, which it had been promised should follow the adoption of this Bill. In that publication the hon. and learned Gentleman said, reduce the Established clergy thirty per cent.; apply 50,000*l.* a-year of the revenues of the Church to the purposes of general education; but the hon. and learned Gentleman said nothing of the 40,000*l.* which was to be appropriated to the Consolidated Fund; and he (Lord Stanley) would say nothing of it either. It appeared, however, from all that was stated upon the Report, that of the 90,000*l.* to be deducted from the revenues of the Church, 50,000*l.* only were to be devoted to the purposes of education. But when the hon. and learned Gentleman, in his address to the people of England, spoke of the application of that sum to the purposes of education, did he hold out the slightest prospect that such an

application of the revenues of the Protestant Established Church would afford anything like perfect contentment to the 7,000,000. If, then, they were told that the present measure, though it were, as he believed it was, objectionable to the people of England, though it inflicted, as a Prime Minister had declared, a severe blow upon Protestantism in Ireland—though it were carried only by a bare majority in the House of Commons, and opposed by a very great majority in the House of Lords—if, in spite of all this, they were told that the Bill was still necessary, for the sake of giving contentment to Ireland, was it too much to require, was it unreasonable to ask, what that contentment would be. The hon. and learned Gentleman, in his address to the people of England, said, "The rev. Mr. Longueville insists that I shall pay him 50*l.* a-year for tithes; and because I deem this demand, as it manifestly is, most unjust and unreasonable, he causes a bill to be filed against me in the Court of Exchequer;" but the hon. and learned Gentleman did not say, that if this Bill passed he should be content to pay seventy per cent. of the present amount of tithe to the rev. Mr. Longueville. On the contrary, he said, alluding to Mr. Longueville, "I think my religion better than his; and, therefore, I never will pay him one shilling—no, not one farthing." Here was a distinct assertion on the part of the hon. and learned Gentleman, that he never would pay one farthing in the shape of tithe to a Protestant clergyman: and why? Because he thought the religion he professed better than the religion of the State. That might be the hon. and learned Gentleman's private opinion; but was the Legislature to sanction or to recognise the doctrine of every man who thought his own religion better than that of the State. But if the Legislature did not do so, how could they expect to give contentment to the 7,000,000 of Irishmen, every one of whom, no doubt, thought his religion better than that of the State. It was impossible that the Legislature could do so, and, therefore, following again the advice of the hon. and learned Member for Kilkenny, which they had often done before, very much to their own detriment it could not be doubted, that even after the passing of this Act they would continue their resistance to the payment of tithe.—[Mr. O'Connell: The noble Lord states what is untrue.]—The hon. and learned Gen-

man will allow me to say, (continued Lord Stanley) he is the last man who ought to make use in this House, or elsewhere, of offensive expressions such as that which he has just used—most indecently interrupting me.

Mr. O'Connell: I rise to order. Have I not a right to express my feelings when a charge is untruly made against me. In the first place, the noble Lord garbles my letter. I repeat it. I repeat it distinctly, that the noble Lord, in the first place, read garbled extracts from my letter. In the next place the noble Lord said, that the people of Ireland had often followed my advice to their detriment. When such assertions, so foreign from the fact, are made, I conceive that I have a right to reply to them. If such a mode of argument is unworthy of any man, it is still less becoming in the noble Lord, whom I have observed shrink from every man in the House but me.

The *Chairman*, interfering, said, I would remind the hon. and learned Member for Kilkenny, that he will have ample opportunities of replying to the speech of the noble Lord in a regular manner.

Lord *Stormont*, amidst great confusion, rose to order. He felt it to be a duty he owed to the House to ask the Chairman (Mr. Bernal) whether, in the exercise of his functions as Chairman, he conceived it to be within the bounds of order that such words should be allowed to pass from one Member towards another as within the hearing of the House had passed from the hon. and learned Member for Kilkenny towards the noble Lord. The words used by the hon. and learned Member for Kilkenny, in reference to the observations made by the noble Lord, were these—"That is untrue." He begged to ask, whether the use of such words came within the bounds of order.

The *Chairman*: When a question upon a point of order is thus directly and formally put to me I have not the slightest hesitation in replying to it. Strictly speaking, no one hon. Member has a right in the course of a speech, or after a speech, to say it is not true. But then I must appeal to the recollection of every hon. Member present to bear me out when I say, that however this kind of expression may not be warranted by the strict rules of debate, unfortunately it is but too much warranted by example. Since I have had the honour of sitting as Chairman of Com-

mittees in this House I have heard many hon. Members, under the surprise of the irritation at the moment, contradict, in perhaps no very courteous terms, particular allegations made in the speeches of other hon. Gentlemen. But upon the present occasion I will not shrink from giving a direct answer to the direct question which has been put to me, and therefore give it as my opinion, that such expressions as the noble Lord has described, passing from one hon. Member to another, are not in order.

Lord *John Russell* rose and said: Undoubtedly, what you have said, Sir, upon the point of order, is perfectly correct, and I have not the slightest hesitation in saying, that, in my opinion, the interruption of the hon. and learned Member for Kilkenny was most disorderly. But I now appeal to you, Sir, that in the future part of the speech of the noble Lord opposite you will not allow him to be making charges against this side of the House, imputing to us that we are not acting upon our own opinions, but that we are driven on by others to adopt a course which in our hearts we do not approve. [Interruption. After a brief interval Lord *John Russell* continued.] I say (said the noble Lord), that, according to the orders of the House, no hon. Member ought to attribute motives to others. The noble Lord has attributed motives to us of a most scandalous nature.

Sir *Edward Knatchbull*: Sir, you have been called upon to interfere upon a point of order, and you have most properly performed, as far as you have gone, the duties that devolve upon you as Chairman of the Committee. But I humbly submit to you and to the Committee at large, whether the hon. and learned Gentleman who has been guilty of the disorder you have pointed out ought not, before the noble Lord (Stanley) adverts to any other public topic, to offer some explanation of his conduct. I leave the matter in your hands, Sir, satisfied that you will call upon the hon. and learned Gentleman to explain.

Mr. O'Connell: I am quite willing to withdraw the words which have given offence. If the progress of the debate depend upon my doing so, and if they are pronounced out of order by the Chairman, I withdraw them cheerfully and at once; but, at the same time, I caution the noble Lord against indulging in such attacks as

called forth this unguarded expression of feeling from me.

Lord *Stanley* continued: It appears that my noble Friend (Lord John Russell) has taken umbrage at some expressions contained in my speech. I only think it would have been more consistent with the rules of the House if my noble Friend had reserved any observations he felt it necessary to make upon that point, until he had the opportunity to make a general reply. This, at least, would have been more regular than to take the opportunity of introducing his observations in a discussion upon a point of order arising out of the interruption given to the regular progress of the debate of another Member. I do not conceive that I am passing the legitimate bounds of Parliamentary discussion when I say, that the members of the Government, and when I found my assertion upon the declaration of the Prime Minister, that he is doing that which he knows will inflict a grievous injury upon Protestantism, but that he cannot help it. I think I am not passing the bounds of Parliamentary freedom of speech, when I give as my interpretation of the text afforded me by the Prime Minister, that the Government as a Government, are driven to the adoption of measures such as men acting upon their own individual judgments, would be desirous to avoid.

Lord *John Russell* rose to order. I was, perhaps, to blame for not interrupting the noble Lord when he used these words in the first instance; but as he has now repeated them, I will not evade the opportunity of pointing out why I conceive them to be disorderly. I can conceive nothing conveying a greater imputation of dishonour to any set of men, than the assertion that they are driven on by others to adopt measures which, in their hearts as individuals, they would be anxious to avoid. I should have thought, indeed, that the noble Lord would have been one of the last to prefer such a charge, because, however others might have been ignorant of it, I should have thought that the noble Lord, of all men, knew the difference of opinion which long prevailed in the Cabinet, of which he was a member, on this subject. The noble Lord having now repeated the words which I conceived to be objectionable and disorderly, I am now obliged to ask you, Sir, whether it is in order for any hon. Member to lay upon any Member of the

Government a charge which implies, as I conceive, the greatest dishonour, and which could not be attributed to any individual Member of the House without a palpable breach of the order of debate.

The *Chairman*: The Committee will see the great difficulty of the situation in which I am placed. I repeat the expression—the Committee must not only see, but I should hope it would feel, the difficulty of my situation. If I were spontaneously—[does any hon. Gentleman refuse to hear the opinion of the Chairman after it has been asked?] I say that the difficulty under which I am placed is not one of a light nature. If I were spontaneously to interrupt every hon. Member who transgresses the rules and orders of the House, I should indeed have a laborious duty to perform. I abstain from doing so, because I am afraid of protracting the business of the House; but at the same time, I trust I shall never be deterred by any feeling, from taking the proper course when any hon. Member seriously transgresses the rules of the House. If I be directly appealed to, to say whether it be disorderly or not for one hon. Member to attribute motives to another, I can only reply—undoubtedly it is; but the noble Lord must pardon me if I say that a distinction is to be drawn between the application of particular terms to individuals, and to bodies of men. Undoubtedly, if motives of an atrocious nature were imputed either to the Government as a body, or to a Member of the House, in his individual capacity, I should feel myself bound to interfere; but, at the same time, I must say, that I consider the charge made by the noble Lord (Stanley) in the course of his speech to-night, and which he has just now repeated, is one which I expected would not be objected to at the present moment as disorderly, but one which would be refuted, in the progress of the debate, by some of the noble Lords or right hon. Gentlemen, who sit on the right of the chair. I certainly did not consider it as of a nature imputing dishonourable motives to the Government, and therefore I did not interfere.

Lord *Stanley*: I am of your opinion, Sir, that in the observations I made, founded as those observations were upon the declarations of the Prime Minister, I did not transgress any of those rules of order which govern the conduct of debate in this House. If ever I am so unfortunate as to

do so, I hope I shall, at all times, be found ready to bow at once to the decision of the Chair, and express my regret that any hasty language of mine should have been the cause of interrupting the progress of the discussion. The noble Lord then continued to observe, that the argument he was pursuing at the time he was interrupted was, that if the great inducement held out for the adoption of the Bill, was the producing a feeling of contentment amongst a large portion of the people of Ireland; he wished, in the first instance, to be satisfied, before he made the sacrifice demanded of him, that the general object for which it was made was likely to be obtained; and in order to show that this Bill would not effect that object, he was stating the opinion of the hon. and learned Member for Kilkenny, who accused him of garbling his letter, and whose attention he therefore now ventured to request to some passages taken from the same letter which he was about to quote. The hon. and learned Gentleman proceeded, in a subsequent part of his last address to the people of Great Britain, in these terms: "Let me add, however, that in the case of the Catholics there is a feature of greater strength, and more distinctness. It is this: here tithes were instituted, there glebes were set apart, not by Protestants for Protestant worship, but by Catholics for Catholic worship. They were ours; we assigned them for our purposes—the purposes of the ten thousand—the force of law, or rather the law of force, has unjustly torn them from the Catholics, whose property they were, and given to them the 200 Protestants, whose property they were not." What was the inference to be drawn from this passage? With such opinions addressed to them, what sort of satisfaction was a measure such as the present likely to give to the people? What, too, was the heading of this letter? "Justice—justice for Ireland." "Here tithes, there glebes," said the hon. and learned Gentleman, "were ours—they were unjustly torn from us—you, the people of Great Britain, do justice, and restore them to us." There would be some sense, some reason, some logic in that argument; but there is no sense, no reason, no logical deduction to be found in the proposition, which, after the premises laid down by the hon. and learned Gentleman in his letter, says, "Let us take from the revenues of the Established Church a miserable portion

for the purposes of general education, leaving the whole of the remainder to Protestant uses. Let us give nothing to the Roman Catholics, who formerly had all, but let us apply a small portion to the purposes of general education, and then the people of Ireland will believe that you have done them justice, whilst at the same time they have this letter of the hon. and learned Member in their hands, and they will be contented, and all will be peace and tranquillity." But the hon. and learned Gentleman went further, and said, "The people of Ireland are moderate, they are easily satisfied, they do not demand all this at present. Less would now content them. Yes; but for how long? The right hon. Gentlemen opposite were prepared to do all that was now necessary to satisfy the demands of the Irish people—let him just point out, in the words of the hon. and learned Member, what those demands were. The hon. and learned Gentleman concluded his address in these words:—"Well, the Irish are, at present, more moderate,—less would now content us—we desire to have tithes totally abolished; or if any part remains to be levied, that it shall be applied to the purpose of giving education to all classes of the people. We do not, at present, demand the glebes for the residence of the pastors whom the people prefer; but I candidly acknowledge that, as the contest continues and grows warm—as the Protestant clergy identify themselves with the wholesale slaughterers in the field, and with the more vexatious and exasperating villainy of the Exchequer attorneys—as the ideas they excite are of the Rathcormacs, red with the blood of the sons of widows, or of the odious Exchequer rebellious writs—all connexion with religious institutions is forgotten, and the Irish Juggernaut of plunder and massacre stands prominent, as demanding those sacrifices which we formerly thought were only made to a mere difference in religion. The time is, from these causes, fast arising when a compromise will be impossible; and those who now refuse an amicable and moderate arrangement, will have to blame themselves when a similar arrangement shall be rejected indignantly, contemptuously, by the people of Ireland." A compromise impossible!—a compromise upon what terms? The total abolition of all tithes, and the application of whatever might be left of revenue to the Established Church, to the purposes of

general education. This was the amicable and moderate arrangement which, according to the hon. and learned Gentleman, the House would have to blame itself for not adopting. Did his noble Friend the Secretary for Ireland (Lord Morpeth) recollect the discussion which took place in that House two or three days ago? Did he recollect how many of those hon. Members, who assumed to themselves the claim of being the representatives of all Ireland, voted on that occasion? Did his noble Friend recollect, that the division took place upon an amendment moved in his own Bill? Did he recollect that it was a motion for the total abolition of all tithe—for the exemption of all persons of all religious persuasions whatever, from the future payment of tithes in Ireland? Did his noble Friend recollect, that of the twenty-two representatives of Ireland who voted on that occasion, four only, including the hon. and learned Member for Kilkenny, were found to support the motion of the Government, the other eighteen voting at once in favour of the proposition for the total abolition of tithes. This, then, was a specimen of the sort of contentment which was to be afforded by this Bill to the 7,000,000 of Irishmen who professed the Catholic faith. With such an instance before him, he thought it was not too much to say, that the arrangement proposed to be made by this Bill, would be neither final nor satisfactory. His noble Friend knew, and knew well, that it was perfect illusion to suppose that the measure could be final, or that it could be satisfactory. In the adoption of the present Bill, Government would be introducing a dangerous principle, carried into effect by dangerous machinery, and guarded by no provisions of a restraining kind. It was a measure which would tend to the destruction of the Protestant Church in Ireland. The Prime Minister himself had admitted that it would give a great blow to Protestantism in that country. It was obvious that it would give no contentment, and yet all the arguments in favour of the Bill were rested upon the general assertion, that it would not injure the Protestant Church, and that it would give contentment to the Irish people. He said that it would do neither one nor the other, and he trusted that the Government would see before long, by their diminishing majority in that House, that they had the people of England against them, and against their plan

of dealing with the property of the Church in Ireland, in the same way as he was satisfied that plain sense and plain reason were against it; and that they would never be permitted, under the fallacious hope of effecting a compromise, to sacrifice the Irish Protestant Church, and the maintenance of the Protestant religion in Ireland, to arguments which, if they meant anything at all, led to this necessary conclusion, that for the Protestant there should be instituted a Catholic ascendancy in Ireland.

Mr. Poulter begged in explanation to say, that in reference to the point alluded to by the noble Lord (Stanley,) he (Mr. Poulter) was now aware that he should have referred to the Tithe Commutation Act, and not to the Church Temporalities Act.

Mr. O'Connell had not intended to trespass on the attention of the House on this occasion. His opinions upon the subject now under discussion had been so often expressed, that he thought the House must be weary of hearing them. But the noble Lord had rendered it impossible that he should be wholly silent. The noble Lord had selected a happy illustration in favour of the present measure from that very letter of his (Mr. O'Connell's), from which he had quoted some passages. It was stated in that letter, that in one parish in Ireland, 9,990 Roman Catholics were made to pay tithes to a Protestant pastor, who had only a congregation of 77 Protestants, being the whole amount of the Protestants in that parish. He supposed that this was all in consonance with the reason, the common sense and the sound logic, of which they had heard so much from the noble Lord; but was it Protestantism? Whilst such things were allowed to continue who was it that gave the blow to Protestantism? Was it he who insisted on the plunder of the 9,990 Roman Catholics to supply the spiritual wants of 77 Protestants, who never saw their clergyman? Or was it he who said that this was a state of things which brought scandal upon the Protestant Church, inflicted an injury upon the Catholic people, and ought therefore to be discontinued. Nay, it was a fact, that in the instance to which he had referred the Protestant clergyman had never slept three nights in his parish since he had been in possession of the living, though it was true that he had, on one occasion,

taken the trouble to go all the way from Bath or Cheltenham to Ireland for the purpose of giving a vote against him at his election for Kerry. Was this Protestantism? He maintained that the noble Lord (Stanley) was the bitterest enemy to Protestantism. The noble Lord's disposition towards Ireland was very well known, and when he spoke of the condition of that country it was with pleasure, with animation—nay, for once, there was even a smile upon his countenance which reminded him, as Curran happily said of another man, of a silver plate upon a coffin. The noble Lord had read a passage from his (Mr. O'Connell's) letter, which would imply that he was against any compromise on the subject of tithes. If the noble Lord had stopped short in his extract such an inference might have been drawn from the first part of the passage; but luckily for him (Mr. O'Connell) the noble Lord had, in the vehemence of his feelings at the moment, a little overshot the mark, and instead of confining himself to a portion, read the whole of the passage, in the latter part of which it was not only implied, but directly stated, in the broadest and most direct terms, that there was now a prospect of a moderate and reasonable arrangement; and he said further in his letter, and he repeated the same assertion now, that all those who refused to accede to that moderate and reasonable arrangement, were enemies to the Protestant Church in Ireland. He was ready to prove this. What was the first Bill brought into Parliament upon the subject by Lord Hatherton? It was a measure which would have given to the Protestant clergy in Ireland 77*l.* 10*s.* per cent. upon their tithe composition throughout Ireland, payable at the Treasury. That Bill the noble Lord (Stanley) opposed; and then, to be sure, he talked to them of his noble Friends. He thought he had shamed the noble Lord out of the use of that term. Instead of noble Friends, noble thimble-riggers he should have called them. He had heard the noble Lord call his previous colleagues his noble Friends one moment, and the moment after describe them all as thimble-riggers. No phrase, indeed, was too vulgar for the noble Lord, provided it were virulent enough. Well, the noble Lord opposed this Bill, giving 77*l.* 10*s.* to the clergy. And why? Was there any appropriation clause in it? No, there was no appro-

priation clause in it? But the noble Lord opposed it because he was a friend to the Church. The Bill was rejected by the Lords, who would also, in spite of reason and argument, reject this Bill, because it contained an appropriation clause. When the right hon. Baronet, the Member for Tamworth, came into power, what was the Bill which the gallant Officer opposite (Sir Henry Hardinge) brought in? A Bill reducing the income of the clergy from 77*l.* 10*s.*, which was the amount fixed by his (Mr. O'Connell's) Bill, to 75*l.* a-year. The noble Lord (Stanley) supported that Bill; and it would have been carried through the House of Lords if it had met the sanction of the Commons. But was that all? Last year another Bill was brought in and passed this House; it contained an appropriation clause. How much did that Bill give the clergy? It gave them 72*l.* 10*s.*, five per cent. less than his Bill gave them. In the Committee of the House of Lords that part of the Bill was adopted. And these were the friends of the Protestant Church? These were the friends of the clergy, who charged him with wishing to deprive them of their property? If the majority had consented to have given up the appropriation clause, that Bill would have been law at the present moment. What had happened since? By the Bill now before the House, the clergy would get 67*l.* 10*s.*, exactly ten per cent. less than the Bill which he had proposed would have given them. This was what the common sense and logic of the noble Lord had done. Was he not right, then, in warning the noble Lord and his party, that they would not have such another opportunity of arranging this question as was now presented to them? The noble Lord, in commenting upon the letter which he (Mr. O'Connell) had addressed to the people of England, omitted to notice that part of it in which the conduct of the clergy of Ireland was signalized by their proceedings in the Court of Exchequer. Did the noble Lord think that that conduct had made no impression in Ireland? "I tell the noble Lord (said the hon. and learned Gentleman) that a compromise he may get this year. He may not get it next year. I had almost said, he shall not get it next year. Every hour is diminishing the value, and increasing the price." That was the style in which the noble Lord gave protection to the Church of Ireland. He had intended in

Committee on this Bill to have proposed a plan which would have given satisfaction to the people of Ireland, at least for a time? Did any man believe that any Church Bill merely would give satisfaction to Ireland, when the people of that country had the basest of outrages inflicted upon them by the basest of men. Was there the slightest hope that while the people of England and Scotland were enjoying Corporation Reform, and the people of Ireland were declared unfit and unworthy to enjoy those rights—as long as that injustice was done them, and done them too, as he had heard, though it had been denied, upon the ground of their being aliens from this country, it was impossible that satisfaction could be given to Ireland. Yes, that was another and an additional insult cast upon his country. But the plan he was about to propose was not that the amount should be reduced to 70*l.*, and 2*l.* 10*s.* for the collection, but that it should be reduced to 60*l.*, and that ten per cent. should be collected from the quit-rents of the Crown lands in Ireland, and which were now applied to beautify towns in England, but which ought to be applied to the benefit of Ireland. This would make 70*l.*, and the 2*l.* 10*s.* he should propose to be given as a *bonus* to every tithe-payer who paid his tithe. That, with the appropriation clause, would have satisfied those who were now calumniated as being the enemies of the Protestant Church, and who, at all events, would be paying men to that amount from whom they derived no service whatever. If that plan were adopted, he was quite convinced that at present, at least, it would be accepted with gratitude, and would lay one of the foundation stones for the tranquillization of Ireland. But he did not propose that motion, nor would he. The noble Lord had talked of the motion which had recently been made for the total extinction of tithes, and had referred to the division upon it. He (Mr. O'Connell) opposed that motion. He did so, because he knew Ireland as well as any noble Lord or hon. Gentleman in that House. He knew the festering of their souls under the recent conduct they had experienced; he knew the indignation that they felt; and he knew that they expressed not their judgment, but their resentment, when they divided upon that motion. He knew that. But he knew also, that if this Bill proceeded to the House of Lords, and held out even the hope of doing justice to

Ireland, for he would repeat that phrase till he had carried it into effect, it would not pass. And why did he say so? What had been the effect of the accumulated majorities in this House in favour of a measure of justice to Ireland? Did they make one single allusion to it? What hope then was there, that by whatever numerical majority a measure favourable to Ireland might be carried in this House, it would be more favourably received by the House of Lords? Why the Commons were treated with as much contempt as if the majority were but a unit, as if the measures this House had passed were carried by a solitary vote. But that House bore such insults patiently, for they never were wearied in persecuting Ireland. For six hundred years the same system had been pursued towards Ireland. When the Irish petitioned Edward the 3rd, who was called the English Justinian, to admit them into a community with the English, and to share the protection which they enjoyed, what was the answer? He referred their petition to the great Lords, and what was their reply? That it was not for their own interest that the Irish should be admitted into a community with the English. That was the answer given in the year 1336, just 500 years ago; and here was a noble Lord just 500 years afterwards, as ready as ever to carry that resolution into effect. The difference of race was the first pretence—aliens in blood; a difference in religion was the last pretence—aliens in religion!—the cruelty always the same, the paltry excuse varying. It was now the sublimity of the Protestant Church. Why what was it to the Irish who did not believe in the Protestant Church, who did not think it the best? The Protestants were quite right, who thought it the best, to use it as an argument, but to the Catholics it was no argument at all. The noble Lord had not attempted to deny that the glebes now in the possession of the Protestant Church, were originally dedicated to the pastors of the Catholic people. But this, and all other property, the Protestants continued to plunder from the Catholics, until they extinguished the legislative independence of Ireland by the Union—promising with that union to give to her people a community of rights, privileges, franchises, and liberties with the rest of the empire, but which promise had never yet been fulfilled. Then, at the end of twenty-nine years after Ireland had forced them to give

emancipation, they did it in that pitiful and paltry manner so as to bring the legislative body in collision with an individual. And now, in the present Session, behold what their conduct was! Why, he was told that it was perfectly safe for the other House to act as it did. He had heard it asked, what harm had accrued to the Lords from the course they had taken? What harm? Was it no harm to be convicted in the mind of every just and honest man of injustice? But nothing would operate upon such minds. Persuasion had no force with them. He had heard one young gentleman to-night, while talking of the rights of the Irish, by way of a set-off, ask, had not the English rights, too? He would ask, whether any English Member had ever stood up in that House for the rights of Englishmen who had not been supported by Irishmen? Why, then, did the hon. Member taunt him with the rights of Englishmen? Did he conceive that the English were not powerful or free without having the pleasure of trampling upon Ireland, and without being able to gratify that spirit embodied in the noble Lord, who was governed by a species of half fanaticism, which might be religion but was not charity? But no matter what the majority of the Commons was, this Bill would be rejected by the House of Lords with an alacrity of rejection peculiar to that body when acting for evil. He should not have risen if the noble Lord had not spoken; but he had now declared his mind freely. This Bill, if passed, might conciliate the people of Ireland. It contained a principle which was valuable; the principle of appropriation, which, if honestly and justly applied, might put an end to that spirit of ascendancy which was originated in crime and maintained in blood. Yes, it might have that effect; but he despaired of its being allowed to pass. He was ready now to give his utmost aid in carrying it into effect; but he would not promise to do so next year.

Mr. Shaw said, that there appeared, on the part of the House, so general a desire to divide, that after having risen, he had again resumed his seat; but as he saw the noble Lord opposite (Lord John Russell) intended to speak before the division, he (Mr. Shaw), making every allowance for the exhausted state of the House and the subject, would say a very few words in answer to the small portion of the speech

of the hon. and learned Gentleman (Mr. O'Connell) which bore upon the question before them. He would endeavour to abstain from the violence of language and manner which characterised that speech. He would not attempt to defend the noble Lord (Lord Stanley) who sat near him, from the virulent personal attack the hon. and learned Gentleman had made upon that noble Lord; it was, indeed, easy to conceive that the noble Lord entertained a sense of high, and noble, and generous friendship of which the hon. and learned Gentleman could form no just idea; and the noble Lord could bear up against the lesson the hon. and learned Gentleman had read him on vulgarity, while the hon. and learned Gentleman illustrated his own estimate of good breeding, by comparing the countenance of the noble Lord to a tin plate upon a coffin. But as to the only two points of the speech of the hon. and learned Gentleman which touched upon the present debate—his letter, referred to by the noble Lord, and the Amendments the hon. and learned Gentleman had proposed to the Bill proposed by Lord Hatherton, when he was Secretary for Ireland. First, with respect to the letter, the hon. and learned Gentleman asked the noble Lord was there logic or Protestantism in maintaining a Protestant Establishment in a parish where the majority of the people were Roman Catholic?—but the hon. and learned Gentleman did not venture to deny the just inference of the noble Lord from such an argument as that—that the present Bill, which the Government professed to support, on the ground of its giving permanency to the established Church in Ireland, could never be satisfactory to the hon. and learned Gentleman, and those with whom he acted, upon any other principle than as being a first step to the consummation they so devoutly laboured for, and nothing short of which would satisfy them—the entire annihilation of the Protestant Establishment in Ireland. Then with regard to the Bill which the hon. and learned Gentleman properly denominated his Bill, he maintained that that Bill did, in substance, if not in form, contain an Appropriation Clause, for it took forty per cent. from the permanent property of the Church and gave it to the landed interest, at the same time also making a present advance to the clergy out of the Perpetuity Purchase Fund—the hon. and learned Gentleman thus offering a part of the spoils to each of those whom he invited to become parties to

the spoliation; but they indignantly rejected the proposition; and what was the hon. Gentleman's subsequent comment upon it—that all he had meant in destroying the Protestant Church was, “to make two bites of the cherry.” It was quite contrary to the fact, as stated on the other side, that the friends of the Church had never proposed plans for its improvement, until the question of appropriation had been raised. His right hon. Friend on his right (Mr. Goulburn), and many other friends of the Church, had introduced various improvements into the tithe system, and into the Church itself. He must, before sitting down, deny the statement of the hon. Member for Tipperary, that the voice of the people of England was in favour of that measure; where did the hon. Gentleman find that voice? Was it in Devonshire? in Staffordshire? in Northamptonshire? or more recently in Warwickshire? No. And he was confident that the noble Lord opposite would not find it that night in the votes of the people of England's representatives. The English were a practical people; they would not be satisfied that the time of the House and the country was taken up with discussing the abstract principle of a non-existing surplus, in legislating upon a mere hypothesis; with that House practising a wilful delusion, while they neglected the settlement of the great and important question of tithe property and church improvement, to which the friends of the Irish Church were ready to assent; but the truth was, this Bill went to form, not to dissolve unions—to create, not to abolish pluralities—to prevent, instead of enforcing residence; and, so far from encouraging the working clergy, it was to take from them the means of their employment and subsistence. He entreated the noble Lord to lay aside for separate consideration this appropriation clause, which the noble Lord well knew had served the purpose for which it was originally introduced, and set himself and the Government in good earnest, and in conjunction with the friends of the Church, to the equitable adjustment of the important question of tithe property, which the noble Lord, the Secretary for Ireland, had described as so necessary for the peace and tranquillity of that country.

Lord John Russell spoke to the following effect: Although most unwilling, after so many debates upon this subject, and at this time of the evening, when the House is desirous to come to a division, to prolong the debate; yet I

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submit to the House, that the grave and serious charges, involving the honour and character of the Administration, which have been made by the noble Lord, make it impossible for me not to trespass upon its attention. When I put it to the Chair, whether the noble Lord, in urging such charges, was acting according to the orders of the House, I was told, that it was difficult to hold to the strict line of order, but that the Chairman took it for granted that an opportunity for a reply to those charges would be given. Now, Sir, it is in conformity with that opinion stated by the Chair, and in which I think the justice of the House will acquiesce, that I venture to implore your attention, while I give some reply to the charges which, as I have already said, although I might have expected them from others, although I should have little attended to them from the mouth of the right hon. Gentleman who has just down; yet, coming from the quarter that they came from, and surprising me as they do coming from that quarter, I cannot consistently, with the respect I owe my own character, omit to notice. Sir, the amount of the charge, as stated by the noble Lord, and as re-asserted in a different form by the right hon. Gentleman, is this, that upon the question now under consideration we have been driven by others, that we have been controlled by others, and, finally, that this clause has been introduced for some purpose, which purpose, as it has been sometimes expressed, and as it was clearly indicated throughout the speech of the noble Lord, was that of introducing a question on which we had no settled opinion, with the view of defeating the Ministry of the right hon. Gentleman opposite. I am obliged, therefore, to ask the attention of the House while I most unwillingly refer to something which passed when the noble Lord (Lord Stanley) and myself were colleagues together, and which at this distance of time, and after the noble Lord's attack, I feel myself at liberty to speak of. When the noble Lord and I were colleagues in 1832, the noble Lord stated in this House, the opinion which he has since so frequently and so consistently stated with respect to the Irish Church. I stated, on the other hand, that that Church was too great, not only for religious purposes, and for instructing the flock committed to it, but that it was too large for its own stability. At the latter end of 1832 or in 1833, a plan was prepared for the consideration of the Cabinet of that

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day, in accordance with the views of the noble Lord, but containing no appropriation for the benefit of the great mass of the people of Ireland. I did not conceal from that Cabinet; above all, I did not conceal from the head of that Cabinet, nor from the noble Lord, my decided opinion, that some part of the revenues of the Church of Ireland ought to be devoted to purposes of instruction, in which Roman Catholics might participate. Sir, the noble Lord who now charges me with being driven into this opinion, and who countenances and abets in this House the charge that we are basely endeavouring to retain office by means of upholding an opinion which is not ours, but which was forced on us by others, that noble Lord has heard from me, as his Colleague, sentiments as decided—if possible, more decided—than those which I have at any time uttered in this House upon the subject. I committed those opinions and sentiments to writing, in the form of a letter to Lord Grey, with which I intended to accompany my resignation of office; but I found that my resignation would have brought on, in a very short time, as he assured me, the resignation of Lord Althorp, who was then the leader of the Ministerial party in this House, and might ultimately have broken up the Cabinet. I was told by a Colleague whom I esteemed, and with whom I have the honour now to sit in the Cabinet, that the breaking up of the Ministry at such a time, just after the passing of the Reform Bill, when the party of the right hon. Gentleman opposite was so diminished, and when the country considered that the Government could only be conducted by Earl Grey—I was told that I should be taking upon myself a very awful responsibility, and that it might be the means of preventing the settlement of quiet and good Government in this country. I yielded to these opinions, but I did not yield to them without informing the noble Lord, the Member for Lancashire, that, although I agreed to support the Bill of which he was the author, and though I agreed not to divide against any clause in the Bill, yet that I maintained my own opinions; and that I considered the Bill as only the commencement of reforms and changes which I wished to introduce, and that, when that change was completed, and when Parliament should have given its assent to that Act, I should consider myself at liberty to bring forward and support the principle of

which I had been, with others, the advocate in the Cabinet. What was that principle? the very principle which the noble Lord now spoke of, as if it were an opinion taken up by me yesterday or to-day at the dictation of others. Well, Sir, I believe I shall not be contradicted either by the noble Lord or by my right hon. Friend, the Member for Cumberland, when I say, that I did support that Bill heartily and effectively in this House. Indeed, my right hon. Friend, the Member for Cumberland, quoted some passage out of the speech which I then delivered, while speaking upon the 147th Clause, to show that the opinion which I entertained at that time, and which I believe at the present time, was correct, that it would not be for the advantage of the country at that moment to create a division and break up the Cabinet on the question of appropriation, but that it would be better to carry the measure, then under discussion, without mixing up that question with it. As soon as that Bill had passed, I remember—I know not whether my right hon. Friend, the Member for Cumberland, will recollect it, but if he has any recollection of the circumstance he will confirm me in it—that I told him that my opinion was the same as ever, and I begged him to inform the noble Lord, the Member for Lancashire of it, if he thought fit; but, at all events, I desired him to receive it for his own information, that I considered myself at liberty at any time to moot in the cabinet and in Parliament that question, namely, the question of appropriation of Church revenue to purposes not now strictly called ecclesiastical. Well, Sir, in the course of the following year that question came to be a matter of discussion, and I was ready at the time, as far as I could, to defer for one year that division in the Cabinet which was evidently approaching, but I declared, and that openly, in my place in this House, that if ever there was a just complaint of a people, it was the complaint of the people of Ireland against the appropriation of the Church revenues, and that if it caused me to make the sacrifice of parting from those with whom I was united in affection and respect, yet I thought the cause was so mighty and important a one that I should not hesitate to make that sacrifice. The opinion of the majority of that Cabinet was in favour of the opinion which I professed, and the noble Lord, with three of my other Colleagues, retired from office upon that very question,

it being distinctly understood what was his opinion, on the one hand, and what was our opinion on the other. And, Sir, the House, I hope, will forgive me, after words used by me having been quoted, and opinions attributed to me from a misapprehension of those words, if I quote some observations which I made that very Session. I said, "after having declared against the establishment of the Roman Catholic religion in Ireland, I at the same time see nothing inconsistent or wrong in the appropriation of a part of any surplus of the Church revenues to the purposes of education, which, while it is a religious and moral education, shall also be of such a nature as will allow Roman Catholics as well as Protestants to partake of it equally." That is the opinion given by me on 23rd of June, 1834.* In the course of the same autumn the right hon. Baronet opposite came into power, and he, instead of declaring that he was ready, as we were, to consider that question, and to avow that there was nothing wrong in such an appropriation, declared directly that the principle of his Government was to resist such an appropriation. I found myself compelled then, as I had maintained that principle in the Cabinet of Lord Grey, and as I had declared in this House, that we would not go on another year, without asserting it in Parliament, when I was asked whether the questions of the Irish Church and of the Irish tithes were for ever to remain unsettled. I felt myself compelled, in conformity with the opinions I had already expressed, to declare that principle in the House, and to move that the House should agree to a resolution upon the subject. During a great part of the time that I have just gone over, the hon. and learned Gentleman, the Member for Kilkenny, was in opposition to the Government. In 1834 he was very much opposed to the Government, declaring his mistrust of our intentions. At a later period, indeed, when I brought the question forward, he, of course, seeing the resolution was in conformity with his own views, supported it. And now I ask the House, such having been my opinion for so long a time, both in the Cabinet and in the House, whether the imputation of the noble Lord can be well founded which has been thrown upon us? And, above all, I will ask whether, although it might be repeated as a useful cry by some of the retainers of the party of which the

right hon. Gentleman, the Member for Tamworth, is the head, whether, if among the cries, the imputations, and the calumnies of party, it was unavoidable that such calumnies should be used, still I ask the House, and I ask it with all solemnity, whether the noble Lord, the Member for Lancashire, ought to be the person to use it? The noble Lord says, that the hon. and learned Member for Kilkenny has written a letter, in which he declares that he will not pay, and never will be satisfied while he is required to pay tithes, and he proceeds to quote other opinions of the hon. and learned Member. Sir, that hon. and learned Gentleman, in the exercise of his own judgment, and in his own view of what is best for Ireland, has supported the present Government. The present Government has received from him undoubtedly strong, and, I must say, very fair, and honourable support. But I never found that the hon. and learned Member for Kilkenny ever gave up or at all renounced any one of his opinions upon the many subjects which have engaged his attention—opinions varying from ours, and which he carried to a much greater extent than we have ever been inclined to go, calling for Reforms not only with respect to the Irish Church, not only with respect to Irish tithes, but with respect to many questions relating to the domestic policy of this country. But, Sir, if the hon. and learned Member has not given up, or retracted, or swerved from his opinions, I think I may say that upon this subject, at least, we neither have changed our opinions. I ask you to look at the votes which we have given during this and the past year, and I will ask whether those votes have not been in conformity with the principles which we have always professed, and whether we have altered, or bent and retracted those opinions in order to make them conformable to those of the hon. and learned Member? Sir, my present opinions upon the Irish Church are the opinions which I have long held as an individual; the opinions which my Colleagues hold are those which they have held as individuals, and upon which they thought that some settlement of this question might be obtained. After all, this imputation, however much it may serve to round a period, and create a cheer in the debate—and no doubt this imputation has been framed for some such purpose—is directly contrary to every man's experience in this House who has had a seat in it during the last four years. I say it is so

* Haussard, (Third Series) vol. xxiv. p. 801.

contrary to all the experience of the House, that I own, I do wonder, although the retainers of the party may be permitted now and then to utter it, that any of the more respectable among them should be induced to give utterance to a charge so altogether devoid of any foundation in fact and in truth. The noble Lord has asked me to look at the last majority on this question, and to analyse that majority, and see if I shall not find many persons in it who wish to destroy the Church of Ireland, and to carry measures much further than I do. I might ask the noble Lord to look back to the majorities upon the Reform Bill, and upon many other Bills, in which he concurred, and he will find men of various opinions concurring with him. Let him look upon the majority when the Reform Bill was first brought forward, and lost by one vote. Were there not in that majority advocates of universal suffrage, and many who called for far more extensive changes than that which we advocated? Did this circumstance afford any grounds why those who considered the measure calculated to benefit the country should not bring it forward at all, or having passed it, should not abide by it? My opinion is, that the present measure, if passed, gives a fair prospect of the settlement of the question; and upon this point I must refer to what I have been told is a more correct representation of what fell from my noble Friend at the head of the Government, than has been quoted on the other side of the House. I have been informed, then, that what my noble Friend at the head of the Government, said was, that though the measure of last year might be felt as a severe blow, or severe shock, by the Protestants of Ireland, yet that he considered that there could not be framed a measure which would more firmly secure the Church of Ireland, and that at all events the Church would be thereby rendered far more secure than by letting the question alone. Such are the sentiments which fell from my noble Friend at the head of the Government. With respect to this present measure itself, without going back to the subject of former debates, I must say a few words both as to the representations which have been given of the opinions of this House upon this subject, and as to the actual state in which this Bill will leave the Church in Ireland. It was stated, that, in the course of the last debate, I said that the purpose of a Church Establishment was not to propagate a

doctrine, but to instruct a people, and it had been inferred, unjustly, that I disconnected from the objects and business of the Established Church in Ireland the promulgation of its doctrines. What I said, however, agrees fully with the opinions of Paley, and neither Paley nor any other man would say that it was not the duty of a minister to propagate the doctrines of his Church. The object was so to instruct the people as to have them versed in the doctrines of religion and of morality, and to take care that that instruction is given in the best possible manner. The hon. Member for Bradford said, in the early part of the debate that it is the duty of the State to have Protestant ministers, not only over Protestant flocks, but over Roman Catholic flocks, in order to teach them to become Protestants. This, no doubt, is a very laudable desire on the hon. Member's part; but the question is, how did the hon. Member propose to carry it into practical effect? Suppose that some reverend Protestant clergyman, learned and pious, and of sound doctrine, were set over a parish composed of 10,000 Roman Catholics and five Protestants, in what way would this Protestant clergyman contrive effectually to instruct the 10,000 Roman Catholics in his religious doctrines? It might be suggested, that the Roman Catholics should be forced, *vi et armis*, to go to church, and that tithes should be collected at the edge of the sword; but neither of these proceedings would be effectual in compelling the six millions of Roman Catholics in Ireland to receive the Protestant doctrines contrary to their faith. It is of no use merely to have a Protestant Establishment in Ireland. What I wish, and what I think others ought to wish, is to diffuse through that country a system of instruction, not limited to Protestant instruction, but which should partake of the common doctrines of Christianity—love to one's neighbour, charity to all men—the great and sublime doctrines in which the Roman Catholic was of one mind with us. Such a course of proceeding would best tend to the promotion of the true religion. Let every man, whether Protestant or Catholic, be well instructed, and thoroughly grounded in the great moral principle acknowledged by both faiths; and he would be a better man and a better subject than the man who was left without instruction, be he of what persuasion he may. It has been said, that in order to effect the object in view, that we are about

to dispose of the Protestant Church. I have never used, in reference to that Church, the sort of language which has been used in reference to it by an hon. Gentleman who has taken a very different tone in this night's debate. I have never said, as the hon. Member for Belfast once said, that "the Irish Church exhibited a pampered prelacy and a domineering Church Establishment." I have never used language such as this, which I must say is justly offensive to that Church; but, at the same time, I am not prepared, like the hon. Member, suddenly to shift and veer directly round in my opinions upon the subject. At this late hour of the night it is not my intention to carry the House into questions of figures, but in reference to some of the general results, I may describe in what state this plundering and spoliating measure left the Church of Ireland. These same words, plunder and spoliation, though applied by a Bishop in a visitation, a charge to the clergy of Exeter; and re-echoed by the noble Member for Lancashire, are indeed somewhat outrageous phrases, but they do not frighten Ministers from their well-considered purpose—and will not, I think, weigh much with the House when I place before it the state of the Irish Church as it will be when thus plundered and spoliated. There will be, under the Bill, two archbishops, having between them 17,780*l.*, or 8,890*l.* each. There are to be ten bishops, having between them 49,587*l.* The noble Lord, the Member for Lancashire, it will be recollected, when he brought forward his Church Temporalities' Bill, stated that the Bishop of one diocese in England had more benefices under his care than the whole of the bishops of the Church of Ireland. By the present Bill, the bishops will have on an average almost 5,000*l.* The Bill also leaves to the dignitaries and prebends 11,042*l.*, to the minor canons and vicars-choral 14,824*l.*, to the parochial clergy, in number 1,251, 368,350*l.*, to the curates, in number 241, 18,075*l.*, to vestry cess, and repair of churches, 60,000*l.*, to building new churches 20,000*l.*, to building glebe houses 10,000*l.*, ecclesiastical commissioners, &c., 14,000*l.*, making a total of 618,288*l.* for a Church Establishment of 805,000 persons, in a country where the whole of the inhabitants are not less than 8,000,000. The receipt was as follows:—

Net revenues arising from continuing archiepiscopal and episcopal sees	£67,867
Ditto belonging to dignities and prebends with cure ...	11,042
Ditto from minor canons and vicars'-choral estates... ..	14,324
Ditto from rent charges, glebe lands, ministers' money, and other funds of small amount	451,864
Amount of the general fund in the hands of the Ecclesiastical Commission, arising under the Church Temporalities' Act, the Act to alter and amend said Act, and the present Tithe Bill	139,140
Making a Total of	£683,737

There will remain, then, after providing for the Establishment in this magnificent manner, a surplus of 65,439*l.* available for the purpose of general education in Ireland. Was it too much to say, that they would indulge the wishes of the people of Ireland thus far, or that 6,500,000 of Roman Catholics should not be so total a blank as that the question of their religious instruction should be taken into account? Is it too much, then, to ask, having provided such an Establishment for Ireland, that Parliament will so far indulge the wishes of the people of Ireland, as to show them that the Roman Catholics of that country are not considered a total blank, but are taken into account in considering the important question of national education. If the sum be not a great one in amount, he conceived that he might rely upon its being gratefully accepted as a token and sign that the British Parliament took an interest in the people of Ireland. It will, above all, be favourably contrasted with the views taken by the noble Lord opposite, and others in and out of the House—views breathing insult and defiance to the great portion of the Irish people. The noble Lord has asked me to look at the majority of a former night, and has told me that on this occasion I may find it somewhat lessened. I am ready to leave it most confidently with the House to decide on which side of the question lies justice and good policy. If, however, instead of having a large majority, I should have no majority, or be left in a minority, then I will not hold myself responsible, either as a Minister of the Crown or as a Member of this House, for

attempting a settlement of this question by means which it is dreadful to contemplate—by means which must inevitably be attended with bloodshed—and must array the military force of this country against a great proportion of the people of Ireland. I have no wish to take that responsibility upon myself, and will willingly leave the noble Lord to collect the tithes in that way if he desire to try it. In my opinion, the people of Ireland are not to be kept down by force, unless we mix kindness and justice with our power; and having this opinion, whether in the place in which I now stand, or elsewhere, I shall oppose any votes for the purpose of carrying on an expensive and sanguinary campaign. The right hon. Gentleman who spoke last, has entreated me not to insist upon a mere abstract principle, but I must ask the right hon. Gentleman and others, not for the sake of the people of Ireland, who are groaning under the weight of the Established Church—not for the sake of religion, for that too is suffering—not for the sake of the State, for that is also paralysed by the existing state of things—but for the sake of an abstract principle, not to continue a struggle against the wishes of the people, and to refuse to remedy that grievance which is a just cause of complaint. I leave the whole question to the decision of the House, and, whatever that decision may be, I trust, with respect to the former part of my address, that I have vindicated myself from the imputation that I incur any dishonour in bringing forward this proposition, which my Colleagues and I conceive to be for the benefit of the country and conducive to the pacification of Ireland. If the House concur with me in this opinion, they will support my proposition; but if, on the contrary, they think differently, although they will thereby retract their former opinion, they will, notwithstanding, vote against the clause.

The Committee divided—

Ayes 290; Noes 264.—Majority 26.

List of the AYES.

Acheson, Lord	Attwood, T.
Adam, Sir C.	Bagshaw, J.
Aglionby, H. A.	Baines, E.
Ainsworth, P.	Baldwin, Dr.
Alston, R.	Ball, N.
Andover, Lord	Bannerman, A.
Angerstein, J.	Barclay, D.
Anson, hon. G.	Baring, F. T.
Astley, Sir J.	Barnard, E. G.

Barron, H. W.	Duncombe, T.
Barry, G. S.	Dundas, hon. J.
Beauclerk, Major	Dundas, hon. T.
Bellew, R. M.	Dunlop, J.
Bentinck, Lord W.	Ebrington, Lord
Berkeley, hon. F.	Elphinstone, H.
Berkeley, hon. C.	Etwall, R.
Berkeley, hon. G.	Euston, Earl of
Bewes, J.	Evans, G.
Biddulph, R.	Ewart, W.
Bish, T.	Fazakerley, J. N.
Blackburne, J.	Fellowes, hon. N.
Blake, M. J.	Fergus, J.
Blamire, W.	Ferguson, Sir R.
Blunt, Sir C.	Fergusson, rt. hn. R. C.
Bodkin, J.	Ferguson, R.
Bowes, J.	Fielden, J.
Bowring, Dr.	Finn, W. F.
Brabazon, Sir W.	Fitzgibbon, hon. R.
Brady, D. C.	Fitzroy, Lord C.
Bridgeman, H.	Fitzsimon, C.
Brocklehurst, J.	Fitzsimon, N.
Brodie, W. B.	Fort, J.
Brotherton, J.	French, F.
Browne, R. D.	Gaskell, D.
Buckingham, J. S.	Gillon, W. D.
Buller, E.	Gordon, R.
Buller, C.	Goring, H. D.
Bulwer, E. L.	Grattan, J.
Bulwer, H. L.	Grattan, H.
Burton, H.	Grey, hon. Colonel
Butler, hon. P.	Grey, Sir G.
Buxton, T. F.	Crosvenor, Lord R.
Byng, rt. hon. G.	Grote, G.
Callaghan, D.	Guest, J. J.
Campbell, W. F.	Gully, J.
Campbell, Sir J.	Hall, B.
Carter, J. B.	Handley, H.
Cave, R. O.	Hastie, A.
Cavendish, hon. C.	Harland, W. C.
Cavendish, hon. G.	Hawes, B.
Cayley, E. S.	Hawkins, J. H.
Chalmers, P.	Hay, Sir A. L.
Chapman, M. L.	Heathcoat, J.
Chichester, J. B. R.	Hector, C. J.
Childers, J. W.	Heneage, E.
Clay, W.	Heron, Sir R.
Clayton, Sir W.	Hindley, C.
Clements, Viscount	Hobhouse, rt. hon. Sir
Clive, E. B.	J.
Cockerell, Sir C.	Hodges, T. T.
Codrington, Sir E.	Hodges, T. L.
Collier, J.	Holland, E.
Conyngham, Lord A.	Horsman, E.
Cookes, T. H.	Howard, hon. E.
Cowper, hon. W.	Howard, P. H.
Crawford, W.	Howard, R.
Crawley, S.	Howick, Lord
Crompton, S.	Hume, J.
Curties, H. B.	Humphery, J.
Curties, Captain	Hurst, R. H.
Dalmeny, Lord	Hutt, W.
Denison, J. E.	Jephson, C. D. O.
Denison, W.	Jervis, J.
D'Eyncourt, rt. hon.	Johnston, A.
C. T.	Kemp, T. R.
Donkin, Sir R.	King, E. B.

Knox, hon. J. J.
 Labouchere, rt. hn. H.
 Lambton, H.
 Langton, G.
 Leader, J. T.
 Lefevre, C. S.
 Lennard, T. B.
 Lister, E. C.
 Loch, J.
 Long, W.
 Lushington, Dr.
 Lushington, C.
 Lynch, A. H.
 Mackenzie, J. S.
 M'Leod, R.
 M'Namara, Major
 M'Taggart, J.
 Maher, J.
 Mangles, J.
 Marjoribanks, S.
 Marshall, W.
 Marsland, H.
 Maule, hon. F.
 Methuen, P.
 Molesworth, Sir W.
 Morpeth, Lord
 Morrison, S.
 Mostyn, hon. E.
 Mullins, F. W.
 Murray, J. A.
 Musgrave, Sir R. A.
 Nagle, Sir R.
 O'Brien, W. S.
 O'Connell, M. J.
 O'Connell, D.
 O'Connell, M.
 O'Connell, J.
 O'Ferrall, R. M.
 Oliphant, L.
 O'Loghlen, M.
 Ord, W.
 Oswald, J.
 Paget, F.
 Palmer, General
 Palmerston, Lord
 Parker, J.
 Parrott, J.
 Pattison, J.
 Pease, J.
 Pelham, hon. C. A.
 Pendarves, E. W. W.
 Philips, G. R.
 Philips, M.
 Ponsonby, hon. W.
 Ponsonby, hon. J.
 Potter, R.
 Poulter, J. S.
 Power, J.
 Price, Sir R.
 Pryse, P.
 Pusey, P.
 Ramsbottom, J.
 Rice, rt. hon. T. S.
 Rippon, C.
 Roberts, A. W.
 Robinson, G. R.
 Roche, W.
 Roche, D.
 Rolfe, Sir R. M.
 Rooper, J. B.
 Rundle, J.
 Russell, Lord
 Russell, Lord J.
 Russell, Lord C.
 Ruthven, E.
 Sanford, E. A.
 Scholefield, J.
 Scott, J. W.
 Scrope, G. P.
 Seale, Colonel
 Seymour, Lord
 Sharpe, General
 Sheil, R. L.
 Simeon, Sir R.
 Smith, B.
 Smith, J. A.
 Smith, R. V.
 Smith, hon. R.
 Stanley, hon. H. T.
 Steuart, R.
 Stewart, P. M.
 Strickland, Sir G.
 Strutt, E.
 Stuart, Lord D.
 Stuart, Lord J.
 Stuart, W. V.
 Talbot, C. R. M.
 Talbot, J. H.
 Talfourd, Sergeant
 Tancred, H. W.
 Thompson, Colonel
 Thomson, rt. hn. C. P.
 Thornely, T.
 Tooke, W.
 Tracy, C. H.
 Trelawney, Sir S.
 Troubridge, Sir E. T.
 Tulk, C. A.
 Tynte, C. J. K.
 Verney, Sir H.
 Villiers, C. P.
 Vivian, Major
 Vivian, J. H.
 Wakley, T.
 Walker, C. A.
 Walker, R.
 Wallace, R.
 Warburton, H.
 Ward, H. G.
 Wason, R.
 Westenra, hon. H. R.
 Westenra, hon. Col.
 Whalley, Sir S.
 Wigney, I. N.
 Wilbraham, G.
 Wilde, Sergeant
 Wilkins, W.
 Wilks, J.
 Williams W.
 Williams, Sir J.
 Williams, W. A.
 Williamson, Sir H.
 Wilson, H.
 Winnington, Capt.

Wood, M.
 Wood, C.
 Woulfe, Sergeant
 Wrightson, W. B.
 Wrottesley, Sir J.

Wyse, T.
 Young, G. F.
 TELLER.
 Stanley, E. J.

List of the NOES.

Agnew, Sir A.
 Alsager, Captain
 Arbuthnot, hon. Gen.
 Archdall, M.
 Ashley, Lord
 Ashley, hon. H.
 Attwood, M.
 Bagot, hon. W.
 Bailey, J.
 Baillie, Colonel
 Balfour, T.
 Barclay, C.
 Baring, T.
 Baring, H.
 Baring, hon. W. B.
 Baring, hon. F.
 Bateson, Sir R.
 Beckett, rt. hn. Sir J.
 Bell, M.
 Benett, J.
 Bentinck, Lord G.
 Beresford, Sir J. P.
 Bethell, R.
 Blackburne, J. I.
 Blackstone, W. S.
 Boldero, Captain
 Bolling, W.
 Bonham, F. R.
 Borthwick, P.
 Bradshaw, J.
 Bramston, T. W.
 Brownrigg, J. S.
 Bruce, Lord E.
 Brudenell, Lord
 Bruen, Colonel
 Bruen, F.
 Buller, Sir J.
 Burrell, Sir C.
 Calcraft, J. H.
 Campbell, Sir H. P.
 Canning, rt. hn. Sir S.
 Cartwright, W. R.
 Castlereagh, Viscount
 Chandos, Marquess of
 Chaplin, Lieut.-Col.
 Chapman, A.
 Chichester, A.
 Chisholm, A.
 Clive, Viscount
 Clive, hon. B.
 Codrington, C. W.
 Cole, Lord
 Cole, hon. A.
 Compton, H. C.
 Coote, Sir C.
 Copeland, W. T.
 Corbett, T. G.
 Corry, rt. hon. H.
 Dalbiac, Sir C.
 Darlington, Earl of
 Dick, Q.
 Dotten, A. R.
 Dowdeswell, W.
 Duffield, T.
 Dugdale, W S
 Dunbar, G.
 Duncombe, hon. A.
 East, J. B.
 Eastnor, Viscount
 Eaton, R. J.
 Egerton, Lord F.
 Egerton, Sir P.
 Egerton, W. T.
 Elley, Sir J.
 Elwes, J. P.
 Entwistle, J.
 Estcourt, T. G. B.
 Estcourt, T. S. B.
 Fancourt, Major
 Ferguson, Captain
 Ferguson, Sir R. A.
 Feilden, W.
 Finch, G.
 Fleetwood, P. H.
 Fleming, J.
 Follett, Sir W.
 Forbes, W.
 Forrester, hon. C.
 Forster, C.
 Fremantle, Sir T.
 Freshfield, J. W.
 Gaskell, J. M.
 Geary, Sir W.
 Gladstone, T.
 Gladstone, W. E.
 Glynne, Sir S.
 Goodricke, Sir F.
 Gordon, hon. W.
 Gore, W. O.
 Goulburn, rt. hon. H.
 Goulburn, Sergeant
 Graham, right hon. Sir
 J.
 Greene, T.
 Gresley, Sir R.
 Grimston, Viscount
 Grimston, hon. E.
 Hale, R. B.
 Halford, H.
 Halse, J.
 Hamilton, Lord C.
 Hamilton, G. A.
 Hanmer, Sir J.
 Harcourt, G. V.
 Hardinge, rt. hn. Sir
 H.
 Hardy, J.
 Hawkes, T.
 Hay, Sir J.
 Hayes, Sir E.
 Henniker, Lord
 Herbert, hon. S.

Herries, rt. hon. J. C. Peel, rt. hon. Sir R.
 Hill, Lord A. Peel, Colonel
 Hill, Sir R. Pemberton, Thomas
 Hogg, J. W. Penruddocke, J. H.
 Hope, hon. J. Perceval, Colonel
 Hope, H. T. Pigot, R.
 Hotham, Lord Plumptre, J. P.
 Houldsworth, T. Plunket, hon. R. E.
 Hoy, J. B. Polhill, Captain
 Hughes, H. Pollen, Sir J. W.
 Inglis, Sir R. H. Pollington, Lord
 Irtou, S. Pollock, Sir F.
 Jackson, Sergeant Powell, Colonel
 Jermyn, Earl Poyntz, W. S.
 Johnstone, Sir J. Praed, W. M.
 Johnstone, J. J. H. Praed, J. B.
 Jones, Captain Price, S. G.
 Jones, W. Price, R.
 Kearsley, J. H. Pringle, A.
 Kerr, D. Rae, rt. hon. Sir W.
 Kerrison, Sir E. Reid, Sir J. R.
 Kirk, P. Richards, J.
 Knight, H. G. Richards, R.
 Knatchbull, right. hon. Rickford, W.
 Sir E. Ross, C.
 Knightley, Sir C. Rushbrooke, Colonel
 Law, hon. C. E. Russell, C.
 Lawson, A. Ryle, J.
 Lefroy, rt. hon. T. Sanderson, R.
 Lefroy, A. Sandon, Lord
 Lemon, Sir C. Scarlett, hon. R.
 Lennox, Lord G. Scott, Lord J.
 Lennox, Lord A. Scott, Sir E. D.
 Lewis, W. Scourfield, W. H.
 Lewis, D. Shaw, rt. hon. F.
 Lincoln, Earl of Sheppard, T.
 Longfield, R. Shirley, J.
 Lowther, Lord Sibthorp, Colonel
 Lowther, hon. H. Smith, A.
 Lowther, J. H. Smith, T. A.
 Lushington, hon. S. R. Smyth, Sir H.
 Lygon, hon. Colonel Somers, Lord E.
 Mackinnon, W. A. Somerset, Lord G.
 Maclean, D. Spry, Sir S. T.
 Mahon, Lord Stanley, Lord
 Manners, Lord C. S. Stanley, E.
 Marsland, T. Stewart, Sir M. S.
 Martin, J. Stormont, Lord
 Mathew, Captain Sturt, H. C.
 Meynell, Captain Tennent, J. E.
 Miles, P. J. Thomas, Lieut.-Col.
 Miller, W. H. Thompson, W.
 Mordaunt, Sir J. Tollemache, hon. A.
 Morgan, C. M. Townsend, Lord J.
 Neeld, Joseph Trench, Sir F.
 Neeld, John Trevor, hon. G. R.
 Nicholl, Dr. Trevor, hon. A.
 Norreys, Lord Twiss, H.
 North, F. Tyrrell, Sir J. T.
 Owen, Sir J. Vere, Sir C. B.
 Owen, H. O. Vesey, hon. T.
 Packe, C. W. Vivian, J. E.
 Palmer, R. Vyvyan, Sir R.
 Palmer, G. Wall, C. B.
 Parker, M. E. Walpole, Lord
 Parry, Sir L. P. J. Walter, J.
 Patten, J. W. Welby, G. E.

Weyland, Major
 Whitmore, T. C.
 Wilbraham, hon. B.
 Williams, R.
 Williams, T. P.
 Wilmot, Sir J. E.
 Wodehouse, E.

Wood, Colonel
 Wortley, hon. J. S.
 Wyndham, W.
 Yorke, hon. E.
 Young, Sir W.
 TELLER.
 Clerk, Sir G.

Paired off.

FOR.	AGAINST.
Belfast, Earl	Alford, Lord
Burdon, W.	Barneby, J.
Churchill, Lord C.	Bruce, C. L. C.
Colborne, N. W. R.	Conolly, Colonel
Divett, E.	Cooper, E. J.
Dobbin, L.	Crewe, Sir G.
Folkes, Sir W.	Cripps, J.
Gisborne, T.	Davenport, J.
Hallyburton, hn. D. G.	Duncombe, hon. W.
Hoskins, K.	Grant, hon. Colonel
Kerry, Earl of	Greville, hon. Sir C.
Lee, J. L.	Lees, J. F.
Martin, T.	Lopes, Sir R.
O'Brien, C.	Lucas, E.
O'Connell, M.	Mandeville, Lord
O'Connor, Don	Maunsell, T. P.
Parnell, rt. hn. Sir H.	Maxwell, H.
Pechell, Captain	Maxwell, J.
Phillipps, C. M.	O'Neill, hon. Gen.
Pryme, G.	Ossulston, Lord
Spiers, A.	Peel, rt. hn. W.
Turner, W.	Peel, E.
Tynte, Colonel	Sinclair, Sir G.
Wemyss, Captain	West, J. B.
White, S.	Wynn, Sir W.
Winnington, Sir T.	Wynn, rt. hon. C. W.

The clause was accordingly agreed to.

The House resumed, and the Chairman reported progress and obtained leave to sit again.

The other orders of the day were then disposed of, and the House adjourned.

HOUSE OF LORDS,

Tuesday, July 5, 1836.

MINUTES.] Bills. Read a third time:—*Petty Sessions (Ireland).*—Read a second time:—*Horse Patrol; Blackheath Small Debts; Westminster Small Debts; Liverpool Court of Requests.*

Petitions presented. By Lord KENYON, from St. Michael, Derby, for a Better Observance of the Sabbath; from Norwich, for the Repeal of Poor-Law Amendment Act; and from Marylebone, against the Registration of Births' Bill.—By the Marquess of HUNTLEY, from Inverness, against the Universities' (Scotland) Bill.—By the Earl of HADDINGTON, from Edinburgh, against the Heriot's Hospital Bill.—By Lord FITZGERALD and VASSO, from St. George, Dublin, against the Municipal Corporations (Ireland) Bill.

HOUSE OF COMMONS,

Tuesday, July 5, 1836.

MINUTES.] Bills. Read a second time:—*County Election Polls; Sale of Bread; Relief Entail; Valuation (Ireland).* Read a first time:—*Arms (Ireland); Turnpike Road (Ireland).*

Petitions presented. By Mr. AGLIOSBY, from Nairn, for

A motion for its production had been made in the Court of Proprietors, and there it was, and there the hon. Member, if he thought fit, might consult it. If the hon. Member wanted any assurance on the subject, he (Sir J. C. Hobhouse) had no objection to say, that unless that despatch were properly acted upon, it would be his duty to urge the adoption of such measures as might seem necessary.

WAR IN SPAIN—GENERAL ORDER.]

Sir Robert Peel wished to put a question to the noble Lord opposite respecting a document which appeared yesterday, and was repeated to-day, in the newspapers. It was an order, bearing the signature of the officer in command of the British auxiliary force in Spain. It had some external marks of authenticity, but the internal evidence seemed to prove that it was a fabrication. This general order professed to state that, as the auxiliary legion was acting with the British naval force belonging to his Majesty, on that account all British subjects found in the service of Don Carlos would be treated as rebels punishable with death, and would be dealt with according to law. He presumed that such a document could not be authentic; but as it was in general circulation, and as the noble Lord was possibly in possession of information enabling him to pronounce it genuine or spurious, perhaps he would think it important to do so, and would be glad of the earliest opportunity of adverting to it.

Viscount Palmerston: The right hon. Baronet must be aware that the question related to the acts of an officer not in the British service, nor under the orders of the British Government, for whose acts the British Government could not be responsible, and regarding which they could have no official cognizance. He had seen the order referred to by the right hon. Baronet, and if he were asked as an individual, and not as a Minister of the Crown, in which capacity he had no information to give, he felt bound to say that he believed an order to the effect stated had been issued. He had been asked the question, and he had answered it, and it was unnecessary perhaps for him to add, that any order issued by a general in the Spanish service could not be considered an interpretation of the laws of Great Britain.

Lord Mahon wished to put one very

plain question to the noble Lord. Was Great Britain at peace or at war? That was a very plain question, and he thought it must be a very tortuous policy not to give a plain answer to it.

The Speaker reminded the noble Lord that in putting a question he had no right to enter into an argument.

Viscount Palmerston: the noble Lord, in putting his plain question, need not have gone into any argument on tortuous policy. He had asked whether Great Britain was at peace or war? His answer was, that Great Britain had signed a treaty with Spain, under which she was bound to give to the Queen of Spain the co-operation of a naval force, if necessary, and the British Government was executing fully and efficiently the tenor of the obligation.

An Hon. Member begged to know for what purpose a detachment of sappers and miners had been embarked on the river Thames? If they were destined for Spain, perhaps the noble Lord would point out the clause of the treaty which justified such a proceeding.

Lord Palmerston answered, that Lord John Hay had represented that such a force was necessary, in order to secure his anchorage, and to throw up works for the protection of his Majesty's ships, an undertaking he had not been able to complete with the men under his command. An officer and a certain number of sappers and miners had therefore been directed to proceed to Spain to act under the orders of Lord John Hay, in order to assist him in his necessary operations.

FEMALE EMIGRATION.] Mr. Walter said, that he should avail himself of the opportunity which was afforded him by the conversation that had occurred with reference to Van Dieman's Land, to bring under the notice of the House a subject which appeared to him to be of considerable importance. Perceiving very recently a large placard, of which he held a copy in his hand, exhibited in the window of a country post-office, he inquired how it came there, and was shown a letter from the Secretary of the Post-office in London, directing the postmaster to place one of the accompanying notices relating to female emigration in a conspicuous part of the window, to keep it so exhibited till the vessel alluded to should sail, and to distribute copies of the placard among the

naval arsenal his honour cannot allow of any salute being fired from that place.

"I have the honour to be, &c.

"Approved, if customary, H. Greig, A.C.S. by order—C. Bayley, M.S.

"To the Officer commanding the Royal artillery."

Extract from the *Malla Government Gazette*, Nov. 4th, 1823, on the exaltation of the High Pontiff, Pope Leo. XII. to the chair of St. Peter:—

"During the celebration of mass, a guard of honour attended at the church, consisting of a detachment from the 80th regiment of Foot, with their band and colours, two field pieces, and a competent proportion of artillerymen. The soldiers were stationed in two lines in the centre of the church, and the guns were placed at the portal. During the chanting of the *Te Deum*, a royal salute of twenty-one guns was fired from the saluting battery of Fort St. Angelo, and also from the batteries of Cita Notabile."

General Orders.

"Adjutant-General's-office, Ionian Islands, Head-quarters, Corfu, Nov. 13, 1824.

"No. II. Major-General Sir P. Ross, K.C. St. Michael and St. George, with all the officers of the garrison and departments off duty, will be pleased to meet his Excellency the Lord High Commissioner at the palace tomorrow morning at ten minutes before eleven, to attend the ceremony and procession of St. Spiridione.

(Signed) "G. Raitt, D.A.G."

Extract of a letter from an officer on the staff, June 29, 1833, describing what he had witnessed, and the part he had also been called to take in the religious ceremonies at Corfu:—

"On two occasions, during my stay at Corfu, the British troops took part in the ceremonies. On the 1st December, 1831, the body of St. Spiridione was shown in state, for what purpose I forget, but I went to see it; there was a guard of the 28th Regiment, which had to present arms at certain times, *when told by the person who kept near the subaltern for that purpose.*

"The second occasion was on Palm Sunday, 15th of April, 1832, on which I made the following memorandum:—"At eleven o'clock, Sir A. Woodford and other officers of the garrison, having assembled at the palace, proceeded to the church of St. Spiridione—whence, after some chanting, *during which Sir A. Woodford stood with a wax-taper in his hand* (the Lord High Commissioner not attending the procession, being ill, as I was told—wax candles were also distributed to as many as liked to hold them), the body of the so called saint was carried out, and a canopy being held over it, it proceeded first to the palace, round the Line-wall, *up the principal streets, and so*

round to the ramparts, behind the Raimond Barracks, where we halted a few minutes, *to let the saint bless the country*, thence across the esplanade, and round by the palace, when the second salute from the battery was fired, and so back to the church. Sir A. Woodford allowed us to keep our hats on, which Sir F. Adam, had he been well, would not have permitted. Two bands attended, and a captain's guard, plenty of wax candles of immense size, banners, sick people, and children, were placed in the middle of the road for the saint to pass over. The canopy was supported by officers, or any who chose. Some of the people at the windows were weeping and crying bitterly. On the first occasion the crowd in the street was pressing forward to kiss the feet, which seemed to be of wood, and bringing children for the same purpose."

Extract of a letter from the Rev. G. F. Dawson, published in the *Record*, April 14th, 1834:—

"At Zante four processions occur, — 1. Corpus Christi; 2. Dyonisius, the patron, who, along with St. Spiridione, *takes his turn to assist the Greek cause*; 3. That of Santi Panti, answering, I suppose, to our All Saints' day, when a picture with many hundred heads is paraded (and these saints take their turn too); 4. That of Caro-Lambo; who he is I know not, but he was burned all but his thumb, which is paraded in a silver tumbler annually. These are the processions our officers attend at Zante. I speak on the information of a Christian, who carried candles there. On the latter occasion, the procession is made through the town to the sea, the thumb is dipped into the sea, a signal is made to the castle at the moment, a salute is fired from thence by our soldiers, and *the plague prevented from crossing the sea to the island till the return of the same festival.* Do pray draw out this to your mind; a thumb of a dead man, paraded under a canopy held by British officers, followed by the garrison and priesthood together, with lighted tapers, bareheaded, and dipped in the ocean to effect a work I have noticed, saluted by the garrison in the castle. Is this to be tolerated as attention to feelings, prejudices, habits? Can the enforcement of such a usage in Parliament be mentioned, and not be put down?

"At Santa Maura and Cephalonia, processions are carried on likewise."

Extract of a letter from India, published in the *Record* of January 18th, 1836, authenticated to the editor:—

"In order to expose the system which now obtains in this presidency (Madras), I propose at present to confine my remarks to some occurrences which have recently taken place at one of its principal stations—the site of a court of circuit, and the head-quarters of a division of the army. By his Majesty's regulations, and by the articles of war, the European

united to us, it would tend much to shake the grounds upon which that union rested. He should, therefore, oppose the motion; and he did not think the House would consider the practice, which had existed from the earliest time, and to which it had not been the custom or policy of this country to object, except in reference to such particular instances as had been brought forward last year, ought to be interfered with in the manner proposed.

Mr. *Hardy* was quite sure that the noble Lord, if he would take the trouble to inquire, would find numerous instances of officers having suffered a violation of their consciences and religious principles on the point which had been stated by the hon. Member for Kent, but they had not made any representations on the subject, for very obvious reasons. It was not strange that persons should feel a strong objection to be called upon to join in ceremonies which were inconsistent with their own sense of duty and religious belief; and that argument was constantly urged upon Ministers from an opposite quarter in reference to other questions. Many officers in the British army were duly impressed with this subject, but they dared not to speak out, for fear of consequences fatal to their future career. It was high time that the practice was done away with.

Mr. *Hume* entertained no doubt it was extremely desirable that in the army and navy, as well as in civil life, all restrictions upon religious principles and belief should be removed, and that no man should be compelled to do violence to his own conscience. It was on that ground that he had always objected to the exaction of church-rates, and every other coercive impost affecting the conscientious feelings of those who were called on to pay them. He himself had witnessed instances abroad wherein British officers were made to join in religious processions, to carry flambeaux, and fire salutes in honour of those practices to which they were conscientiously hostile, but it was never considered they were performing a religious duty—they were only acting a part in the show out of compliment to the people of the country. He had never wished to see a man's religious scruples disregarded, however extravagant they might be, and thought, therefore, that it was the duty of commanding officers in the army to be as careful as possible to meet the

views of those under them who differed in religion. He certainly did not approve of the course pursued towards the gentleman referred to by the hon. Member for Kent, and he thought the Government would do an act of justice if they reinstated him.

Captain *Boldero* stated, that he had witnessed some scenes of the most extravagantly superstitious nature, such as processions of saints, in Roman Catholic countries in which the Protestant officers and men of the British army were compelled to take part, very much to their annoyance. The sooner the practice was done away with the better.

Mr. *Cutlar Fergusson* said, that Captain Aitcheson had been punished, not for refusing to join in a religious ceremony contrary to his feelings, but for not performing a military duty. He regretted the dismissal of that gentleman, because he believed his character in all other respects unimpeachable. It was, however, necessary to show the army, that discipline must be maintained.

Mr. *Wyse* had always supported civil and religious freedom, and, therefore, was anxious to see it carried out as well in respect to the principles of Protestants as Roman Catholics. He did not wish to see people compelled to pay tithes or church-rates against their consciences, and he was equally anxious that Protestants of every grade, whether Episcopalians or Presbyterians, should not be compelled to do violence to their consciences by paying outward respect to superstitions or practices to which they were totally hostile. He could not see how custom or prejudice afforded any good argument in favour of the practice against which the motion was directed. He hoped that England would govern her colonies in a good spirit, so as to produce an union between them and herself, and all such questions as the present might then be very easily settled.

Mr. *Lefroy* supported the motion before the House, not because it went to revise the judgment of a Court Martial, but because Courts Martial were compelled, under the present system, to dismiss officers from the army because they would not violate their conscientious feelings. He trusted that the hon. Member would divide the House, and persevere until he should at last obtain justice from the House.

Mr. *Henry L. Bulwer* stated it to be his

and the Maltese, as well as the inhabitants of the Ionian Islands, it was agreed that all these ceremonies should be observed.

Mr. *Thomas Duncombe* must say, if the conduct of Captain Aitcheson was, in fact, a gross breach of duty, as it had been described, then what became of the argument of the noble Lord below him, who founded his opposition to the address on the ground that a discretionary power ought to be given to commanding officers as to the refusal or non-refusal to discharge such duties? There was a great principle involved in the motion, which, if carried, and it should go forth to the army, he was sure military discipline would not suffer from it.

Mr. *O'Connell* should, if the motion were pressed to a division, vote for it. As regarded private soldiers, those of the Roman Catholic persuasion had enjoyed religious liberty for many years. He remembered one case where a private soldier was sentenced by a Court Martial to be flogged for refusing to attend a Protestant place of worship. An application, however, was made to the Court of King's Bench. That court immediately granted a *habeas corpus*; and from that time the Catholic soldier had enjoyed the same liberty of conscience as the Protestant. The same liberty of conscience ought to prevail in the army as out of it, and the men would not be the worse soldiers for it.

The Earl of *Darlington* considered that cases might occur in the Colonies in which it might be necessary, in order to preserve peace and harmony, to observe these ceremonies, and he thought it would be very injurious if the address were carried.

Dr. *Bowring* said, the question of military discipline ought by no means to weigh down the higher claims of conscience. [*Hear, hear!*] Had the address involved an approval of the conduct of Captain Aitcheson, he certainly could not, after the statement of the right hon. Member for Leeds, have concurred in it. But the motion proclaimed a true, a generous, a philanthropic, and a Christian principle. It respected, and forced others to respect, the religious scruples of their neighbours. He thanked the hon. Member for bringing forward the motion, were it only that it had led to the expression of so much of charitable and really catholic sentiment, in which none had more strikingly participated than the Roman Catholic Members who had taken a part in the debate.

Something was gained for the cause of general religious freedom when the rights of conscience were so ably advocated by men of different persuasions; and the asperity of sectarian controversy would soon be softened, if the disposition to respect the opinions of others, which the motion recognised, were more generally diffused.

Colonel *Thompson* felt great pleasure in being able to support a motion proposed by an hon. Member to whom he was so frequently opposed. The Sepoy would not wear a pig-skin to make part of a show. Why then, he would ask, was not the conscience of the English soldier to be respected as much as the conscience of the Hindoo or the Mahometan soldier? He hoped the hon. Mover would press his motion to a division.

The House divided on the original question: Ayes 44; Noes 38; Majority 6.

List of the AYES.

Aglionby, H. A.	Marsland, T.
Barclay, D.	Morgan, C. M. R.
Baring, F. T.	Morpeth, Lord
Beckett, rt. hon. Sir J.	North, F.
Bellew, R. M.	Oswald, J.
Bewes, T.	Parrot, J.
Blamire, W.	Parry, Sir L. P. J.
Bulwer, H. L.	Price, Sir R.
Campbell, Sir J.	Rice, right hon. T. S.
Chapman, L.	Ross, C.
Clements, Lord	Russell, Lord J.
Darlington, Earl of	Scott, J. W.
Dillwyn, L. W.	Smith, R. V.
Ebrington, Lord	Smith, B.
Fector, J. M.	Stewart, R.
Fergus, J.	Tancred, H. W.
Fergusson, rt. hn. R. C.	Thomson, rt. hn. C. P.
Graham, rt. hn. Sir J.	Troubridge, Sir E. T.
Heathcote, G. J.	Warburton, H.
Hobhouse, rt. hn. Sir J.	Ward, H. G.
Horsman, E.	
Howard, P. H.	TELLERS.
Howick, Lord	Stanley, E. J.
Lennox, Lord G.	Dalmeny, Lord

List of the NOES.

Baines, E.	Lennox, Lord A.
Barnard, E. G.	Lister, E. C.
Bodkin, J. J.	Lushington, C.
Boldero, H. G.	Mackinnon, W. A.
Bowring, Dr.	Maunsell, T. P.
Brotherton, J.	O'Brien, W. S.
Burrell, Sir C.	O'Connell, D.
Chisholm, A. W.	O'Connell, M. J.
Duncombe, T.	O'Connell, M.
Hardy, J.	Plunkett, hon. R. E.
Hume, J.	Price, S. G.
Humphery, J.	Pryme, G.
Hutt, W.	Pusey, P.
Johnston, A.	Shaw, right hon. F.
Jones, T.	Thompson, Colonel
Lefroy, A.	Trevor, hon. A.

Wakley, T. Young, G. F.
 Wason, R. TELLERS.
 Williams, W. Plumptre, J. P.
 Wilmot, Sir J. E. Lefroy, rt. hon. T.
 Wyse, T.

HOUSE OF LORDS.] Mr. William S. O'Brien rose for the purpose of moving certain resolutions of which he had given notice, expressive of the regret experienced by the House at the conduct of the House of Lords, in rejecting the Bill for the Reform of the Municipal Corporations in Ireland. He thought it highly incumbent upon every Irish Member to express the indignation with which they had viewed these proceedings.

Mr. *Rigby Wason* interrupted the hon. Member, and urged him not to press his motion.

Mr. O'Connell said, that although he was as sensible as any body could be of the indignity offered to the people of Ireland by the House of Lords, he did not think that the course proposed by the hon. Member would be the right one to give expression to that feeling.

Mr. William S. O'Brien said, if the general feeling of the House was against the course he was about to pursue, he would consent to withdraw his motion.

Motion withdrawn.

Order of the day read, on the motion that the House go into Committee.

TITHES AND CHURCH, IRELAND.] The House then resolved itself into a Committee on the Church and Tithes (Ireland) Bill.

Some new clauses were added, and also a proviso for the purpose of constituting privy councillors of Ireland *ex officio* members of the Ecclesiastical Commission.

The preamble to the Bill was agreed to: the House resumed, and the Bill was reported.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.] On the motion of the Attorney-General, the order of the day for taking into consideration the Lords' amendments to the English Municipal Corporations' Act Amendment Bill was read.

The Attorney-General then said, that it was with great satisfaction he thought that with respect to this Bill the amendments which had been made were not likely to create any difference of opinion between the two Houses of Parliament. The Bill had originally been so framed as to avoid giving any offence elsewhere, and the House of Lords had returned the Bill,

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which contained, as amended, only two or three points to which it was necessary to call the attention of the House. It was his duty to call the attention of the House to two amendments only with respect to which he thought they ought to disagree with the Lords. The first of these related to the manner in which the election of aldermen and mayor should be carried on in boroughs where the town-councillors were equally divided. In two boroughs at the last municipal election the town-council was divided nine against nine; they could not agree upon the election of aldermen, and sat till twelve o'clock, after which no alderman could be elected under the Act. By the Bill sent up from the Commons it was provided, to remedy this inconvenience, that the councillor who had the greatest number of votes should preside at the election, but should not give the casting vote, and that where the council could not agree in their selection of aldermen and mayor, the election should be referred to the constituent body. This seemed the wisest course that could be pursued, because the constituent body having elected councillors so opposite in sentiment, were likely to choose the aldermen from both parties also. The House of Lords had, however, thought that a different course ought to be adopted, and had referred the election to mere chance, which was, to determine whether the majority in a corporation should be Reforming or Conservative, for they proposed that the councillor who was to preside at the election should be chosen by lot, and that he should have two votes, his own and a casting vote in case of an equality. Now, to this amendment he could not advise the House to agree. He should move, that if the town-council could not agree in their selection of aldermen and mayor, the election should be referred to the constituent body, and he thought that if the town-council found that if they continued obstinate they would not have the power of election at all, they would most probably compromise their differences. The second point to which he had to call the attention of the House was the clause relating to charitable trustees who were left by the English Corporation Act in the same situation as they were before the passing of the Act, till November 1, 1836, and if Parliament did not make any provision respecting it in the meanwhile, the Lord Chancellor, who was at the head of the charitable institutions of the country, was to take them under his care. Now, the

House of Lords had prolonged his clause for another year, and that amendment he could not recommend the House to agree to, as the operation of the clause had been found to be very inconvenient, and a Bill had been introduced by his hon. Friend, the Member for Northampton, relating to charitable trustees, by which the rate-payers were to elect, but each rate-payer was to vote for only half the number of candidates, so that each side was sure to be fairly represented. Their Lordships were probably not aware that this Bill had been introduced into the House, which they would no doubt find very fair and equitable, and therefore he should recommend the House to dissent from that amendment of the House of Lords. There was another clause which had been pointed out to him by his hon. and learned Friend the Member for Exeter, relating to small courts in the different boroughs. Now, as the clause came down from the Lords, the recorder was only enabled to sit four times in the year, but it was essential that many of these courts should sit from week to week, and he therefore should propose that the recorder should have a right to appoint a deputy to sit for him, who should receive such remuneration for his services as the town-council should appoint. With respect to the last clause of the Bill, which affected the rival jurisdictions of the town and University of Cambridge, and was to settle the dispute between town and gown, as the right hon. Gentleman, the Member for the University of Cambridge, was not then in his place, he would not proceed with it in his absence, but would propose that the further consideration of it be postponed till the right hon. Gentleman was able to attend in his place, and then the right hon. Gentleman, and his right hon. Friend, the Chancellor of the Exchequer, being present, the claims of town and gown might be satisfactorily adjusted.

Motion agreed to. Lords' amendments taken into consideration; several agreed to, others disagreed to; the amendments to be further considered.

PAPER DUTIES.] On the motion of the Chancellor of the Exchequer, the House resolved itself into Committee on the Paper Duties Bill.

- Mr. Pease was anxious to know whether it was the intention of the right hon. Gentleman the Chancellor of the Exchequer to continue the existence of the drawback allowed to the King's printer

and the two Universities. The reason he put the question was, because he knew it was looked upon as no slight grievance that in the present state of these drawbacks, the printers to whom he had referred were enabled to compete with unfair advantages in their favour.

The *Chancellor of the Exchequer* replied, that it was his intention to let these drawbacks remain as they now were. This measure was one for the reduction of the duties on paper; but he did not think it right to discuss a subject such as that referred to by the hon. Member for Durham incidentally.

Mr. *Hume* concurred with the right hon. Gentleman in thinking that the present was not a fit opportunity to discuss the question suggested by the hon. Member for Durham. He had intended to have brought under the notice of the House the existing exclusive privileges as to the printing of Bibles and Testaments, at present enjoyed by the King's printer and the printers to the two Universities. It had been proved in evidence taken before the Select Committee of the House of Commons which had sat upon this subject that though the Bibles and Testaments so printed were sold at a comparatively cheap price, yet they could be printed and furnished to the public at a price one-third less, or in other words, at a saving to the public of thirty-three per cent. He hoped, therefore, that early next session the matter would be brought forward by his Majesty's Government, and would receive the attentive consideration of the House. His object, however, in rising on the present occasion was, to ask the right hon. the Chancellor of the Exchequer when it would be convenient for him to submit to the House his proposition for granting allowances or drawbacks on the stocks of paper remaining on hand at the time when the reduction of duty was proposed to take effect. He submitted that this allowance or drawback had been loudly called for by the trade in general.

The *Chancellor of the Exchequer* said, he hoped to be able to prove to his hon. Friend, the Member for *Middlesex*, and the public, as he had already done to the parties interested in the adjustment of the question out of doors, that to go beyond what this Bill provided for would not be expedient. Whenever a reduction in duty was made, and at whatever period it commenced, it was clear,

place and one day where an examination should take place, for the purpose of preventing any forgeries. He was of opinion that every ream of paper might be traced from the mill to the warehouse, and to the shop of the dealer, so as to prevent all possibility of fraud. In the case of stamps now issuing, there was an understanding that the duty on the portion not consumed, at the periods of the Bill passing, should be returned. Why should not this precedent be adopted in the case of paper. The hon. Member concluded by intimating, that he would persist in his proposition.

Mr. Brotherton said, that great frauds had been committed upon the alteration of the silk duties, in consequence of the adoption of such a proposition as that urged by the hon. Member for Middlesex. He would, however, recommend the Chancellor of the Exchequer to consider whether, by the adoption of additional precautions, the suggestion might not be rendered practicable.

The Chancellor of the Exchequer observed, that nothing would be more easy than to cheat the revenue, by placing within marked excise covers paper which had not paid duty. He feared, therefore, he could not consistently, with his duty, adopt the hon. Member's proposition.

Mr. Robinson thought the more just course would be, to allow a drawback on all paper on hand, at the period of the Act passing. It was unfair to deprive the honest portion of the paper trade, because a roguish trader might, by possibility, commit an isolated case of fraud. He thought, that means might easily be devised to make the parties prove they had paid the duty.

Mr. F. Baring observed, that the parties had full notice of the course Ministers intended taking, with regard to the question raised by the hon. Member for Middlesex, from the Report of the Excise Commissioners, and yet it was not objected to by them when the Bill was submitted to their consideration. Again, in the finance exposition of April last, the matter was mentioned, and then not protested against. It was, besides this, notorious that the stationers had been of late considerably reducing their stock of paper, in anticipation of the present measure. His great objection to the proposition, however, was the opportunity it would afford for fraudulent practices — practices, by the way, which no foresight could guard against.

Mr. George F. Young did not see how the allowance of the drawback could open the door to frauds. The dealer could just as well commit fraud now, as after the Bill passed with the proposed proviso. If the hon. Member pressed his proposition to a division, he should feel it his duty to support him.

Mr. Baines supported the proposition of the hon. Member for Middlesex, which he contended would do justice to the trade without exposing the revenue to the smallest risk of fraud. He was anxious to know what arrangement the Government had made with respect to the allowance of the drawback on the paper known as "press boards." This class of paper was much used by his constituents, who, under the 42nd Geo. 3rd chap. 94, were allowed back the entire duty, on a certificate being forwarded to the proper office of its having been used in the woollen trade. Was this arrangement, he desired to know, to be continued?

The Chancellor of the Exchequer replied, that up to the 10th of October next the present arrangement should continue in force, but that after that date the class of paper alluded to, would be charged three-half pence duty. This arrangement would be rendered necessary by the impossibility of making a distinction between the several classes of paper after the passing of the Act.

Mr. Hume said, that although he felt it an act of gross injustice not to allow a drawback on the stock in hand, yet he did not think it worth while to press this amendment to a division, but would content himself with entering his protest on the subject.

The Chancellor of the Exchequer observed, that whoever had stock in hand on the 10th of October, would obtain the difference between the new duties and those which he had paid on that stock.

Clauses of the Bill agreed to; the House resumed, the Report to be received.

GRAND JURIES IRELAND.] On the motion of Lord Morpeth, the House resolved itself into a Committee on the Grand Juries (Ireland) Bill.

Mr. W. Smith O'Brien complained that a million a year was assessed upon the people by grand juries, who were irresponsible bodies. He proposed that a system of fiscal representation should be adopted with reference to parishes and baronies, for the purpose of checking the

punishment. If the Government refused to the poor that protection to which they had a right, they owed no obedience or allegiance to the Crown or the State.

Mr. *Mangles* said, that in his part of the country the Poor-law Act had worked most admirably, and that all the poor were employed and happy under its operation.

Mr. *Thomas Attwood* was happy to hear the statement of the hon. Gentleman, but he believed he was under an error.

Mr. *Mangles*. What I state is a matter of fact.

Petition to lie on the Table.

House counted out.

HOUSE OF LORDS,

Thursday, July 7, 1836.

MINUTES.] Bills. Read a second time:—Commissary Courts' (Edinburgh); Loan Societies' (Ireland).

Petitions presented. By several NOBLE LORDS, from various Places, against Universities' (Scotland) Bill.—By the Earl of *MANFIELD*, from Penrith, Falmouth, and Truro, for the House to resist all attempts to interfere with their Rights, Privileges, and Independence.—By Lord *WYNDHAM*, from Holsworth complaining of Distress, and praying for Relief.—By the Marquess of *WESTMINSTER*, from St. James, Westminster, for Westminster Small Debts' Bill.—By Lord *HOLLAND*, from various Places, for Abolition of Church Rates.—By Lord *PLUNKETT*, from St. Paul, Dublin, for Municipal Corporation Reform Bill (Ireland) as first brought up from the Commons.—By Lord *ASHBURNTON*, from Romford, that the Compulsory Clauses of Tithe Commutation Bill be delayed till next Session.—By Lord *PLUNKETT*, from St. Paul, Dublin, for Abolition of Tithes (Ireland).

COMMUTATION OF TITHES (ENGLAND) BILL.] The Marquess of *Lansdowne* rose, for the purpose of moving the second reading of a Bill for the Commutation of Tithes in England and Wales—a Bill which he ventured to state was only inferior in importance to that great measure to which their Lordships had given their assent two years ago, and of which they were now beginning to reap the benefits—he meant the measure which had been introduced for the purpose of doing away with that accumulation of abuses which, under the old system of Poor-laws, had taken root in the country, and which were now commencing to be eradicated by that improved system which his Majesty's Ministers had introduced, and their Lordships had sanctioned. This Bill, then, being only inferior in importance to that which his Majesty's Government had introduced for the amendment of the Poor-laws, and being as closely connected as that Bill was with the industry and resources of the country, he felt that it was necessary for him to claim more than the usual indulgence of

their Lordships whilst he endeavoured to explain and render intelligible to them the principles on which it was founded, and the details by which it was to be carried into execution. Fortunately, it would not be necessary for him to enter into any discussion or inquiry as to the antiquity and origin of that species of property to which this Bill related, and which some persons said was to be found in ages long anterior to the existence of Christianity. Neither would it be necessary for him to trace the progress of that species of property, nor of the events, which, sometimes by legal, and sometimes by illegal, means, had altered its condition and its character. It might, however, be necessary for him to observe in the outset—and all history confirmed the observation—that this species of property, though liable to little objection in its early origin, had, as civilization increased, and as ingenuity was applied to the cultivation of land, and as capital was brought more and more into action, become more and more objectionable, and more and more liable to the imputation of operating as a check on the free development of industry, with which the prosperity of every country was deeply and constantly connected. Even in this country, various individuals, and various bodies of individuals have availed themselves sometimes of the sanction of the law, sometimes of various contrivances in evasion of the law, to throw this burthen off their landed property? To what extent this had been done it was impossible for him to state, nor should he endeavour to make any calculation on the subject; suffice it to say, that in any Bill which was introduced to remedy the evils of the tithe-system, of which they heard so many complaints, it would be necessary to make provision to guard that property which in any way had been freed from the operation of that liability which applied to the great mass of property in the country, namely, the payment of tithes sometimes in kind, and sometimes in the shape of composition. Discarding all reference to the past history of tithes, and to the condition of the property in them, in other parts of the world—it was with reference to the condition in this country that their Lordships were called upon to deal with tithes, and to apply the remedies which he was about to state were proposed. Setting out from that point he would proceed, in as few words as possible, to detail the different

rules laid down in this Act. This was the first application of the compulsory principle; but the Bill then went on to frame regulations for the commutation of tithes, when the parties could not agree as to the whole amount to be paid. The Bill then enacted, that after the first of October, 1837, if no steps were taken by the parishioners and the tithe-owners to fix on a certain sum to be paid by the former as a commutation, that the Commissioners should come into the parish and ascertain the total value of the tithes, and award the sum to be paid as a rent-charge in lieu of them. The sum to be thus charged was to be calculated in this way, and it was the most important and most stringent part of the measure. The Commissioners would meet and form an estimate in this way. They must look at what had been the amount of composition collected on tithes in the parish during a period of seven years, and strike an average founded on the amount of composition for tithes actually paid; they should then award that the average value paid during the seven years should be taken as the actual amount to be paid as a rent-charge as a permanent composition for tithes in such parish. This was to be acted upon, and not otherwise, if the tithe-owners and tithe-payers could not fix on the just amount of tithes that should be paid. The Commissioners, in extreme cases, were empowered to modify the principle, and were to have power in making a calculation of the great or small tithes in a parish to diminish or increase the sum to be so taken by a sum not amounting to more than one-fifth part of the average value ascertained; subject then to this addition or subtraction, the amount of tithes to be paid was fixed and settled by the Commissioners. He had now arrived at that part of the Bill by which it provided that either by voluntary or compulsory commutation all lands in the country, except tithe-free lands, must become subject to a certain principle. It was necessary, in justice and equity, that the payments should fluctuate as to the value of the produce. This limit and fluctuation was to be provided for in the manner he was about to state. They were to get a fixed money payment to be stated in a quantity of corn; for instance, if they fixed a money payment of 300*l.*, it should be so stated as to be at once translatable into so many quarters of wheat, so many quarters of barley, and so many quarters of oats, in equal proportions. They would

thus get fixed for a rent-charge on the payment of a certain quantity of wheat, barley, or oats. This would regulate the money payment from year to year. They assumed as data on which to calculate the average price of wheat, barley, and oats for the seven years terminating at Christmas, 1835. By fixing on this period they would prevent all manœuvring to raise or lower the price of corn during the period while this Bill was in progress. In making the calculation for any particular place one of these seven years would be thrown out, and the additional year thrown in. By the addition of this one year, and by the subtraction of the other, the variations in the prices of wheat, barley, and oats would be allowed for sufficiently to meet any fluctuations that might be likely to arise. Many ingenious schemes had been started with a view to have the rent-charge made on a different principle. Among others a gentleman, well known to many noble Lords, Mr. Andrew Knight, president of the Horticultural Society, as well as other gentlemen, had thought it better that the price of wheat alone should be taken as an element to calculate the rent-charge on, instead of taking it jointly with the prices of barley and oats. He thought that by either of these means the object could be obtained, but not in such a satisfactory manner as by taking the prices of other grain as well as wheat. If they took wheat alone, it would be found that it fluctuated more in its price than other descriptions of grain, although no doubt the price of other grain was influenced by the price of wheat. He thought if noble Lords would attentively look into the subject they would see that by taking the average price of three descriptions of grain the fluctuation would be less. These were the reasons, then, for proposing to take the three qualities instead of one. Under the opinions he had stated they had brought forward the measure, and they hoped to obtain a money payment, either by voluntary or compulsory means, and this payment was only liable to the fluctuations arising from transferring it into a payment depending on the price of three descriptions of produce. The amount, then, would be fixed for such payment by the tithe-payer, and he trusted in a way that would be satisfactory to all classes. This, then, was the outline of the measure, but, like all general measures, it could not be expected that it would satisfy the wants of every particular case. He might be told that it would have been better to take the actual amount of com-

tithe into a rent-charge had not gone far enough: for instance, take the case of land, now barren and unproductive, being brought into cultivation. Now there was no arrangement in this Bill by which the tithe-owner would derive any value from that land being so brought into cultivation. But under the present system he would have a good right and title to tithe upon it. He admitted, that to a certain extent tithes prevented barren lands from being brought into tillage; but still it ought not to be forgotten that the formation of new roads and the creation of new lines of communication often rendered land valuable for cultivation which before was unprofitable from the want or distance of markets. Within his knowledge, during the last fifteen years, a great quantity of land had, under these circumstances, been brought into cultivation in Scotland in the face of the sinking prices of agricultural produce. Now, he wished to know whether his Majesty's Government intended to prevent the tithe-owner from having the benefit of this conversion of non-productive into productive land? In cases of inclosure the clergyman at present received a compensation for his tithe in a certain portion of the land inclosed. Was he to be deprived of that compensation in future? There was also another point, to which the noble Marquess had not alluded, and on which he wished to obtain information. That point had reference to land which at different times was cultivated for different purposes. It appeared to him that provision was made for the change of culture of hop-grounds and market-gardens. For such lands there was to be an ordinary charge and an extraordinary charge. For instance, when those lands ceased to be hop-grounds and market-gardens, the apportionment made upon them was to be the same as the ordinary charge upon other land in the same parish, but whilst they were under culture for hops, &c., then an extraordinary charge was to be levied, which was to cease as soon as they lapsed back into ordinary culture. He thought that the principle of that clause ought to be carried further. For instance, a parish might be partly in grass, and partly in cultivation. By this Bill the clergyman would have his tithe fixed permanently on the part in cultivation, whilst on the part in grass he would only be receiving a small modus. Now, supposing this grass land to be taken

into cultivation, why was not the tithe-owner to have the benefit of tithe hereafter on that land? According to the arrangements now in force in Scotland, this advantage, of which the clergyman ought not to be deprived, might easily be preserved to him. He threw these points out for consideration in the Committee. He would not detain their Lordships with further comments on the principles and details of the Bill. He should be much disappointed if his noble Friends, who were in hostility to his Majesty's Ministers on account of the policy which they pursued in the administration of our foreign and domestic affairs, did not give them as much support and assistance as their firmest adherents would give them in carrying this measure, which in his opinion was calculated for the advantage of the public, and was fortunately not fettered to any abstract resolution, to which they could not agree without an abandonment of principle.

Lord Dacre was disposed to give to this Bill, with an exception for some of its clauses, his most cordial support, but he was inclined to think that some more general principle, applicable to all sorts of land, might have been adopted by the framers of the Bill. An arrangement of that kind had taken place in several parishes in the north of England, where it had been found equally profitable both to the tithe-owner and to the tithe-payer. He appealed to the noble Earl (Mansfield) whether it had not also been serviceable in Scotland. By the plan he alluded to, the tithe was settled in proportion to the rent. He believed that there were now 4,000 parishes in England in which a composition for tithes upon such an arrangement had been effected. It was curious, in looking through the documents on this subject, to find that when these commutations commenced, in 1756 or 1757, the proportion allotted to the clergyman for his tithe was not more than one-seventh, that it then became one-fifth, and latterly one-fourth of the rent. Lord Althorp had moved for a return of the amount of the rent and of the tithe compounded for in the different parishes of England. He had got that return for fourteen counties in England, and that return proved, that in the parishes of those counties in which tithes had been compounded the amount paid as composition of tithe was 632,576*l.*, whilst the tithe of the same parishes, taken in proportion to the rent, would have

doubt that the proposal for bringing the tithes to a per centage upon rent was desirable, if it could be effected; but by the present Bill a gross injustice might be done, if there were afterwards any tampering with the currency, as it was called. Any alteration in the value of money would materially affect the commutation, as proposed by the present Bill; whereas such an evil would not arise in the case of a per centage upon rent, because the rent of land must necessarily adjust itself to the value of money. He merely mentioned that to explain why, if it could be done, he thought it desirable to bring the tithe to the proportion of the rent. It was said, under this system there would be no contention; but there would be an annual adjustment between the parties. But these were only matters of detail, and he was sure every one must be ready to make a sacrifice of even considerable difficulties, when they found a scheme which seemed upon the whole so likely to afford effectual justice to the parties. Upon the different clauses it would now be improper to trouble their Lordships with any observations; but, in point of principle, he most certainly did wish that further time should be given for the voluntary settlement of the question. He thought the time was too short; he did not allude to the time allowed for apportionment, but to the time previous to the general valuation. The time assigned by the Bill was October, 1837; until then parties were left to enter into an amicable arrangement, but if then none such had been completed, the Commissioners were empowered to step in, and to proceed to make a valuation, and to effect a compulsory commutation. Of the large powers vested in the Commissioners he should not complain, for he conceived that it was only by leaving a wide discretion in their hands that any fair and equitable valuation could be procured. And when he considered the extent of the interests submitted to those who would act as Commissioners, and the difficulties with which the question was surrounded, he thought his Majesty's Government had done right in leaving their powers, great as they were, unrestricted. Their office would be a most laborious one, and one which should only be held by persons in whom the confidence of the country would be entire. The Bill which it had been the intention of the last Government to introduce had been entirely based upon the principle of voluntary adjustment; but it was also held out as a stimulus to quicken the parties in taking the necessary

steps, that it was probable that Parliament would at a future time interfere to force upon them a compulsory system. He did not know whether the present plan was not as good, perhaps better, than their own, as it prompted the parties to a speedy adjustment, by providing at once a plan of compulsory commutation; so that not only was notice given that the Legislature would interfere, but, in point of fact, the compulsory enactment was there. The only question then, was, whether that limit of time to which he had already alluded was not too short; and that suggestion was the more worthy of attention when it was considered how much was to be done before the Commission could possibly come fully into operation. There would be some time before the appointment of the Commissioners; some time also would be required before those Commissioners, in a matter so complicated, could settle their plan of proceedings; then, before they could have selected their agents in all parts of the kingdom, some very considerable time would also have elapsed. After they had reached the parishes three weeks' notice must be given; then possible disputes about moduses might arise; and in point of fact, there would be a variety of particulars which, with every possible diligence, must delay the full operation of the Commission for a considerable period. He therefore should suggest, when the Bill was in Committee, whether some additional time—say one or even two years—should not be allowed for parties to come to an agreement of themselves. He was rather *more anxious* for time because, though the measure had been much discussed, he would venture to say, that much time must elapse before the farmers could be thoroughly acquainted with the whole bearing of the Bill, in what position they stood, and what were the inducements which it held out to them to come to some amicable result. Upon the general principle he must express his decided approbation, though in any measure of this description nothing could be more easy than to find objections. It undoubtedly was desirable to apportion the tithe, not in reference to any particular time, but to the quality of the land; because, according to the present proposition, poor land, with an intelligent and active farmer, might produce large tithes; whereas, on the contrary, the finest land with a slovenly farmer, would only produce very small tithes. As to the cases of an increase in the fertility of land, he was inclined to think that legislation upon that

being valued in proportion to the rent, and when the question should be fully discussed he should have no hesitation in saying that the tithe ought to be taken in proportion to the rent. It was fairly acknowledged by that noble Lord that in lands highly cultivated, the tithe, being proportioned to the rent might in some instances be oppressive; and though that might be the case the very fact of high cultivation, however strong the argument might at first appear, showed that it did not operate with a bad effect; for who was it that suffered by tithes? The tenant who had but small means. The tenant who was enabled to make a large, outlay of capital obtained a large crop, and then he was able to pay large tithes; and yet when the produce of corn was very great they would frequently see a small proportion of tithe for that land. What he apprehended was, that great injustice would be done thereby to existing interests; for what effect could a composition entirely upon the natural productiveness of the land have but to lower the receipts to an extent which to the poor tithe-owners must be ruinous? Again, who could venture to say, in a country so increasing in riches, so prosperous as this country was at the present time, bringing capital to all sorts of speculations, some disadvantageous, some successful, that the same spirit of expenditure which had occasioned the present high state of cultivation would not last, at least, as long as the wealth of the country? He could see no reason for turning over that proportion of rent to the land-owner instead of the tithe-owner. He was afraid that it would be almost impossible to extend the noble Lord's principle to the value of tithes at present. He was afraid, also, he had already trespassed too long on their Lordships' attention. He would now only add, that, according to his present feeling, he could but consider the measure as very beneficial. Certainly, some amendments appeared to him necessary, to which he trusted there would be no great objection, and which had been suggested, and which would be received, he was sure, by the noble Lords also, only in the spirit of conciliation, and from the desire of improving the Bill. But, in justice also to the noble Lords who had brought forward the measure, he was bound to say, that the country was much indebted to them for the full attention which they had given to the

question, and especially as the result had been a Bill as little liable to objection as could be well framed upon a subject involved in so many difficulties.

Lord Wynford entirely concurred in the principle of the Bill, which was certainly the best that had yet been brought forward. As to what had fallen from some noble Lords, he was, for his own part, convinced that the most practical mode of valuation was to take the produce of the last seven years, without regard to the rent, as proposed by the Bill. The probability now was, that more land would go out of cultivation than advance. It appeared to him that the cultivation of the land was at the highest, and would, from this time, begin to go down, so that, instead of suffering any loss, the tithe-owners would, in fact, be great gainers. The object, however, of his rising was to obtain from the noble Marquess opposite an explanation of the words "extreme cases" introduced into Clause 35. He concurred in the propriety of giving great power to the Commissioners under the Bill; but he thought that it might tend to secure the just exercise of that power, if the right of appeal from their decisions were given in certain cases. He thought the powers granted to them under the 35th Clause were enormous, and there was no definition of the cases in which those powers might be exercised. He had other objections to the details of the measure, but none affecting the principle of the Bill, of which he highly approved.

The Marquess of Lansdowne rose merely for the purpose of satisfying the noble and learned Lord as to the import of the 35th Clause. He thought it would be found that the word "extreme," though by some accident it had crept into the margin, did not occur in the enacting part of the clause. The discretionary power which the Commissioners might exercise, was founded on an application which might be made by a portion of the land-owners, stating that the value of the land was not fairly represented. Upon that application, the Commissioners would have the power of altering the amount of the tithe, in the proportion of one-fifth, not more one way or the other. They would be required, however, in the first place, to report the grounds of their decision to the Secretary of State, who would lay them before Parliament. With regard to the time to be allowed for coming to a voluntary agreement, it would be a matter for their Lordships' consideration; if it should appear to any

knew that it was the wish of a great number of persons in the House, and out of it, that this Bill should pass. One part of this Bill was much misunderstood, and he had been asked by some friends whether it was his intention to introduce a Bill to the effect that tolls on railroads should hereafter be altogether abolished. Now, the word "abolition" occurred in the Bill, but it was by no means necessary, and he had not the slightest objection to strike out the word. It was certainly not his intention that persons who engaged in great public undertakings should not be remunerated—it was, in his opinion, the duty of the House to encourage persons who engaged in works of this kind, and his Bill would not have the effect of discouraging—if it had, he would be very reluctant to proceed with it; but he was very sure it would have a contrary effect, and he was equally sure that no persons ought to feel more interested in the Bill than the proprietors of railroads themselves. The hon. Member concluded by moving that the Bill be postponed till Monday.

Bill postponed till the ensuing Monday.

WRITS OF REBELLION, IRELAND.]
Mr. *William S. O'Brien*, seeing the noble Lord, the Chief Secretary for Ireland, in his place, would take that opportunity of asking a question relating to a man named John Conway, who was taken up under a writ of rebellion, and committed to the county of Limerick gaol, where he was confined for a month, and obliged to break stones like the common felons of the prison, by the governor of the prison, against whom he would not be supposed to offer any censure. He was subsequently sent to Dublin handcuffed, and under an escort; and having been brought before the Barons of the Exchequer it was decided that he had been illegally detained, and was ordered to be discharged. There were many circumstances in the case to make it one of an oppressive nature against Conway, who had not been in possession of the farm for nearly two years before; and although the sum claimed under the Tithe Commutation Bill amounted to 10*l.*, he offered the clergyman 9*l.* 10*s.* and costs. Now the question he had to ask was, whether Conway, who, under the existing laws was a tithe debtor, was to be treated as a felon and a criminal? and if not, whether any report had been made to the Government on the subject, or any inquiry instituted in reference to the treatment he experienced

while in the gaol of the county of Limerick?

Lord *Morpeth* replied, that no official communication had been made on the subject, and all he knew of it was from what appeared in the papers. As for the conduct of the gaoler, the Government had nothing to do with him; he was the officer of the High Sheriff of the county, and was only accountable to him.

Subject dropped.

COURT OF SESSION (SCOTLAND).] On the motion of the Lord Advocate, the House resolved itself into a Committee on the Court of Session (Scotland) Bill. The clauses as far as Clause 16 inclusive, were adopted.

On Clause 17, which relates to the appointment of an Extractor General at 500*l.* a year, and an assistant at 300*l.* a year, being proposed,

Sir *William Rae* expressed his strong objection to the clause, as tending to entail upon the public a great and unnecessary expense, inasmuch as there were already four clerks of Session, receiving 1,000*l.* a year each, and having little or nothing to do. Why these two officers, with monstrous salaries, should be added, very greatly excited his curiosity and astonishment. Formerly, the business was so heavy that an increase of officers was required, but at present a reduction, ought to take place in consequence of the decrease of the business. He moved the omission of the clause.

The Lord Advocate reminded the right hon. Baronet, that he had himself when in office appointed four clerks or extractors, whose salaries amounted to 450*l.* a year each, making a total of 1,800*l.* per annum, drawn from the public money. Now he the (Lord Advocate) proposed to remove those four extractors, and to establish these two new officers in their stead, by which means a saving of 1,000*l.* a year would be effected.

Sir *William Rae* said, that when he came into office he found six clerks, and, on account of the decrease in the business, he reduced the number to four. Since that time, by means of many improvements which had been introduced in the proceedings of the Court, the business was still further decreased, so that it could be easily performed by the clerks of Session, whose duty it originally was. He thought, the whole of these officers might now be removed, and on this point he expected the support of the hon. Member for *Middlesex*.

it rather strange that those hon. Gentlemen opposite, who expressed such a strong anxiety with regard to those Scotch Bills, had themselves endeavoured to prevent the House proceeding with them, by having the House counted, as it had been, at an earlier period of the evening, although it did so turn out that there were more than forty Members present. He should persevere in his motion.

Sir *Edward Knatchbull* was quite sure that the counting of the House did not originate with those who wished to proceed with these Bills; neither he nor those around him participated in that motion, and surely it was going rather too far to charge that side of the House with a wish to obstruct the progress of the public business. He did not know who the hon. Member was who had moved that the House be counted, but it was too much to impute to those Members for Scotland who wished these Bills to be proceeded with, that they had any desire to impede the public business, to get through which they had attended under the express understanding which had been come to with respect to these measures. The Members on the Opposition side of the House could know nothing of what passed privately between the hon. Member for Shaftesbury and the noble Lord (Lord J. Russell). The noble Lord had said, the Scotch Bills were to be proceeded with first; and on his way down to the House, he had met several hon. Members, who had told him that such was the case.

The *Lord Advocate* had understood that he was to proceed with his two first Bills. With regard to his other Bills, whether they should come on or not, in preference to that of the hon. Member for Shaftesbury, he should leave for the right hon. the Speaker to decide. He should wish to insist on his right to go on, if he was intitled to do so.

Mr. *Cutlar Fergusson* certainly understood that the whole of the Scotch Bills were to be proceeded with; and he must say, it would be rather hard upon Scotch Members, who had been awaiting the discussion of these measures nearly the whole of the Session, if that understanding was not to be adhered to. His understanding was, that the previous discussion related to what question should come on when the Scotch Bills were disposed of.

Mr. *Williams Wynns* said, the rule was, that Orders of the Day were completely

within the control of the House. At the same time the practice had been, that on one day in the week, the orders were to be taken in the rotation in which they stood in the paper, but on the others that the Government should have the priority in bringing on any business connected with the legislation of the country generally. He must complain of the injustice of the House being led to believe that business of a particular description should come on, and then that they should be told that there was a private understanding between an hon. Member and the leader of the House, that other business was to be proceeded with. He thought the House had also a right to complain that notice had not been given, that it was not intended to give the preference to any Government measure that evening.

Mr. *Jarvis* said, that the object of the hon. Member for Shaftesbury was to further the *Poole Corporation Bill* a stage. The proceeding would be almost a matter of form, because they were not called upon to rediscuss the principle of the Bill.

Mr. *Goslburn* had understood that the Scotch business was to come on that evening; and he had met several hon. Members who had left the House under that impression. He thought it would be most unfair to the Scotch Members to take any other business.

Mr. *Wakley* said, the noble Lord, the Secretary of State for the Home Department, in the early part of the evening, had stated distinctly, that the Government had the right to take their orders first, but they had waived that right in favour of the hon. Member for Shaftesbury.

Sir *George Clerk* said, that the understanding certainly was, that if the remaining Scotch Bills on the list were not gone into, they would be abandoned for the present Session. Such was his impression upon putting questions to the Lord Advocate in the early part of the evening.

Mr. *Gillon* contended, that if the Scotch Bills were not proceeded with on that evening, the Scotch Members would be very ill-used.

Sir *William Rae* said, he had stopped in town in order to be present to take a share in the discussion on the Scotch Bills; he had made inquiry at the Board of Trade, and had been assured that the Committee on the Lighthouses Bill would be deferred, in order to give precedence to the Scotch business.

Mr. Trevor supported the motion. He believed that if the municipal elections in Poole had turned out satisfactorily to the gentlemen on the Ministerial side of the House, the present Bill would never have been heard of. It was a most unjust measure, because the case was about to undergo investigation in a court of law.

Mr. Blackburne maintained that Parliamentary interference was required, for the ordinary courts of justice could afford no remedy in the case, because, whatever might be their decision, it would not suffice to undo all the mischief which had already been done. Besides, two years might elapse before the judgment of a court of law could be obtained. By the undue election of two councillors, a particular party had obtained the majority in the Corporation of Poole, and had given to the officers employed by them whatever compensation they pleased. If it could be shown him that that grievance might be remedied by a court of law, he would then be ready to vote against the Bill.

Mr. Wynn had strong objections to the principle of the Bill, and also to the manner in which the Committee of Inquiry on the subject was conducted, for he ventured to say, that every rule which had hitherto governed Committees with regard to the reception of evidence had been violated. He did not understand what useful object the hon. Members opposite had in view in pressing forward the present Bill, for, considering the late period of the Session, and the certainty that in this case the other House would require to hear evidence at the bar, it was impossible for any person to believe that there was any chance of the Bill passing into law before the prorogation. The present Bill was a Bill of pains and penalties, having for its object to set aside the elections of certain members of the common-council of Poole, who possessed an undoubted right at common law to have their case tried by the Court of King's Bench. The operation of the Bill was not limited to the two individuals with respect to whom evidence had been received by the Committee of Inquiry, but by one sweeping enactment it affected the election of all the members of the council. Moreover, it set aside all the acts of the council, and all elections which it made of officers. Was this a fair course of pro-

ceeding? When the present Parliament first assembled, the choice of the Speaker was decided, in the fullest House ever remembered, by a majority of ten votes. Now, supposing that, with respect to the first five seats vacated in consequence of the Reports of Election Committees, Conservative Members had been substituted in the place of Gentlemen who gave their support to the Ministry, would it ever have been allowed that that circumstance should have the effect of nullifying all the previous proceedings of the House? And yet it was proposed in the case of the Poole Corporation, that all its acts should be set aside in consequence of the undue election of two of its members. The Committee stated in their Report, that the petitioners in the present case had made every effort to obtain redress from the courts of law; but there was not a syllable of evidence to that effect in the Report. In point of fact, the case would, as he understood, be tried at the assizes in the course of a fortnight; and he conceived that nothing could be more inconvenient than to have a verdict pronounced on it at the same time by that House; which, like that in a recent proceeding, might be at direct variance with the judgment of a court of law delivered after hearing evidence on oath. As he felt it to be impossible the Bill should ever pass into law, he would advise hon. Gentlemen on his side of the House not to enter into a discussion of the elections which were alleged to be undue, because what was said in that House would be read out of it, and might have some effect in influencing the decision of the jury before which the case would be tried. He did not think that much attention ought to be paid to the Report of the Committee, because every rule of Parliament had been violated by the admission of affidavits. Those affidavits were not contained in the body of the Report, but they were referred to, so that it was evident they had influenced the conclusions of the Committee. They had been, however, prudently enough separated from the Report, because it was well known that the Report must have been rejected by the House had the affidavits been contained in it. The right hon. Gentleman then referred to the opinion given as to the Bill by the only legal adviser of the Crown who could speak on the subject—namely, the Solicitor-Ge-

hon. and learned Gentleman maintained his opinion. This appeared to him to be a Bill founded on injustice. He called on the House to reflect on what their position would be if the judgment of the court, at the assizes, should be in direct opposition to the opinion of this House.

Mr. *Leader* defended the conduct of the Committee, and denied that the Chairman had put questions unfairly to any of the witnesses. The Committee was a very fair one, and was attended daily by three or four gentlemen on one side, and three or four on the other side.

Mr. *Hardy* could not see how hon. Gentlemen opposite could support the Bill, after the Solicitor-General had described it as a dangerous precedent. For himself, he should give it his decided opposition.

Mr. *Twiss* must totally deny that the Committee was satisfied with the evidence, or that they were unanimous in their decision. This was evident from the fact that some members of the Committee voted against the Bill. On the trial also which took place, some of those who had been condemned by the Committee were declared innocent by a court of law. He believed no enlargement of the rule, as it was stated, had taken place, and that the case stood for hearing this month. Let them look at the inconvenience which might arise if this matter should be brought before the House of Lords, where it was not the practice to examine witnesses upon affidavit. There was no sufficient reason shown why the House should now prematurely decide upon a question which would be far more satisfactorily decided upon by a court of law.

Mr. *Praed* rose, amidst cries of "Question." He was sitting there, he said, judicially, and he trusted the House would hear him. He was not present upon a former occasion when the Solicitor-General delivered his opinion upon this Bill. In this he was unfortunate, but the Solicitor-General himself was equally unfortunate in not having heard his (Mr. *Praed's*) opinion. He did not deny that this might be a case for Parliamentary decision, but not under present circumstances, because it was pending in a court of law. If the Solicitor-General were now present, he felt confident that, after the opinion before expressed by his hon. and learned Friend, the Bill would not be allowed to proceed further. He contended that the case of Great Yarmouth was a case in point. There, two witnesses were dismissed by a Committee

of the House of Commons, as blameless and without reproach, who, however, were afterwards visited with the strongly marked condemnation of a jury. The House of Commons, a political tribunal, was here called upon to legislate upon a political crime. Such a course was pregnant with mischief, and he would oppose the Bill in every stage.

The House divided on the clause—Ayes 98; Noes 64.—Majority 34.

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Baines, Edward	Mackenzie, J. A. S.
Ball, N.	Maule, hon. Fox
Baldwin, Dr.	Marshall, William
Bagshaw, John	Marsland, H.
Baring, F. T.	M'Taggart, J.
Blamire, W.	Morpeth, Lord
Bridgman, Hewitt	Mostyn, hon. E. L.
Byng, George	Murray, rt. hon. J.
Brotherton, J.	O'Connell, J.
Brodie, William B.	O'Connell, Morgan
Buckingham, J. S.	O'Loghlen, M.
Blackburne, John	Oswald, James
Bowring, Dr.	Pechell, Capt.
Brocklehurst, J.	Pendarves, E. W.
Cave, R. O.	Pinney, W.
Chichester, J. P. B.	Phillips, G. R.
Codrington, Sir E.	Ponsonby, W.
Curteis, Herbert B.	Potter, R.
Cavendish, hon. C. C.	Price, Sir R.
Chalmers, P.	Rundle, J.
Clive, Edw. Bolton	Ruthven, E.
Dalmeny, Lord	Sanford, E. A.
Dillwyn, L. W.	Seale, Colonel
Dundas, hon. J. C.	Sharpe, General
Dunlop, J.	Smith, Benjamin
D'Eyncourt, C. T.	Smith, Robert V.
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Euston, Lord	Stuart, Lord James
Ewart, W.	Stewart, R.
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Ferguson, rt. hon. C.	Talbot, J. Hyacinth
Ferguson, Sir R.	Tancred, H. W.
Gordon, Robert	Tooke, W.
Grey, Sir Geo., bt.	Thompson, Col.
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Gillon, W. D.	Trelawney, Sir W. L.
Heathcote, J.	Tulk, C. A.
Hastie, A.	Wakley, T.
Hay, Sir A. L.	Wallace, Robert
Hawes, Benjamin	Wason, R.
Hawkins, J. H.	Warburton, H.
Hindley, C.	Williams, W. A.
Horsman, E.	Williams, W.
Hobhouse, Sir J. C.	Winnington, Capt. H.
Hodges, T. L.	
Kemp, T. R.	
Leader, J. T.	

TELLER.

Poulter, J.

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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXVI.

COMPRISING THE PERIOD FROM
THE THIRTY-FIRST DAY OF JANUARY, 1837.
TO
THE SIXTH DAY OF MARCH, 1837.

First Volume of the Session.

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1837.

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I. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

1837.

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HANSARD'S Parliamentary Debates

*During the THIRD SESSION of the TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN and
IRELAND, appointed to meet at Westminster,
31st January, 1837,
in the Seventh Year of the Reign of His Majesty*

WILLIAM THE FOURTH.

First Volume of the Session.

HOUSE OF LORDS,
Tuesday, January 31, 1837.

OPENING OF PARLIAMENT.—THE KING'S SPEECH.] The Parliament was this day opened by Commission. The Commissioners present were—the Archbishop of Canterbury, the Lord Chancellor, the Marquess of Lansdowne, Viscount Duncannon, and Viscount Melbourne.

The Lord Chancellor read the following Speech :—

“ My Lords and Gentlemen,

“ We are commanded by his Majesty to acquaint you that his Majesty continues to receive from all Foreign Powers the strongest assurances of their friendly disposition; and his Majesty trusts that the experience of the blessings which peace confers upon nations, will tend to confirm and secure the present tranquillity.

“ His Majesty laments that the civil contest which has agitated the Spanish Monarchy has not yet been brought to a close; but his Majesty has continued to afford to the Queen of Spain that aid

which, by the treaty of quadruple alliance of 1834, his Majesty engaged to give if it should become necessary; and his Majesty rejoices that his co-operating force has rendered useful assistance to the troops of her Catholic Majesty.

“ Events have happened in Portugal which, for a time, threatened to disturb the internal peace of that country. His Majesty ordered, in consequence, a temporary augmentation of his naval force in the Tagus, for the more effectual protection of the persons and property of his subjects resident in Lisbon; and the Admiral commanding his Majesty's squadron was authorised, in case of need, to afford protection to the person of the Queen of Portugal, without, however, interfering in those constitutional questions which divided the conflicting parties.

“ His Majesty has directed the Reports of the Commissioners appointed to inquire into the state of the province of Lower Canada to be laid before you, and has ordered us to call your attention to that important subject.

B

country still torn by intestine divisions, and a war so detrimental and so fatal to human life still protracted; but while they lamented that contest, which, whatever might be the issue, would affect the future destinies of Europe, they could not but be proud of, and could not but admire, the gallantry and devotion of their countrymen in that Peninsula with which so many glorious recollections were associated. Events had occurred in Portugal which rendered it necessary to increase the British force in the Tagus. The admiral, however, was there chiefly to take measures for the protection of British subjects and the security of British interests. He was also directed not to interfere in disputed questions of domestic policy; and whatever might be his own abstract opinions, he must say that he did not think England had any right, neither was it her policy, to meddle in the internal affairs of other countries. It appeared to him, that the course adopted by his Majesty's Ministers was a wise and a salutary one, and that in thus acting they had exhibited a prudent precaution. His Majesty's speech turned also on the state of Lower Canada. The state of that colony was a matter of great importance, and had naturally received the attention of the Government; but as the Report of the Commissioners would soon be laid upon their Lordships' table, it would be then unnecessary for him (the Earl of Fingall) to trespass on their Lordships' attention with any further observations upon that subject. His Majesty next adverted to the state of the law, which would claim their Lordships' most particular attention. Upon that subject he would only say, that whatever differences of opinion might exist as to the nature and extent of the reform to be applied, it was admitted on all hands, and he felt convinced, that it was absolutely necessary, that some reformation should take place, and that law should be rendered cheap and expeditious. His Majesty recommended the consideration of measures calculated to promote concord and good will, and when those questions came to be discussed, he had no doubt that concessions would be made in a manner and in a spirit which would ensure the gratitude and conciliate the feelings of those whom it was intended to relieve. It was most gratifying to be assured, that the manufactures and the commerce of the United Kingdom were in a most flourishing state, and that the revenue had not been diminished, though there had been a considerable reduction of taxa-

tion. His Majesty concluded with recommending to their Lordships' consideration measures for the amelioration of Ireland. He was happy to be able to state to their Lordships, that notwithstanding the extreme suffering and miseries of the poor, the number of agrarian outrages in that country, had been considerably diminished. He believed he might confidently refer to the reports of the police officers which would soon be laid on their Lordships' table. Outrages had occasionally occurred but he knew that they had been considerably diminished. No one could possibly deprecate more than he did the occurrence of such things; and no one was more anxious than he was to exert himself for the furtherance of anything which would prevent a recurrence of them and promote the good of the country. With regard to the question of Municipal Corporations in Ireland, he hoped that some amendments would take place in their constitution during the present Session, and that some remedy would be applied to the defects in them which were universally acknowledged to exist. The two countries were now inseparably united to each other; and the question was whether the people of Ireland should be considered entitled to the same liberties and the same privileges which were enjoyed by other portions of the empire, or whether they should be considered unworthy to possess them. They had exhibited no disinclination, no incompetency to the management of their own affairs. They said that a reform of the Corporations had taken place in England; that a reform had taken place in Scotland, which had tended to increase the industry and prosperity of the people, and it was only natural that the people of Ireland should feel deeply their degraded state, and be anxious to possess the same privileges and should expect similar results. On the difficult and important subject of tithes, for difficult and important it was universally admitted to be, he would not trouble their Lordships with any observations, the subject having already undergone so much and such frequent discussion, and having been so often alluded to in speeches from the Throne. He felt convinced, however, that the security of property and life, and the maintenance of peace and tranquillity in Ireland, mainly depended on a speedy and satisfactory settlement of the question. With respect to the question of Poor-laws, to which his Majesty had adverted in his speech, there was a mass of evidence in

their Lordships' hands, exhibiting a variety and extent of human misery unequalled, and a degree of patience unexampled. As a constant resident in that country, he had had opportunities of knowing the state of destitution of the poor, and as having been, for a few months, one of the Commissioners appointed to inquire into the state of the poor, he had also an opportunity of knowing the extreme difficulty with which the question was surrounded. He felt confident that their Lordships would approach it with an earnest anxiety to relieve the distresses of the poor, and that a due caution would be used, which was necessary to avoid the evils which might arise from an ill-considered system. He believed, however, the time was come when an attempt must be made to relieve, by legal enactment, the destitution which prevailed. He might have, indeed he had, strong and decided opinions upon many subjects, but it had been his most anxious wish to avoid, especially with regard to the state of that part of the country with which he was connected, any reference to any subjects which had not been touched on in the speech from the Throne, and which might be likely to create unnecessary debate or disturb that unanimity which he thought the House ought to preserve in agreeing to an address in answer to a speech from the Throne. Before he sat down he trusted he might be allowed to express his earnest wish, his anxious hope, that this Session of Parliament would not terminate without the passing of some, at least, of those measures which had been recommended in the speech from the Throne. Ireland had been united to England, and he had no wish to see that union weakened, much less dissolved. By the act of Union they had decided that as Ireland had shared in the dangers and the glories of England, so also she should be partaker in her privileges and her liberties. England had commenced towards Ireland a course of liberal, enlightened, and generous policy, which he believed it was the wish and intention of the noble Lord at the head of his Majesty's Government should be continued. They had established civil equality in that country, and abolished religious distinctions. They had improved the moral condition of the people and augmented their power by the important blessings of education. They had increased the number of Representatives, and had extended the franchise. He felt proud on being able to thank their Lordships from that place for

these advantages. They should persevere in that course. They should place the Union on a true and permanent basis, and they would see England happy, glorious, and powerful, and Ireland peaceful, prosperous, and contented. The noble Lord concluded by moving an Address which, as usual, echoed the Speech.

Lord *Suffield* rose to second the Address. The details of the Speech had been entered into so much by his noble Friend, who had just sat down, that he should content himself with aiming at a general survey. If the condition of a country was to be considered as the best test of the wisdom of its rulers, it was to that test they ought to refer. There was but little danger in affirming that, looking at England, it would be found she was never more prosperous than at present, including both individual prosperity and general welfare. It was impossible not to admit, that the policy which produced the greatest happiness of the greatest number, was the truest and best policy of a state. The industry of the people was never so universally, so beneficially employed, as within the last few years of our annals. The causes of this were many and various. The triumphs of agriculture had produced such an abundance, that the home-grower was ensured the monopoly of the market, while the low price of subsistence, and the use of machinery, had enabled England to compete in the foreign market with foreigners, and not only to compete, but to put competition almost out of the question. Another powerful auxiliary to this happy state was lately coming into play in the new Poor-laws. He had no doubt that their Lordships had glanced at the Report of the Commissioners, and had been delighted to perceive the diminution which had taken place in the poor-rates, and the spirit of order and vigilance which had saved the property, and preserved the tranquillity of the provinces. Their Lordships must have seen that the plans of management adopted, had restored the finances of parishes, had substituted employment for alms, industry and independence for pauperism, and a moral sense of propriety for a state of degradation. If their Lordships would investigate the progressive advance of commerce and manufactures, they would find it might with truth be affirmed, that it had been alike active, steady, and sound. There was no less reason for gratulation if their Lordships would look

to that which was the foundation of the State itself—its revenue; notwithstanding the continued and progressive reduction of taxes, the revenue accounts still showed a surplus of two millions and a half over and above the total of the twelve months preceding. Figures proved themselves; but they, in this case, possessed also the peculiar property of showing that, with the increase of revenue, the comforts, and even the luxuries of life, were proportionably increased. He must now allude to a circumstance to which they must all look with gratification; namely, the removal of that ever-festering irritation, that cause of unceasing agitation—tithes. He was of opinion, that the commutation of tithes had been to religion the greatest of all advantages, and had done more than anything else to remove all discontent and disquietude between the pastor and his flock. The latter would no longer leave the former in disgust from pecuniary disputes, and the doctrines and discipline of the Church would have a fair chance of retaining its own followers; and should Dissenters be relieved from the payment of dues, the justice of which they conscientiously dispute, and from which he (Lord Suffield) must think they ought to be relieved, this kingdom would then inherit all that Government could perform towards the enjoyment of that greatest of all blessings, religious peace. In this cursory view, he feared it could not be denied, that he had rather depicted England and Scotland than Ireland; for, although he was rejoiced, as their Lordships also were, to hear from the noble Earl on his left, that disturbances in Ireland were diminished, and discontent, to a great extent, removed, yet, undoubtedly, they still existed, and he (Lord Suffield) could not help thinking that they arose out of a refusal to place Ireland on an equality with themselves. That was her demand, and he thought the demand a most reasonable and equitable one. See what had already happened. Let noble Lords look to the National Association, that mighty power which he hesitated not to describe as *imperium in imperio*, which, if acted upon as a precedent like the Catholic Association, on the one side, and the Orange-lodges on the other, like the Conservative associations and political unions of this country, must, should its power be established, paralyse all government, and tear the country to pieces. That National Association was

mainly attributable to the denial of Municipal Reform, and of the Tithe Bill. It was a matter of most important consideration for their Lordships, whether it might not become a question of absolute necessity for the people of Ireland to resort to such a concentration of their force, not for one single object, but for their rescue from the distress into which a negligent or a corrupt administration of their affairs had plunged a great, generous, and highly-gifted people. When the danger to the State was manifest and threatening—when there was gross injustice in such combinations, they were, as in the case of the Orange Lodges, without difficulty put down; but he would ask of their Lordships where was the force—where was the machinery—where was the national sympathy to enable them to put down an Association which, if any such ever deserved the appellation, was truly entitled to be called national? That Association could only be dissolved by the most substantial exercise of justice. Turn the scale to whatever side they would, justice alone would secure the sustaining support of public opinion, which in the present height of intelligence was the only aliment on which a Government could subsist. The highest wisdom was but the instruction of the past. Let their Lordships look at Catholic Emancipation. If the stern convictions of the minds which were then at the head of affairs—if the cautious prudence of a right hon. Baronet, then the Home Secretary—if the indomitable courage of the noble Duke opposite, then at the head of the Government, bent before the disorganisation of society which Ireland threatened—if they, with all their principles or their prejudices unconverted, found it impossible to resist the national will, let their Lordships profit by the example before matters were again driven to a like extremity. It was impossible for their Lordships to stem the current of feeling and opinion. Let them see what the national will had already extorted from the reluctant portion of their Lordships' House—Catholic Emancipation, Reform, the extinction of a large portion of the Irish hierarchy, the Tithe Commutation Bill, the Municipal Reform Bill. Let them learn wisdom from experience. If the great names which he had quoted felt it to be impossible to resist in the case of Emancipation, what was that force when compared to the phalanx which was now

drawn up, backed as it was by large majorities of the House of Commons, and by majorities out of the House beyond calculation? It would be a contest in which all the chances of justice, numbers, and activity would be against them. There might be differences in the views which prevailed among Reformers, but in this, all sections were agreed, that an ample debt of justice was still due to the people of Ireland. Upon the subject of a Poor-law there could be but one opinion, a Poor-law that would rescue the infirm and the aged, the orphan and the widow, must be a blessing. Could that, however, be coupled with any expedient to bring into production, by means of capital, and call into play the capabilities of that fine country,—that would be the best sort of “justice to Ireland.” He was sorry to have trespassed so long on their Lordships’ time, but he wished to be permitted to add a few words before he sat down. There were theorists who suggested changes in the elective franchise and its exercise, and even in the constitution of their Lordships’ House. However active and vigilant the minds of the leaders, however numerous the masses on which their theories were brought to bear, he thought it might still be safely affirmed that the sound and stable body of the Reformers of the country were not prepared to risk experiments of so much doubt and hazard. The sense of the country was undoubtedly in favour of reforms, extensive reforms, but reforms however, which should be maturely considered and found practicably applicable to the Constitution. It should not, however, be concealed that the direction and regulation of that feeling mainly rested with their Lordships’ House. To reconcile the dissatisfied, to remove discontents, and to open a prospect of increasing happiness and freedom to the people of this country, was still in their power; but should a contrary course be taken—if seduced by the pride of station and power, or misled by the prejudices of party or mistaken principles, they should oppose their *vis inertia* to the active force which was arrayed against them, when that force was addressed to measures which carry with them the judgment and the affections of the great body of the Reformers, their usefulness, their respect, perhaps their very existence, would be endangered. It was because he considered the policy recommended in the Speech from the Throne as

being the most likely to promote the happiness of the subject that he had great pleasure in seconding the Address.

The Duke of Wellington said, it was not his intention, in rising, to offer any opposition to the Address which had been proposed by the noble Earl. He had seldom heard a Speech from the Throne, or listened to an Address, which he considered to be less liable to objection; and it was most probable that he should have said but a few words on this occasion, if something had not been alluded to by the noble Earl who moved the Address in an able speech (which he hoped would induce him frequently to address their Lordships), but more particularly in consequence of what had fallen from the noble Lord who seconded it, likewise in a speech which manifested considerable power. Both those noble Lords had thought it necessary to dwell at considerable length on the subject of the tranquillity of Ireland; and more particularly the noble Lord who had addressed their Lordships last had been pleased to attribute the establishment of a certain body, denominated the National Association of Ireland (to which the noble Lord stated that much of the boasted tranquillity of that country was due), to injustice perpetrated against Ireland by one of the branches of the Legislature. Now, as he had been one of those persons who approved of the line of conduct of which the noble Lord complained, he felt it necessary to defend himself and those who acted with him against the charge advanced by the noble Lord. It was a most surprising circumstance—a circumstance, he believed, unknown in this country until the present time—that it should be thought justifiable to establish in any part of his Majesty’s dominions an association, the legality of which was exceedingly doubtful, and to found the justification of such a proceeding upon the proceedings of one of the Houses of Parliament. It was a most improper assumption, and one against the propriety of which he was compelled to protest. In the last Session of Parliament, his Majesty’s Speech particularly noticed the tranquillity of Ireland; and at the very time that that Speech was delivered from the Throne, the Association alluded to existed in that part of the United Kingdom; and the author of its existence boasted that it was established with a view to the agitation of particular questions,

and more especially of the repeal of the Union. Now, they had the opinion of a former Lord-Lieutenant on this subject; and he had told them that the agitation of those questions was, in fact, the great cause of disturbance in Ireland. And yet, in the face of this statement, the noble Lord had come down to the House that night, and told them that Ireland was in a state of comparative tranquillity. He did not call on the Government to interfere with that Association; but what he did ask was this, that they should call things by their true names. While there existed an association in the country which formed committees, which named its different agents, which raised money, and which appointed individuals to carry into execution its various decrees, he would ask, that such an institution should not be looked upon as the cause of tranquillity in the country, but that its real name should be given to it—that of a creator of disturbance and conspiracy. At the very moment when they were told that the country was in a state of tranquillity, it was notorious that there was one description of property which could not be collected—which, in fact, was all but annihilated—and the clergy could not appear to claim it without the almost certainty of being murdered. And yet, the noble Lord had, this night, thought fit to describe this state of things as a state of tranquillity. He had felt it necessary to say thus much for the purpose of defending himself and others from the imputation which had been cast on them. With respect to other parts of the Speech, he could most truly state, that when his Majesty's Government brought their measures before Parliament, he should come to the consideration of the different subjects they embraced with the sincerest desire to adopt whatever might be proposed, if it appeared to him that they were calculated to prove beneficial to the empire. He now wished to say a few words on that part of the Speech which related to the affairs of Spain. It was well known to their Lordships, that he was one of those who objected to the treaty denominated "the Quadruple Treaty." It was perfectly true that he had afterwards been instrumental in carrying it into effect; because it was his duty, in the situation in which he was placed, to carry into effect those treaties which his Majesty had entered into, whether he had originally approved of them

or not. He could not, therefore, now disapprove of the due execution of the quadruple treaty by others; nor would he refuse his assent to the proposition contained in the Speech, or in the Address, that the measures which his Majesty had adopted with reference to the treaty had given satisfaction. If other propositions were made connected with the treaty, it would be their right, as it was their undoubted duty, to consider them calmly and dispassionately. Much discussion had taken place with respect to other members of this alliance, on the subject of their conduct in the execution of this treaty. Now, he must say this, that so far as he was enabled to form a judgment of the treaty (and he knew nothing more than what appeared in the treaty itself), it seemed to him that it had been executed by all the parties who had subscribed it. He perfectly recollected, that when he had the honour of serving his Majesty in the year 1834, he was called on to state whether that treaty should be carried into execution. He at that time declared what he understood was the meaning and scope of the treaty—namely, that there should be no intervention in the internal affairs of Spain. That was his sense of the treaty at that time. It continued to be his sense of the treaty at the present moment; and that, he believed, was perfectly understood by the other parties to the treaty at that period. The explanation was likewise completely satisfactory to the Spanish Government; and all parties were satisfied that no military intervention should be attempted with respect to the internal affairs of the Peninsula. He had touched on this point because he confessed that he was one of those who were of opinion that it would be extremely wrong to attempt to force on the Spaniards any species of government. Indeed, he would say, that to enforce any system of government in Spain was absolutely out of the power, not only of this country, but of any other country in the world. If such a thing were attempted, those who attempted it must take into pay, not only their own army, but the army of the country itself; and he should like to see how the Commons' House of Parliament, or the Chamber of Deputies, would treat a proposition calling on them for a vote of money for the purpose of imposing a government on Spain, or on any other country. He contended that the thing was absolutely im-

practicable. His Majesty's Ministers might rely on it that they had undertaken that which they never could perform; and that the sooner they placed themselves on the footing on which they ought strictly to stand with reference to the treaty of the quadruple alliance, the sooner would the object—the pacification of Spain—which they must all anxiously wish for, be accomplished. He felt the strongest objection to anything like interference with the internal affairs of the Peninsula. He objected to it not only on account of its expense, but still more so on account of the injury which it inflicted on the parties existing in that State. To his own certain knowledge, he could say, that three parties had been ruined in Spain by the intervention of his Majesty's Government at different times. Individuals had been ruined, their properties destroyed, their fortunes sacrificed, by the course which his Majesty's Government had pursued. Acting under the assurances of his Majesty's Government, those individuals adopted a certain line of conduct. The Spanish Government was obliged finally to go forward with the movement. Those persons were in consequence abandoned, their fortunes were sacrificed, and their prospects blighted for ever. This made him more adverse to such a species of interference than he should be merely on account of expense, though that also had considerable weight with him. He repeated, that he did not mean to oppose the Address; but, in taking that course, he must be understood as not bound to approve of the employment of any force beyond that which was stipulated for by the quadruple treaty, which treaty Parliament had acknowledged, and to which they all, so far, became parties.

Viscount Melbourne was glad that it was not the intention of noble Lords opposite to move any amendment to the Address. It was, in his opinion, of the highest importance that the Address, on the first night of the Session, should be received with general concord and unanimity; and that they should approach his Majesty with this feeling—that, whatever might be their opinions on other subjects, at least on those contained in the Speech, there was no difference of sentiment. This had long been the practice of Parliament. It prevailed in 1703 and 1704, when this country was engaged in a great and powerful contest with France.

The British Parliament then declared, unanimously, that at least on the subject of that great war, and the necessity of maintaining it, they were all agreed. It was a wise and a sound practice; and it might, with great propriety, be transferred from a time of war to a time of peace, when questions of great importance and deep interest were to be discussed, which required firmness, decision, and unanimity, on the part of both Houses of Parliament. He was very well aware, that though the Speech was conceived in moderate terms, and though the Address was couched in terms equally moderate, yet that they contained some topics which would hereafter create considerable difference, and with reference to which it would be his duty to bring forward different measures in the course of the Session. He should be prepared to introduce those measures to their Lordships' notice, in the same spirit in which the noble Duke said he should be prepared to receive them, and he should consider them with an anxious desire to do what was best for the interests of the country, and the promotion of its real welfare. The noble Duke, although he had declared that he was prepared to concur in the Address, had made some observations on the remarks made by his noble Friends behind him in moving and seconding the Address, and also on the Speech with which his Majesty had been advised to close the last Session of Parliament. That speech stated, that there prevailed in Ireland an unusual, and (as the noble Duke had well expressed it) a comparative degree of tranquillity. His noble Friend behind him had declared it to be his opinion—and he supposed his noble Friend might be allowed to know something of the country to which he belonged, in which he resided, and from which he had lately come—that that country was at present in a state of great tranquillity. The noble Duke had said, there were exceptions to that tranquillity, and he perfectly admitted that the point to which the noble Duke referred, the continued resistance to tithes, formed a very important exception. He perfectly admitted that; and with respect to the subject which had called forth the observations of the noble Duke, he meant the establishment and present existence of that body, termed the National Association in Ireland, he had himself no hesitation in saying, that it was with great regret,

and great concern, that he saw its existence. He readily admitted, that he did not think the grounds on which it was founded sufficient to justify its establishment; and he could not but say that there had been proceedings in that Association, as there would be in all such assemblies, of which he, for one, undoubtedly could not approve. At the same time he must observe, when the noble Duke accused that Association of threatening conspiracy and disturbance, that it was the nature of conspiracies to be secret, while the proceedings of this body were open as day, and avowed to all the world. He maintained, in opposition to the noble Duke, that there was nothing in the aspect of that Association which would have prevented Ministers, in the Speech which closed the preceding Session, or which should prevent his noble Friend behind him, on the present occasion, from asserting, that a degree of tranquillity, hitherto, unfortunately, very unusual, prevailed in Ireland. He supposed the noble Duke would admit that England had been tranquil during the vacation; but he was sure if meetings, speeches, and resolutions, were to be regarded as disturbing tranquillity, there was not now a country in Europe so much disturbed as England had been during that period. One noble Lord opposite had lifted up his voice most loudly in these disturbances; and it must be allowed, that the appearance of other noble Lords on the same side, had raised as loud a clamour, and stirred up as much agitation, as it was possible for any party to excite. On this subject he had only to say, that if it really were the case, as was so confidently alleged, that what was called re-action, and a general change in the sentiments of the nation had taken place, it would not be long before that change would be visible, and power would be transferred into the hands of those in whose favour that opinion was maintained. He should only recommend noble Lords opposite, not to be deceived by the sound of their own voices, or to take the loudness of their shouts as a proof of the increase of their numbers. The department of calculation, so important to the existence of a great party, had not been so well attended to by them as some others; and they had been always deceived in their estimate of numbers. He should advise them to be careful how they trusted to those shouts and clamours, and to be

certain that this change of public opinion had really taken place before they hazarded any proceedings on it. He could assure noble Lords opposite, that he was told quite the contrary; that their calculations, according to his information, were quite erroneous; and that the numbers of their party were not at all augmented. He hoped this statement would enable them to come to a sounder and safer conclusion, on a subject which all must feel to be very important. He had no wish to say anything with regard to Ireland which could revive the disputes of last Session, but these matters were generally exaggerated at the moment, and the interval of the vacation had afforded time for a calmer consideration of these subjects, than might be given to them in the heat of adverse debates. He thought, however, he might safely say, that according to the estimates made in every quarter, with the exception stated by the noble Duke, the condition of Ireland, with respect to Agrarian disturbances, and security to life and property, was much improved. He looked forward with confidence to the continuance of the present tranquillity, and he thought they were justified in holding out that prospect to the country. The noble Duke had concluded his speech with some observations on the policy the Government had pursued with respect to Spain. The noble Duke stated, that he was originally opposed to the quadruple treaty, which the noble Duke, he was ready to admit, on coming into office, had executed with scrupulous fidelity, and in strict adherence to its spirit. He confessed he scarcely understood some parts of the noble Duke's observations, which were not very distinctly expressed. He believed no new measures had been taken in fulfilment of that treaty, which were not clearly before the world; but, undoubtedly, if any such should be taken, there would be no desire to withhold information with respect to them from that House—no disinclination to submit them to the consideration of Parliament, and to the observations which the noble Duke might think proper to make on them. With regard to the principles entertained by the noble Duke, on the impossibility of forcing a constitution on Spain, or the impropriety of interfering in its internal affairs, he perfectly coincided in them. The present Government, he contended, had acted upon those principles—they had not interfered. A revolution had, no doubt,

taken place in Spain, attended with great loss of property, but it had arisen from the circumstances of the country, and was not to be ascribed, as the noble Duke seemed to suppose, to the interference of the British Government. The circumstances in which that country had been placed were more likely, as the noble Duke well knew, to produce a revolution, than any others—the circumstance of a war unsuccessfully carried on, and leading to no happy or desired result. A country was impatient under a foreign war; but it was still more impatient under the calamities attendant on civil war. The tranquillity of Spain depended on the army of the Queen, and the revolutions of that country were owing to the losses and disasters which had marked the progress of the war. He repeated, that there was every disposition on the part of Government to afford all the information they possessed regarding the State of Spain, and the policy which they had pursued towards that country; and when the noble Duke should be in possession of that information, he felt persuaded, that the noble Duke would think better of the policy pursued by his Majesty's Government than at present. No other objects, he believed, were embraced in the noble Duke's statement, and it only remained for him again to express his satisfaction that there was no difference of opinion with respect to the Address to be presented to his Majesty.

The question carried *nemine dissente.*

Address to be presented to his Majesty.

HOUSE OF COMMONS,

Tuesday, January 31, 1837.

MR. LECHMERE CHARLTON.] On the House meeting, the *Speaker* said, I have received two letters, one from the Lord Chancellor, and the other from Mr. Lechmere Charlton, a Member of this House, which I think it my duty to read. The first letter is from the Lord Chancellor:—

“31st January, 1837.

“Mr. Speaker, Sir, I have the honour of making known to you, for the information of the House of Commons, that I issued my warrant on the 28th of November last for the commitment of E. L. Charlton, Esq., one of the Members of the borough of Ludlow, for a contempt of the high Court of Chancery, in writing and sending a certain letter, dated the 24th of October last, to William Brougham,

Esq., one of the masters of the court, which was followed by a certain other letter, dated the 9th of November last, addressed to myself. I have thought it right to make this communication for the purpose of accounting for the absence of the hon. Member and of testifying my profound respect for your honorable House.”—I have the honour to be, Sir, your most obedient servant,

“COTTENHAM.”

“To the Right hon. the Speaker.”

“Fendall's Hotel, Palace Yard,
31st January 1837.

“SIR— I have just reason to believe, that Mr. William Pell (who is a messenger in the Court of Chancery), and others employed by him, are determined, under the directions of the Lord Chancellor, to interrupt me in my progress to the House of Commons this day; and I humbly request, therefore, as I am thereby deterred from attending, that you will vouchsafe to extend to me your protection.

“I seek not to withdraw myself from the criminal jurisdiction of the Realm well knowing the privilege of Parliament, which is allowed in cases of public service for the Commonwealth, must not be used to the danger of the Commonwealth.

“To be protected, however, from any violence of the Crown or its Ministers, is, I apprehend, the established and undoubted privilege of a Member of Parliament. To this hour I know not of what I am accused, except from public report; but, nevertheless, I ask for no more than to be allowed, without molestation, to take my seat, that I may state what I do know of the matter to the House, and then bow with all respect to their decision, be it what it may.—I have the honour to be, Sir, your obedient humble servant,

“E. L. CHARLTON.”

“To the right hon. the Speaker.”

Mr. *Hume* did not know if any Gentleman intended to make any motion on this subject. He wished to have properly ascertained what were the grounds of the impediment of which Mr. Charlton complained, and when this was regularly before the House, the House would be in a condition to state its opinion. What he wished to know was, whether any Member was prepared to bring forward a motion on the subject in such a manner as would bring it fairly under consideration.

Mr. *Roebuck* remarked, that the hon. Member stated in his letter that he had been stopped on his way to the House; he wished to know in what manner the hon. Member had been stopped; for if the hon. Member had not been taken into custody on his way to the House, he could not properly be said to have been stopped.

Sir *Robert Peel* thought, that the best course the House could pursue was to have the letters printed, for the purpose of

giving the House time to consider to-morrow what course they ought to adopt. It might be a question whether the Lord Chancellor's letter should not be referred to a Select Committee, which was the course adopted with respect to the last case of the kind which had occurred, namely, that of Mr. Long Wellesley Pole, who had been committed by Lord Chancellor Brougham. That case, however, was undoubtedly different from the present. He observed that the Lord Chancellor stated in his letter the fact that he had issued a warrant for Mr. Charlton's apprehension, and the probability that the issue of that warrant would prevent the hon. Member from appearing, because he stated, that the letter had been written to account for the possible absence of the hon. Member. The right hon. Baronet concluded by moving that the letters be printed.

Lord John Russell supposed the letter of the Lord Chancellor and the letter of Mr. Charlton would appear on the votes of the House to-morrow, in order that the subject might be properly taken into consideration. He quite agreed as to the propriety of the course proposed by the right hon. Baronet, and he would beg leave to add to the motion that the letters be printed, that they be taken into consideration to-morrow. In making that motion he begged it to be understood that he did not raise the question put forward by the hon. Member for Bath.

Motion agreed to.

ADDRESS IN ANSWER TO THE KING'S SPEECH.] The Speaker having read the Speech of the Royal Commissioners,

Mr. Ayshford Sanford rose for the purpose of moving the adoption of an Address to his Majesty in answer to the gracious Speech which they had just heard read. He felt the greatest difficulty in undertaking this duty, as he had for some time been suffering under severe indisposition, and even at that moment continued to feel its effects to an extent which would in a great degree incapacitate him from doing justice to the subject. He trusted, however, that the House would extend to him that forbearance and indulgence which he had seen so many times accorded to other Members under similar circumstances; and in order to merit that indulgence he would endeavour to be as brief as possible in fulfilling that duty which fell upon him of

endeavouring to induce the House to agree to that Address which he should have the honour to move, and which, as such addresses usually were, was pretty much in accordance with the Speech of his Majesty. It might be a matter of great congratulation for which the country would be grateful to an over-ruling Providence, that the country had for a period of twenty-two years enjoyed the great blessing of peace. Having seen the misfortunes which had overwhelmed Europe for many years by the war which desolated many countries, the people of this country now knew the great blessing which they enjoyed by having profound peace. It was also a sentiment in which every one who had heard the Speech read must agree, that every succeeding year would add to and cement those bonds which happily now existed between this and foreign countries. The people were now aware, from the increased intelligence which they possessed, that the real happiness of nations, of the great multitude of the people, was to be obtained by the blessings of peace alone. The people now, with their increased intelligence, were aware that the real happiness of the great multitude was to be obtained only by the blessings of peace. Whenever despotic monarchs or crafty ministers should wish to plunge countries into war, they would find that the people would say, that they would better consult their interests and the interests of all countries, by studying and applying their minds to the system of commerce which now pervaded the world; and sovereigns would find it impossible now to plunge any country into such wars as we had seen. But if this was a subject of general congratulation, there was in the next paragraph of the Speech a topic which must be one of regret to all those who wished well to the country to which it referred, a country with which England has been so long allied and so intimately connected. The dreadful state of Spain, plunged as it was into anarchy and confusion, must be greatly deplored. It was more particularly the subject of regret, that Spain should be plunged into such a state of anarchy and confusion considering the fine climate which it enjoyed, the productive soil which it possessed, and the natural facilities for commerce which belonged to it. Upon looking to these things, they would at once see that they proceeded from a system of despotic Government; a sys-

tem which invariably led to the anarchy and confusion now complained of. To it might be added the mischiefs which resulted from religious bigotry, and from a people kept in a state of ignorance and subserviency to superstition. He trusted that a new era had arisen, and that by the effective co-operation afforded by his Majesty's forces peace would soon be established. The next subject to which the Speech directed their attention was the state of Portugal. In the case of Spain it was necessary to send to the assistance of the Queen; but in Portugal there was no departure from the principle of non-intervention, and no necessity to interfere between the contending parties, although, acting in conformity with the professions of this country in favour of the Government of Portugal, the British force was made available in case of need, to the protection of the Queen. The condition of Canada was the next topic adverted to in the Royal Speech. Until the report of the Commissioners was placed before them, it would be quite impossible to say what measure of legislation should be introduced; but he hoped that they would be such as to preserve to England those colonies which were so important to the mother country, particularly in the view of encouraging emigration. Many of these questions had been already brought forward, and they must be again introduced; and he trusted they would meet a different fate in the present Session, from what they had met with in the last. A recommendation had been made by his Majesty that an alteration should be made in the law of imprisonment for debt, and one for the establishment of local courts throughout the country. He was aware that nothing could be more important than such measures, because he had had opportunity to see the distress arising from the difficulty of collecting small debts throughout the country. Creditors were unable to obtain their just demands under the present system, and some alteration should be made, either by giving a greater power to the magistrates at quarter sessions or by the introduction of local courts. He trusted that the report of the Ecclesiastical Commissioners would be carried into effect before the termination of the present Session, which would have the effect, in his opinion, of confirming one expression in his Majesty's Speech, wherein his Majesty intimates a hope "That such further

measures may be introduced as may give increased stability to the Established Church, and promote concord and good will," which he was satisfied it would promote among all classes of his Majesty's subjects. Nothing would tend more to promote this object than the settlement of the question of Church-rates, and he trusted that a measure upon that subject would be speedily prepared. It must be granted that the revenues of the country had greatly increased, notwithstanding the great diminution that had taken place in taxation of late years. This was the strongest proof of the general prosperity of the country. But a further proof of the pleasing fact was given by the present state of prosperity of our commercial and manufacturing interests. He should be happy if he could draw a similarly pleasing picture of the other classes of the community, but he regretted to be obliged to say that, comparatively speaking, the agricultural interest was in a state of embarrassment. He had the honour to belong to that class, and he was bound to say that they had borne their distresses with patience; and he was happy to add that he believed that that honest and industrious class was at this moment in a fair way of improvement. It was most satisfactory to him to know that such was the case, and more particularly so when he considered the state of pressure from which they were, as he hoped, recovering. He begged at the same time to state, and he thought it only fair to those who entertained certain opinions with regard to the agricultural interest to do so, that he did not think that it was in the power of the Legislature to grant them relief, and that their prosperity, which he hoped would soon increase, could not be derived from legislative interference. This, in his opinion, was satisfactorily proved by the examinations that had taken place in the Committee of last Session, of which his hon. Friend (the Member for North Hampshire) was Chairman. His hon. Friend had stated that it was impossible for the Legislature to give relief, and he cordially concurred in the opinion, that the agricultural interest had more to expect from the absence of legislation than from legislative interference. With regard to the subjects mentioned in his Majesty's Speech connected with the sister country, knowing by whom he should have the honour of being followed, he should leave

that to the hon. Member, who was more familiar with the matter. But there was one subject, which, of all others, he believed would be the greatest improvement to that country—he meant the establishment of Poor-laws in Ireland. He believed no measure would more conduce to the prosperity of that country. He hoped the Government anticipated a different conclusion to the labours of this Session than the last. A house divided against itself could not stand—still less could a constitution exist torn by dissensions and divisions. The hon. Member having again stated that he found, from the state of his health, that he was unable to do justice to the important topics embraced in the Speech, craved the indulgence of the House, and concluded by moving an Address to his Majesty, which was an echo of the Speech.

Mr. *Villiers Stuart* rose to second the motion; however difficult he might find the performance of the task, it never could be otherwise than a grateful one to urge upon that House the propriety of acknowledging its thanks to the King for the personal interest which he took in the affairs of the country, and which had that day been so conspicuously manifested in the gracious Speech which they had heard from the Throne. Looking at the many important questions that called for immediate settlement, he recognised in this early assembling of the great Council of the nation an earnest desire on the part of his Majesty to bring these questions under the consideration of his Parliament, with a view to their speedy and satisfactory adjustment. To that branch of the Legislature it must be matter of much satisfaction to receive from his Majesty the assurance he had that day given of the anxiety that existed on the part of his Allies to maintain those relations of amity which at present existed between them and ourselves, and also that the peace at present happily existing was likely to be permanent. These assurances must necessarily be satisfactory to the House of Commons, because, whilst they proved that his Majesty looked to peace for the continuance of the national prosperity at home, the anxiety of his Allies to maintain their amicable relations with this country was a further proof that that peace had not been obtained at a sacrifice of honour or breach of compact. In the general peace of Europe there was unfortunately one exception—Spain. He felt

confident that that House would respond to the feelings that his Majesty had expressed upon that subject, and would hail with sincere joy the conclusion of that civil warfare which was ravaging the finest provinces of the Peninsula. For his own part, he hoped that out of the temporary evils under which Spain was at present suffering much permanent good would arise, and that in the end the liberties of her people would be cemented on as secure and firm a basis as our own. Upon that part of his Majesty's Speech which related to commercial affairs it was not his intention to dwell, because he felt that there were many hon. Gentlemen present who could appreciate the sentiments expressed upon that subject much better than he could. Though there were undoubtedly many other topics contained in the Speech to which he might call the attention of the House, he should confine himself exclusively to those which related particularly to the affairs of that country with which he was connected. If he had been gifted with eloquence, it was a topic on which he could have spoken for hours; but not being so, he would only express his hope that now the great Council of the nation was assembled it would adopt a conciliatory policy towards that country, and keep in view that great and first principle upon which they should act, that the prosperity of the United Kingdom must depend upon the prosperity of all its parts. To make an exception to the general policy of the kingdom against one of its parts was, in his opinion, one of the worst things that could possibly be done. If the union were to be a source of strength, it must be one in reality. In the minds of the people of both countries there must be a conviction of a common interest. Until a conviction of that kind were felt there could be no real union. It was for them in their legislative capacity to bring home to the minds of the people of the three countries that they had an interest in being united, and that a complete and binding union between them was necessary to entitle them to the enjoyment of the same rights. To assist them in the execution of that duty his Majesty had that day called their attention to certain measures requiring their most serious consideration. One of these—one to which he confessed he looked with peculiar satisfaction—was the introduction of a system of Poor-laws into Ireland. He had always considered a measure of

that description necessary, and he now hailed the prospect of its being carried with the utmost satisfaction, because, although he did not look to it as a panacea for all the evils of Ireland—amongst which the general want of employment was perhaps one of the most prominent—yet he could not help thinking that the introduction of a well-organised system of Poor-laws would remove or mitigate many of the severest hardships under which the great mass of the population were now suffering. The discussion of the subject would be attended with this additional benefit, that it would direct the attention of the Legislature to the necessity of giving employment, either by the establishment of public works or otherwise, to the poor of Ireland. In that part of his Majesty's Speech which called the attention of Parliament to the corporate institutions of Ireland he recognised an earnest desire on the part of the King to confer on his Irish subjects—not less loyal, not less faithful, than those of England—the same rights and liberties as were enjoyed in this country. Ireland, indeed, amidst all her misfortunes—amidst all the obloquy often heaped upon her name—had this source of satisfaction, that his Majesty had never shown any want of confidence in his Irish subjects. Notwithstanding all that had been urged by a particular party in that country, who claimed to themselves a peculiar loyalty, he (Mr. Villiers Stuart) could not detect in the Speech they had that day heard from the Throne any want of confidence on the part of his Majesty in the great mass of his Irish subjects. Who, then, would venture to stand between a confiding Sovereign and the affections of a generous people? True loyalty was uninfluenced by any selfish feeling, and whatever the treatment of his Majesty's Irish subjects might be, it would be a difficult matter to estrange their affections from their Sovereign. The best means, however, of avoiding any estrangement would be the adoption of a policy which would give them the entire confidence of their English fellow-subjects. If that line of policy were adopted Ireland would indeed become happy, and England powerful. If not, he would say indeed farewell, a long farewell, to all their hopes of tranquillity and prosperity. If such a policy were adopted, he saw before him a gradual improvement in her affairs, instead of that feverish excitement which had occupied the inhabitants of that country

upon political subjects, and which had rendered Ireland a scene of agitation from end to end, and which had left the mind of every man smarting under the sense of insult and degradation which had been heaped upon them. That moment might be delayed, but it could not be averted: he was quite satisfied that it would speedily arrive. So long as it was delayed, so long would the tranquillity be delayed, so long would her prosperity be delayed, and so long would the power of England be paralysed. For centuries England had treated Ireland like a conquered country; gradually she had relaxed that system, and raised Ireland in point of law to an equality with herself; and he would now ask, would they venture to keep her in a state of degradation in point of practice? He was satisfied that they could not: the moment that the Emancipation Bill was passed they had raised up another nation to an equality with themselves, and that nation was determined to maintain her position. If there were a party still existing in that country who were not satisfied with a fair share of power, but were determined to recur to the old state of things and the old system of ascendancy, he (Mr. Villiers Stuart) would pray his Majesty's Ministers not to be led away by their views, and not to let their policy be their guide in legislating for that country. As an Irishman, deeply interested in her prosperity, and having a deep stake in the country with which he was connected, and by which he must rise or fall, he would entreat them not to be led away by the policy of that party, and not to deprive his poor unhappy country of her fair share of the privileges which other portions of the empire enjoyed. Whatever line of policy might be adopted, much gratitude was, in his opinion, due to his Majesty for the gracious manner in which he had called the attention of Parliament to the state of Ireland; and he felt that in seconding the motion that an humble Address be presented to his Majesty, he was but fulfilling his duty as one of the Representatives for that country.

The Address having been read,

Mr. Roebuck said, that as a silent vote upon the Address might be construed into a general approbation of the conduct and principles of his Majesty's Ministers, he wished to save himself from that misconception by stating what were the pressing circumstances that compelled him to give

them a very guarded and jealous support, and by explaining why it was that he felt compelled, differing from them as he did on many important questions, nevertheless, to give them, in conjunction with other Gentlemen who sat on that side of the House, such a degree of support as should be sufficient to maintain them in their places, although he did not approve either of their general policy or of the principles upon which their Government was conducted. In doing this, it would be necessary for him to speak in no eulogistic manner of either of the two parties who were endeavouring to gain the ascendant in the country; but it would not become him to shrink from the task which his situation imposed upon him, and in the performance of it he should endeavour not to speak with unnecessary asperity of any party. He would, therefore, with the permission of the House, endeavour shortly to state what he believed to be the exact position of political parties at that moment, and to bring into broad relief the situation of one particular section, namely, the democratic section, to which he belonged. In doing this, he should recommend a policy to the democratic party in that House, which a few timid men might disregard, which the dishonest certainly would not adopt, but which, to those who had judgment to decide what was proper, and courage to follow what their judgment approved—who demanded a frank, fair, open, and uncompromising policy, to those he imagined it would be welcome. It appeared that at the present time there was going on in this country, and not only in this country, but in the world at large, a fearful struggle between two great principles of government, that which endeavoured to make the many dominant, and the other which endeavoured to maintain the domination of the few. In that House those two principles were very unequally represented. The Tory, or aristocratic, party who were ranged in hostile but honest array against the opinions of the democratic party, formed, unfortunately, as he believed, for the general interests and welfare of the country, a very large majority in that House. On the other hand, the party who represented the democracy were, unfortunately, in a small and, to use a phrase that was not disagreeable to the other side of the House, a miserable minority. But though they were thus in numbers weak, yet, being supported by the people

at large out of doors, for such was his opinion—hon. Gentlemen might refute him afterwards if they could—supported, as he believed they were, by the mass of the people out of doors, it was not easy for their adversaries to cope with them, nor could they easily be put down as long as they had judgment to understand their position and courage to take advantage of it. Not being enabled distinctly and openly to oppose the democracy, the Tory, or aristocratic party, wise in its generation, deputed its power to a certain go-between party, offshoots of the aristocracy, namely, the Whigs. In 1830, the two great principles, of which he had been speaking, came into distinct and hostile array against one another. At that time, it was clearly demonstrated to the people of England, that England was not a monarchy, as was supposed in ancient times, but that ever since the revolution of 1688, she had been nothing more nor less than an aristocratic republic. Once convinced of this fact, the people of England determined no longer to suffer the domination of the aristocracy, and at that time, had the aristocracy dared to continue their opposition to the just demands of the nation, they would have found themselves swept away before the current of popular opinion. In this state of things the Whig party, headed by Earl Grey, offered themselves as mediators between the people and the aristocracy, and by their mediation, the aristocratic party was saved from the destruction with which it was threatened. They proposed and carried the Reform Bill; and although the democrats were glad to receive that Bill at their hands, they were by no means convinced that it was all the people ought to desire. They took it as an instalment of justice—as a means of obtaining more, determined on the very first possible opportunity to make it a stepping stone to further great improvements. As soon as the Reform Bill was passed, a large portion of the Whigs, with Lord Grey at the head, and the noble Lord opposite (Stanley), no very humble partisan, deserted these principles, and stuck to aristocratic government. They wished to stand still, and talked of the finality of the Reform Bill, but it was found that the people of England would not permit that, and then they threw themselves headlong into the aristocratic faction. At this time, it happened that Lord Melbourne began his career as a

fresh mediator between the people and the aristocracy. He had a small section of the Whigs with him, and then it was that the democratic section in that House had to determine whether they would make that alliance with the Whig Government which was offered to them. It so happened that the dispute then existing between the people and the aristocracy was a very different one from that which took place upon the Reform Bill. The people believed, although that belief was now fast dwindling away, that the Reform Bill had introduced so many Liberal Members that the will of the community would be made predominant in that House. Under these circumstances, the Representatives of the democratic party were obliged to take into consideration the feelings of the people, and, accordingly, they determined to range themselves beneath the banner of Lord Melbourne, under the general name of Reformers. Of those who thus ranged themselves under Lord Melbourne's banner, there was a party—and he fancied, a pretty strong one, who believed that the Ministry were not sincere; who believed that the Whigs merely came forward for the purpose of saving as much as they could of the aristocracy, and of retaining for themselves, through the medium of a temporary popularity, as much of the proceeds of Government as they were able. That, at all events, was the opinion of one small party. There was another and still smaller party, who said, that the Whigs, they believed, were sincere and ardent patriots. But the larger section were those who said, "We believe with you," addressing themselves to the first section, "that there is not much sincerity amongst the Whigs; but, taking them as a whole, they are better than the Tories, and we can get more out of them." In this manner, acting upon a special understanding of their own peculiar interests; acting upon the belief, that having some influence—some power over the peculiar notions of the Whig party, they should be able to get from them, and for the people, a larger measure of reform; and acting in accordance with the general wish of the people, as at that time expressed, they (the democratic party) did range themselves under the banner of Lord Melbourne. But let the House remember what was their justification in so doing. It was this: that the Whigs then as now made use of large and vague generalities

respecting reform; they made no specific declarations, but they promised largely; and, as an indication of their determination to push reform to the utmost, they employed the word to distinguish themselves. They did not call themselves Democrats; they did not call themselves Radicals; they did not call themselves Whigs; they were Reformers; they adopted the name of Reformers, and promised to deserve it. The term "Reformer" might mean anything. He conceived, indeed, after the displays of this very year, little of it as had yet elapsed, that it would almost include the whole of the Tory party. Reformers! why they were all Reformers now-a-days; the hon. Gentlemen opposite were Reformers; they were Reformers, at least, just so far as their own private and personal interest compelled them to be; and that was just the understanding of the term as applied to the large body of reforming Whigs. It was for their interest specially, as persons participating in, or rather, he should say, possessing wholly, the power of Government, which was put into their hands, in consequence of their alliance with the Radicals, to palm themselves upon the public as Reformers; and it was entirely in consequence of the feeling that they could retain a great deal of benefit for themselves, that they called themselves Reformers. When they called themselves Reformers, what did they mean in the ears of the people? It was found, that they agreed with the Radicals in two things—they loved Reformers and hated the Tories. Now it was believed, that the men who hated the Tories, hated also aristocratic domination, irresponsible dominion, bad laws, and everything that could give to that House an improper power, for the benefit of the few against the interest of the many; and it was further believed, that the Whigs coming in under the broad banner of Reform, declaring themselves to be Reformers, were determined to put down all irresponsible power, whether in the hands of themselves or of their enemies. Now I may here openly, calmly, well knowing the consequence of what I am saying, not being hurried, not being confused, but thoroughly aware of what I am doing—I say the Whigs have deceived the people. I say, that whilst their words have been many, their works have been few, and that whilst they promised to be Reformers, they have turned out to be no better than the Tories,

Why did he say this? For this reason, that the Whigs wished to maintain a majority in that House. And how did they maintain that majority? Was it by giving laws which enabled the people easily to act according to the dictates of their consciences? No, they did no such thing; they kept the country in a state bordering upon revolution, for the purpose of maintaining themselves in power, compelling a certain number of persons to act in direct opposition to their own private interests at the voting places, at the same time teaching them to believe, that they were going to remove all the grievances of which they had so much reason to complain; and, above all, assuring them that they would prevent for the future the infliction of all those penalties which their landlords or others about them might impose if they ventured to oppose their interests when they came to the poll. He maintained, that this was an exceedingly ungenerous proceeding. The Whigs at this moment were in power solely by the excitement which they managed to keep up in the public mind. Under the Government of the Whigs, the country was obliged to be kept continually on the border of a revolution, in order to prevent an irruption of the Tories. It was well known that this was a part of the system, and that it was practised daily. To amuse the popular mind, they were making reform clubs and associations to look after the registration of votes. They were doing every thing but the right thing—every thing but doing away with the rate-paying clause of the Reform Bill, and giving the people the ballot. The Whigs would never consent to the vote by ballot. And why would they not? Did they expect that, for the purpose of carrying on a Government, the people were to be kept in a state of constant and perpetual excitement? Did they believe, as statesmen, as persons wishing well to their country, that that was a healthful or proper state for society to be plunged into. Or did they imagine that the excitement which they were enabled to create for a time could be continued for ever? They knew that it would not. They knew that at that very moment the people and the friends of the people were fighting foot to foot, and hand to hand with the aristocratic domination, and the Whigs were calling upon the people daily to make great, nay, he would say, fearful, sacrifices for the purpose of

maintaining them in power, whilst, at the same time, they refused to give them the means of putting down that troop of direful enemies whom they call upon hourly to combat. If they believed that there would be evil to England in the return of the Tories to power—if they believed that Ireland would suffer from such an event—let them come boldly forward and give the people fairly and honestly the means of expressing their opinions. Let them become real Reformers, and there would be no danger from the Tories. This was his charge against the members of the present Government: that by their machinations—by their imperfect and unsatisfactory mode of their proceeding, preventing the due advance and amelioration of the institutions of the country—they had kept the nation *in statu quo*; and that, consequently, the sooner they were put out of the position they at present occupied, the better it would be for all classes. But it might be said, that this was a charge wholly without foundation; and it might be said by the Gentlemen from Ireland, particularly by the hon. and learned Member for Kilkenny, “You know nothing of Ireland—nothing of what the administration has done for Ireland.” Now that was just the question that he wished to put. He wanted to know what the Government had done for Ireland. He was not about to say anything against the administration of Lord Mulgrave. He believed, that if anybody were called upon to point out a redeeming part of the conduct of the present Administration, it would be found in the conduct of Lord Mulgrave, for in Ireland it so happened that an honest governor was a species of miracle. Such a miracle had occurred in the 19th century, when Lord Mulgrave became Viceroy of Ireland. Lord Mulgrave, however, was but a lucky accident—he might be removed to-morrow by death, by a freak of fortune, by the whim of a disordered imagination, by a thousand chances; and then what was there for Ireland? Had there been any change in the laws or the institutions of that country which could secure to her peace and tranquillity? No; there had been no such thing. And why not? Because the sole means of accomplishing these ends was to be found in a change of the law; and a change of the law could only be effected either by controlling the opinion of the Lords, by an actual alteration in the formation of that

Perhaps the Radicals might appear to the Whigs to be strongly prejudiced, to be wrong-headed, impracticable persons, but would it not be better to yield a little to them rather than throw themselves into the arms of the Tories? To place them in office was what the Radicals did for the Whigs, and why should not the Whigs do something for the Radicals? If the Whigs really believed that their retirement from office would lead to such mischief as they described, namely, the irruption—for that was the word always employed—of the Tories into power, why did they not do something to please the Radicals? They had never made any pretensions to office; they had never asked anything for themselves; their objects were well understood; the Radicals looked to the interests of the people, and the Whigs considered their own. The Radical party in that House were determined to promote the interests of the people, and to follow their own course. He spoke for himself only, and did not pretend to speak the sentiments of any Gentleman behind him, but, so far as he was concerned, he was determined to pursue a just and independent course. He was not to be cajoled by fair promises, but he should look to the acts of his Majesty's Ministers, and unless these were intrinsically good, he would not give them his support. In all their good measures he was willing to support them, but he could not give his support to the principle of the Irish Church Bill, because he believed that tithes were not dealt with in that measure in the only manner which would lead to a final settlement of the question. The Church of Ireland must be put down entirely, and the tithes must be considered public property. The Irish Church was a nuisance which must be pulled down and abated at once, and the golden temple must be pulled down by the democratic party in the State, for it never would be by his Majesty's Ministers; and till it was laid low there would be no peace for Ireland. He should pursue the course which he had prescribed for himself, careless whether his Majesty's Ministers were put out of office to-morrow, and an irruption of Tories into power was the consequence, because he knew very well that if this course were generally adopted, it would be the means of obtaining justice for England, justice for Ireland, and justice for the colonies and the empire.

Mr. Beaumont said, that though un-

prepared to speak, he had no reluctance to rise in reply to the hon. Member for Bath before he should propose an amendment to the Address. He essentially differed with that hon. Member when he assumed that the Radicals in that House were the sole representatives of the people. He did not differ much from the hon. Member in regard to the fact when he said that the Whigs had lost much of their popularity; but he did differ from him entirely when he attributed the cause of it to their disinclination to a closer coalition with the Radicals. He believed that the contrary was the case; and he therefore thought that the diminution in their popularity arose from their greater approximation to the Radicals in latter times. The Radicals required organic changes; but he (Mr. Beaumont) was disposed to resist any further measures of that nature for England. There had been quite enough of them for the benefit of that country; and it was his belief that Parliament should now apply itself solely to real Reforms, and the work of practical legislation. It was on this ground and for these reasons, that he intended to propose an amendment on that part of the Address which related to the improvement of Ireland. He did so, after having duly considered all the modes in which that country could be most essentially benefitted. The object of his amendment was for the equalisation of the two religions which prevailed in that country, and to place the inhabitants of both countries in a state of entire equality with regard to religious opinions. Before Poor-laws could be introduced with any prospect of benefit to Ireland the religious dissensions which now distracted that country should be healed by equality of legislation. He would never consent to the establishment of the voluntary principle, because it was his opinion that Protestants should have the arrangement of the affairs of their own Church, as well as the Catholics. He should propose his amendment *pro forma* only, as he perceived that the House seemed disposed rather to treat the question of Irish tithes generally at some future period than to entertain it partially then. Whenever the Government proposed a measure on the subject of tithes in Ireland he should be prepared to state his reasons for opposing all attempts at an adjustment of them, and to prove to the House that the only safe way of pacifying

that country was to abolish them altogether. Not, he would add, to fill the pockets of the landlord, but to apply them to the purposes of the poor. The hon. Member concluded by reading his amendment. It was to the effect—"That no measures which should be introduced for the tranquillity of Ireland could be effectual to that end unless they were accompanied by measures which had for their tendency the abolition of all religious distinctions in that country."

This amendment was withdrawn, at the desire of the House.

Mr. *James* was not of opinion with the hon. Member for Bath that the Whigs were worse than the Tories. The hon. Member said, that the Whigs would not give us the ballot, and therefore that they were worse than the Tories. But he should like to know whether the Tories would give the voter the protection of the ballot? The fact was, that the Whigs were placed in very great difficulties during the last Session of Parliament, and not the least of those difficulties arose from the obstinacy of men who ought to have been among their warmest supporters. He did not, with reference to the notice of motion given by the hon. Baronet, the Member for East Cornwall, believe that there was any wish for an organic change by the people of England, which would lead to the destruction of the other House of Parliament, and for his part he entertained no such wish; but it was his desire to reform that body by modifying their hereditary privileges. The Lords ought to be elected by, and be responsible to, at least some portion of the people, for good legislation was most likely to be ensured when they who had the making of laws were aware that they would have to render an account to others of what they had done. He believed that there existed a desire on the part of the people of this country to secure a system by which laws might be well, fairly, and impartially considered before they were made, and that measures might not be disposed of, not with a reference to their own merits, but under the influence of a paltry and petty spite against the hon. and learned Member for Kilkenny. He did not believe that the people of this country wished to deprive the House of Lords of their honours or their titles, their stars or their garters. But if they would not legislate wisely, they would endeavour to break their power. The Lords might as well give way

to the moral influence of the people, or they might rely upon it the people would compel them at no distant period to reform their House. It was impossible that both Houses of Parliament should remain opposed to each other much longer; one of them must give way. The House of Commons had been reformed, and why not the House of Lords? They might say it would be destroying the Constitution; but the same argument would have applied against the transfer of the elective franchise from East Retford to Birmingham or Manchester. What was the object of the constitution but to promote and secure for the country good government? He knew it had been said that the House of Lords was incurable and incorrigible; but for his own part, he gave them credit for sufficient good sense to suppose that they would be ready to act in harmony with the House of Commons this Session. He hoped they would learn before it was too late; but if they were incapable of receiving instruction—if they would shut their eyes to what was passing around them—if they stood upon their own rights rather than the wishes and wants of the people, the downfall of their order would be the natural consequence. If so humble an individual as himself might presume to give their high mightinesses a word of advice, he would call on them, before it was too late, and urge upon them the necessity of keeping pace with the growing spirit of improvement, and of conceding such measures of reform as, in his humble judgment, it was no longer prudent or safe to oppose.

Mr. *Curteis*, as an independent supporter of his Majesty's Government, begged particularly to remark, that the speech of the hon. Member for Bath did not receive a single cheer from any person in the House when he made his attack upon the Government. He wished that fact to be proclaimed abroad, that the nation might know that the sentiments of that House were not in accordance with the opinions expressed by the hon. Member for Bath, any more than those opinions were in unison with the sentiments entertained by the nation at large. He was bound to say, and he said it boldly, because he did not seek a favour from that or from any Government, that he considered himself and the nation at large under very great obligations to his Majesty's present Government. He should not have intruded himself upon the atten-

tion of the House if he had not thought that the Ministers had been most unjustly treated. The hon. Member for Bath seemed to imagine that the happiness of the country depended upon the concession or the refusal of the ballot. Now, he believed that the majority of the nation was not at this moment prepared to support the vote by ballot, and in the county which he had the honour to represent the great majority was certainly opposed to the ballot. He had himself said on the hustings, that if he conceived that the majority of his constituents approved of the vote by ballot, he would give the measure his support, but he was quite sure that they preferred an open system of voting. He must bear testimony on this occasion to the very great benefits which the country had received from a Whig Administration, and he would tell the hon. Member for Bath, that if many persons followed his example, the only result would be to drive the Whigs, not perhaps into a junction with the Tories, but from the position which they held in his Majesty's councils. In his opinion the hon. Member for Bath had made a most mischievous speech, and he believed that the great body of Reformers in this country responded to what he was then saying, rather than to the sentiments expressed to night by the hon. Member. He would tell that hon. Gentleman, that if he had his choice between him as his political leader and the right hon. Baronet opposite, he should have no hesitation in following the right hon. Baronet. At the same time he felt it his duty to declare, that his Majesty's Ministers, who sat on that side of the House, had his entire confidence, and he was prepared to sacrifice his own theoretical opinions in favour of those propounded by the noble Lord who was the leader of the Ministerial side of the House. He considered that the admission of the Tories to power at this time would be a national calamity. Let the Radicals take a lesson from that venerable reformer whom he had in his eye. (Mr. Hume.) That hon. Member strenuously exhorted all Reformers to stand united together, and he begged to impress that advice upon the Members of that House. He did, in his conscience, believe that the present Government enjoyed very considerable popularity; and if they had lost any, the Gentlemen opposite could not gain it in an equal degree, because they would not go so far as even the present Government had done.

Mr. Gisborne merely rose for the purpose of stating that there was a single passage in his Majesty's Speech which had occasioned him considerable distrust—it was that relating to Joint-stock Banks. He must say, that he thought this a small matter on which a recommendation should be delivered from the Throne, and if it were not impertinent in him to form conjectures as to the authors of the different paragraphs, he should be inclined to attribute the passage in question to the pen of his right hon. Friend, the President of the Board of Trade. For a free trade philosopher his right hon. Friend was the greatest regulator he ever knew. He first tried to regulate railways, but they proved too strong for him. Now he tried to regulate Joint-stock Banks. He could not allow this paragraph in the Speech to pass without stating his opinion that it wore a suspicious aspect. He did not think that any persons could be told with advantage how they were to conduct their banking business. He never knew any case in which regulations of this description did not injure the parties whom they professed to protect. He had no intention of moving an amendment, but he distrusted the expressions employed, and he should watch with the utmost wariness any measures which might be introduced in reference to the subject.

Mr. Hume said he would endeavour to bring back the House to the question really before it, the Address in reply to the speech from the throne. In the speech of the hon. Member for Bath, there was much which was true. The hon. Member was very sanguine in his views, in all of which he (Mr. H.) could not go along with him, though he agreed with him on several points. It was the duty of the House, however, to look at the speech, and to agree to the address, either entirely, in part, or not at all. Some persons said they could draw no distinction between the Whigs and the Tories; he, however, could draw a very great one, and for the very best reason—that many reforms which, after many years of struggling, had been refused by the Tories they had got from the Whigs. He agreed that they had not got all they could desire, but they had obtained much, and he would therefore press the present Ministers forward, to use a common but strong expression, he would pat them on the back and urge them on. He believed, that he spoke the sentiments of a very large body of the

people. The only question was, what those who wished to witness the progress of the Reform Bill ought to do to obtain their object. The right hon. Baronet opposite (Sir R. Peel) had too much honesty not to acknowledge that the Reform Bill was calculated to be beneficial to the country, and even he could not refuse to the people those measures which were calculated to carry it into effect. He was as anxious as any man that the reform party should keep united. The right hon. Baronet had been disappointed on former occasions, for the reformers had kept united as one man, and it was not to be supposed that they would now separate, for by separation they would lose all, and by keeping together they would gain, at least, something. This was his firm opinion. He looked, as a venerable Reformer, to the practical means of obtaining the most he could for the interest of the public. He was persuaded, that although his hon. Friend, the Member for Bath, had the same objects in view, the way he pointed out was not the best to attain them. His hon. and learned Friend (Mr. Roebuck) undoubtedly went far beyond the country in his opinions. "With regard to the ballot, he (Mr. Hume) believed that a very great majority of the people of the country were in favour of it; and every day's experience added to the proofs already in existence, that under the present system of voting there was no protection in the exercise of the elective franchise." He anticipated, therefore, a minority in favour of this measure when next it should be brought forward by the hon. Member for London. In his opinion Ministers had been too backward; while Government, on the other hand, said, that he and many of his friends were too much inclined to press forwards. The general opinion, however, he thought was, that Government ought to have done more. With respect to his Majesty's speech, he wished that many expressions in it had been omitted. As mention was made of a surplus revenue, he thought the means ought to have been pointed out by which that surplus might have been applied to lessen taxation. There were many taxes so enormous and so troublesome, in the collection, that it was become absolutely necessary they should be reduced. Another part of the speech in which he could not agree, was that which related to Portugal; it seemed to convey a recogni-

tion of the principle that this country had a right to send out a fleet, and make the people adopt what measures we chose. Let the noble Lord take warning as to his course on this point from the *History of India* of his (Mr. Hume's) late friend, James Mill, where the noble Lord would find, and he could confirm the statement by his own knowledge, that the very worst native governments of India were those which were upheld by British power, and in which the chief was removed from the fear of popular resistance to bad laws by the presence of an overwhelming force. An illustration of this had been witnessed in Lisbon, and he only put the question, why should not England treat Portugal as an entirely independent state. He would express his dissent from the principle upon which England interfered in the affairs of Portugal. At the same time he was anxious to see a representative government well established in Portugal and Spain, and he was friendly to the giving of every assistance to the establishing of this object: but if the people of those countries were determined to take another course, it was not wise or just that England should interfere, and it was contrary to all true policy to pursue such a course. Against all parts of the speech that alluded to this subject he entered his protest. There was another important point to which he wished to call the attention of the House, he alluded to the Dissenters, and he need scarcely say, that there was not one word of the speech which held out to the Dissenters any hope of their being relieved from the inequalities of the law under which they now laboured. He hoped, although the subject was not mentioned, that nothing could be further from the intention of his Majesty's Ministers, than not to give the Dissenters the most complete liberty. He had heard a notice of motion given to the noble Lord upon the subject of the Church-Rates, and he could only say, that he wished that so important a subject had not been omitted from the speech. In his opinion, the very best way of supporting the Established Church was to remove all the sources of discord and discontent from Dissenters, and he did sincerely regret that this subject had not been introduced into the speech, and he hoped, that before the House separated, the noble Lord, or some other individual, would give to the country a planation which the speech

did not contain. He was also sorry to find from the speech, that there was no ground on which the people of England could hope for the speedy reduction of the present enormous naval and military establishments of the country. The proceedings of the last month made it seem likely that those establishments would be kept up at their present amount. Within that period we had had shoals of generals added to the Army List, in number sufficient to command and officer all the armies in Europe. Why had that been done? To maintain the aristocracy in its present influence. That was an improper measure. It was against the voice of the people at large; and, what was no less extraordinary, it was against a specific recommendation of a Committee of the House of Commons. He was anxious to hear an explanation from Ministers of this part of their conduct. To no other part of the address, as far as it went, had he any objection. As to Canada, the real situation of that country was now well known, and we ought to hold out the right hand of fellowship and union to her, and no longer withhold, or attempt to withhold, those rights which were her due, otherwise evil must necessarily follow; and his Majesty's Ministers would, therefore, he hoped, be willing to concede the privileges and rights to which that colony was entitled. If, however, they disappointed the wishes of the people on this point, he must, greatly as he should regret it, give them his warm opposition.

Dr. Bowring fully agreed with the hon. Member for Middlesex, that instead of opposition his Majesty's Ministers were deserving of the honest support of every Member who wished well to the principles of good government and the cause of humanity. He was one who approved of a close union of interests between France and this country, as the means best calculated to preserve the peace of Europe; but he regretted to say, that the Government of France had not behaved as it ought towards foreign nations in their struggle for liberty. He need only refer to the conduct of France towards the Swiss cantons. He regretted that there was no allusion to this subject in the speech that had that day been delivered from the Throne, because he was anxious to know whether or no the noble Lord, the Secretary of State for Foreign Affairs, had been a party to the note that had been sent by

the French Government to the Diet of Switzerland. Would the French Government have acted at Berlin as they acted at Berne? Would they have used to the despots of Europe the language they held to Switzerland? Would they have ventured to employ in Russia or in Prussia those incendiaries they sent into that country? It was most important that it should go forth to the world, that our hands were quite pure from such interference. The observations which he had thus thought proper to make with respect to the conduct of the French Government towards Switzerland, were equally applicable to the course it had pursued toward Spain. It was a fact, that the Spanish insurgents had received great assistance from within the French boundaries; and he felt that the French Government had not been acting either honestly or honourably towards Spain. Notwithstanding the well-known difficulties attending the introduction of any articles from France into Spain without detection by the French Custom-house officers, yet it was an established fact that the army of Don Carlos had received from France great quantities of provisions and a large supply of arms, contrary to the terms of the quadruple treaty, by which the Government of France engaged cordially to assist the Queen and the popular cause. But that cause would eventually triumph. It was now triumphant; and supported by the universal opinion of Spain, and associated with human improvements and the advancement of the happiness of man, he felt persuaded it would succeed there as it ultimately would in every other country. He was rejoiced to believe that the policy of this country towards other countries had for its object to unite more and more closely, the people of all nations. The cause of English Reform was associated with European civilisation and happiness, and anything opposed to that cause was naturally repugnant to British feelings; he, therefore, feared that the retrograde policy of the French Government would alienate, if indeed it had not already alienated, the people of England from France. It was greatly desirable that our policy should proceed in the same course as hitherto, and for the same objects. By supporting popular rights and liberties, the Government of this country would strengthen itself and attach to it the feelings and affections of the whole world. It was with sorrow that he spoke

of the conduct of the Monarch of France, towards whom he was bound to entertain feelings of the greatest respect and affection—but if he spoke of the politics of the French Government, it was because they were so closely connected with the interests of this country, and he was compelled to declare that the policy of which the King of the French was pursuing he feared would ultimately prove dangerous to his person, dangerous to his dynasty, and dangerous to the peace of Europe. It would be delightful if in our union with France we could see that country moving, as we were moving, in the march of good Government, in confirming and establishing public rights, in recognizing more and more the power of the people, in making the press more free, instead of enslaving it more, in giving new guarantees to public liberty, and, in short, doing what all Governments were bound to do that wished to live in the affection of the people, and to be supported by them. It had been said by an eminent historian and a great man that it was the destiny of a good Government to be hated. As far as he had read history, it appeared to him that, whatever might be the fate of a good Government, it was unquestionably the fate of a bad Government to be hated. It was a truth warranted by experience, that in order that evil humours might escape they must be allowed to find vent. It appeared, however, that the French Government was making the experiment to carry on its affairs, in the midst of evil humours, without giving them any vent by which they might escape. He hoped that the observations which he had made on the policy of the French Government would not be considered intrusive or improper. He sincerely trusted that the policy of that Government would become more paternal and more patriotic, because by that course it would obtain the good opinion and the affections of the people of this country; and he considered the affections and good opinion of the British people to be as essential to the Government of France as it was to the Government of England itself. He had dwelt upon this subject the more earnestly because in France there were no newspapers through the medium of which the sentiments of the French people, as to the policy of their Government, could be communicated. If any public writer there ventured openly to express his opinions,

he was immediately made amenable to some arbitrary tribunal, a tribunal consisting of a packed jury, which echoed only the sentiments of the Government, whose wish was to suppress the publication of all opinions that were adverse to their own line of policy. Whenever therefore the public opinion of France could not find expression through its own press, it was the duty of the friends of liberty in this country to give it expression here, and not in England only, but throughout the world. He had read, with great sorrow, an opinion expressed that the blood of Frenchmen belonged to France. The blood of free nations belonged to humanity, and he hoped the people of England would never shrink from shedding their blood when the cause of freedom called upon them to do so, and when the happiness of mankind was thereby likely to be advanced. He was happy in believing that the foreign policy of England was becoming daily more and more the object of love and of hope to the world. It became this country to take up a high and noble position, to be looked upon, as it had aforetime been, as the representative of great and generous principles, and to prove to other nations that the real well-being of any Government or of any country was to be found only in the general well-being of mankind. Our commerce was spreading in all directions, and our foreign communications were increasing to a wonderful degree. No less than 100,000 letters more had passed between England and France during the last year than in any preceding year in the history of those nations. Every such fact as that was a mark by which to trace the progress of a generous and enlightened policy. He hoped that policy would continue; so long as it did he would give his earnest, though humble support, to his Majesty's Government. Let that Government give the country an assurance that they would pursue the course, and promote the great cause to which the hon. and learned Member for Bath had alluded; let them walk in that career, and step forward in the path of public improvement, and they would continue to receive the cordial support of the House of Commons, while that House would be equally supported by the opinion of the country.

Sir Robert Peel: I think I am justified in inferring that it was the intention of his Majesty's Speech, or rather of the ad-

dress, to avoid provoking on the first day of the session any lengthened, at least any acrimonious, discussion on the matters to which it refers. Various topics are alluded to,—topics which must demand our attention; but I observe in the address an avoidance, I think a studious avoidance, of any pledge with respect to that course which we shall take in regard to those topics. I rejoice, therefore, in being able to give my assent to the address—at least to give so far my assent to the address as not to feel myself under the least obligation to move any amendment to it. I think that is the proper course to be pursued on the first day of the session. I think, considering the short opportunity that there is for those who are in opposition to the King's Government, or who have not access to the speech before it is delivered, to know what are the topics introduced into it, that it is infinitely fairer to indicate the topics to which our attention will be called during the session, without calling upon us for any premature pledge as to the course we shall pursue, and which we are not prepared to give. If the practice which has been adhered to for the last twenty or thirty years should be departed from, and if on the first day of the session we should be invited to enter into any acrimonious discussion, or be called upon to assent to any premature propositions, then that custom which formerly simultaneously prevailed of making known the King's Speech and the nature of its propositions two or three days before it was delivered, ought certainly to be adhered to also. As it is not necessary for me to move an amendment, and as it appears to me to be the prevailing wish of hon. Members—judging from the conversation which has been going on amongst them during the many speeches that have been delivered, and which conversation I am sorry to say, notwithstanding the reform that has been made in our edifice, has been to me as audible as in former days—believing, I say, that it is the wish of the House to avoid a lengthened discussion, I shall, in conformity to that wish, and seeing no advantage in any preliminary or partial discussions upon important matters which are shortly to occupy our attention, imitate the reserve of the Speech itself, and follow the example of those who have preceded me—claiming for myself the right of hereafter discussing unfettered, and without any pledge, all the

topics alluded to in the speech—and shall avoid saying anything which can provoke discussion on the present occasion. The only amendment which has been offered to our notice, relating to a matter which must have provoked much discussion, has been withdrawn; and the only comments which have been made on the speech are those which fell from the hon. Member for Derbyshire (Mr. Gisborne), who was surprised that so much of the speech was occupied with what referred to joint-stock banks. That observation convinced me that the hon. Gentleman had never been in a Cabinet Council, because when a Cabinet Council was held to draw up a King's Speech, which must occupy a certain time in the delivery, but which at the same time must be so framed as to avoid discussion, the question of joint-stock banks was one of the most prominent that could be selected. But if the hon. Gentleman will look at the terms in which that subject is treated of, all anxiety on his part, I think, would be removed, for he may safely rest on this announcement, that “the best security against mismanagement of banking affairs must ever be found in the capacity and integrity of those who are intrusted with the administration of them.” I suppose this does not refer to the mental capacity, but to the solvency of the parties; or the term “capacity” may be taken in a double sense, and include the substantial as well as the intellectual vigour of the parties. The pledge, however, which the hon. Gentleman shrinks from is this—“But no legislative regulation should be omitted which can increase and ensure the stability of establishments upon which commercial credit so much depends.” If he therefore thinks, that no legislative regulation can increase and ensure the stability of establishments upon which commercial credit depends, he may feel himself safe as far as concerns the pledges contained in that part of the address. The only topic to which I shall refer is that which relates to our foreign policy, and this not with a view of provoking any discussion—not with a view (as I wish to avoid discussion) of condemning it, but only to reserve to myself the same power with respect to our foreign policy as I have already done with reference to our domestic policy, namely, that of being unfettered by any pledge to what may in a future discussion seem to me to be open to objection. The expression I allude to in

the speech is this :—"His Majesty laments that the civil contest which has agitated the Spanish Monarchy has not yet been brought to a close ; but his Majesty has continued to afford to the Queen of Spain that aid which, by the Treaty of Quadruple Alliance of 1834, his Majesty engaged to give if it should become necessary : and his Majesty rejoices that his co-operating force has rendered useful assistance to the troops of her Catholic Majesty." I recognise the fair claim of the Queen of Spain to the sympathies of this country. The Queen of Spain is the ally of this country. She was recognised by the Government of this country with which I was connected, as the legitimate Queen of Spain, before the Quadruple Alliance. I reserve the expression of my opinion with respect to the policy of that quadruple alliance. But there are two questions perfectly distinct ; first, whether the engagement which we have entered into ought or ought not to have been entered into ; and next, whether that engagement being entered into, and the national faith pledged to it, ought that treaty to be faithfully and honourably fulfilled ? I say it ought. I say that the question as to the original policy of this country entering into that Treaty is entirely distinct from the question as to the practical execution of it. It is true, as the noble Lord opposite on a former occasion stated, that the Duke of Wellington and myself, during the short period the administration of the country was in our hands, while expressing serious doubts as to the policy of the original engagement entered into by that treaty, yet felt ourselves bound, not merely technically to adhere to the letter of the treaty, but earnestly to see it executed in the spirit in which it was conceived. His Majesty informs us that he "has continued to afford to the Queen of Spain that aid which, by the Treaty of Quadruple Alliance of 1834, his Majesty engaged to give if it should become necessary." I can say, with perfect truth, that I heard with satisfaction that the King had given that aid to the Queen of Spain, which he had stipulated to give her if it should become necessary. I must also say, if this country, in the execution of a treaty, the original policy of which I may condemn, does afford aid, that when that aid, whether of British seamen or British soldiers, is given, I never can refuse my sympathy to those gallant men, nor fail to

rejoice in their success. But the expression of the address is, "we rejoice that his Majesty's co-operating force has rendered useful assistance to the troops of her Catholic Majesty." Now, I take it for granted that the object of the King's Speech was to state to us this—"I stipulated to give a certain force ; I have given that force, and that force has been successful." The force we stipulated to give was a naval force. The granting the assistance of a naval force, evidently does not admit us to interfere with respect to any civil dissensions, or any internal constitutional questions, which a stipulation to grant a military force would seem to imply. And, therefore, I take it for granted that this part of the Speech is literally correct, and that the aid given has been in conformity with the treaty, and nothing more ; that it has been that naval force which we stipulated to give. Because, although I agree that that treaty ought to be executed in a generous spirit, yet I still shall on the strongest grounds protest against any construction being given to that treaty which the terms of it do not warrant, and against our being involved, beyond the obligations of that treaty, in the internal dissensions of the Spanish nation. I think that is the prevailing opinion of the majority of this House ; and that we ought to watch with the utmost care and circumspection—whatever our opinions may be about monarchical or democratic Governments—that a dangerous principle and precedent be not established ; but which must be the result, if we once begin to adopt a system of interference with the internal quarrels and dissensions of other countries. Who can undertake to limit the application of that principle to a question of constitutional government, if we establish a precedent of which despotic countries may avail themselves ? They may say they have as much right to interfere with the civil dissensions of Spain for the purpose of maintaining arbitrary government, as we have for maintaining constitutional government ; and then there would be an end to the peace and repose of Europe. Such may be the consequence of our setting a bad example, by extending the limits of the treaty for the purpose of involving ourselves in these internal dissensions. Therefore I give my assent to that portion of the address, assuming that the statements of it, in strict conformity with the treaty, at the co-

operating force referred to may merely be considered that naval force which we undertook to give. It is impossible to look to the very next paragraph of the Speech without deriving a useful lesson as to the danger of our interfering with the civil matters of other countries. The paragraph I allude to refers to Portugal. In 1837 we express our regret that "events have happened in Portugal which for a time threatened to disturb the internal peace of that country." In 1834 (three years previous), after our influence, or, as it was called, moral influence, had been completely successful in effecting a revolution and establishing the present dynasty in Portugal, what were the terms in which his present Majesty addressed this House?—"I have derived the most sincere and lively satisfaction from the termination of the civil war which had so long distracted the kingdom of Portugal; and I rejoice to think that the treaty which the state of affairs in Spain and in Portugal induced me to conclude with the King of the French, the Queen Regent of Spain, and the Regent of Portugal, and which has already been laid before you, contributed materially to produce this happy result." That happy result! But in 1837 we are aware of the fact that we have, I believe, six sail of the line in the Tagus, after that happy result has been produced, for the purpose of what?—for the purpose of defending the Queen of that country from possible personal attack on the part of her own subjects; and also for the very laudable object of doing what?—of rescuing the English residing there from the dangers with which they are threatened. Now is that the happy result of our interference? Six sail of the line is a considerable force; either, therefore, that country is unsettled, or English life and property are in danger. Either one or the other or both is the case. I take the simple facts, and then I ask, is not that a conclusive proof that, after all our interference, we have not obtained a single object—neither that of establishing the government of the Queen, nor of increasing English influence in Portugal. But I will put aside the question of principle altogether, and ask you to look only as a matter of experience to what this ought to teach us as to our future policy. What is the advantage we have gained in Portugal? How ought we to reason from the result of our policy with respect to that

country, as to the probable issue of our conduct with regard to Spain, when we consider that some three or four years after his Majesty's Government had pronounced eulogiums on the happy result of our policy in establishing the government of the Queen of Portugal through the influence of our arms, she is unable to command the affections of her subjects, while England has no alternative but that of again resorting to force, and of, in fact, becoming responsible for the civil government of that country? One main object we had hoped to realise from the quadruple treaty was, to be on terms of good understanding with France. But if what the hon. Gentleman (Dr. Bowring) has stated be true, it is evident that the object of that treaty—namely, the formation of an intimate union with France—has not been realised. I will not longer detain the House, but reserving to myself the right of considering hereafter the whole policy, domestic and foreign, alluded to in the Speech, I again say that I give my assent to those paragraphs in the address which I have particularly mentioned. I do so because I think the Queen of Spain—I avow it—is fairly and fully entitled to our sympathy, and to an honourable performance of the engagement which we have entered into with her; and as this honourable engagement has called for the active interference of a British force, I cannot withhold my expression of admiration at the gallantry of my countrymen, and that as they have interfered, I rejoice that their interference has been successful.

Viscount Palmerston: I shall certainly so far follow the example of the right hon. Baronet as not to trespass upon the attention of the House for above a very few minutes. I am bound, in the first place, to say, that the interpretation which the right hon. Baronet has given of that part of the address which relates to our foreign relations is perfectly warranted, and consistent with the intentions of those who proposed it. But as, in agreeing to the address on the grounds which the right hon. Baronet has stated, and which I am ready to say are most honourable to himself, he is not pledged on those questions to which he has alluded, it will be perfectly open to him at any future period to impugn the foreign policy of his Majesty's Government. If I had any remark to make upon what has fallen from the right hon. Baronet, it would be,

that while he professed not to object to the address, yet he did contrive incidentally to convey to the House opinions somewhat stronger, and to a greater extent than that which he announced it to be his intention to express when he began. I shall be prepared, however, when the right hon. Baronet or any other hon. Member shall enter into this question, to show that the co-operation which has been afforded to the Queen of Spain is, as the right hon. Baronet has stated—though, judging from his manner, not as he implied—consistent and in strict conformity with the engagements of the quadruple treaty. The right hon. Baronet, with reference to the affairs of Portugal, said, that those events to which the speech alluded, as having recently taken place in that country, ought to be a warning to us not to interfere hastily with the internal affairs of other nations; for that whereas in 1834 we congratulated ourselves on the effectual stop we had put to the disputes then prevailing in Portugal, yet now, in 1837, other disputes have arisen, and three years after those congratulations we have been obliged to send ships to Lisbon in order to protect British subjects from any injury they may sustain from popular resistance to the Government of the Queen. Now, I cannot see any inconsistency between the result which was then alluded to, as having taken place in Portugal, and what is now stated in the address, because, when we stated that the effect of the treaty in 1834 had been at once to put an end to the civil war which was then raging in Portugal, we did not take upon ourselves the responsibility of the Government of Portugal in all future times, or undertake to guarantee that Portugal should for ever after be free from all liability to those disturbances which every country, whatever its government may be, must always be subject to. But if we thought it was likely a disturbance would take place in Portugal, which might be attended with popular commotion, I think it was right and proper, and our bounden duty, having ships at our disposal, to send them to the Tagus, in order, to protect our own fellow-subjects from suffering in consequence of that disturbance. But I shall be prepared to show that that is true which is stated in the Speech, and that those ships were sent out for the purposes there stated, and that, being there, they

did not interfere with the constitutional questions which divided the conflicting parties in that country. I shall only say, therefore, that the right hon. Baronet is perfectly warranted in concurring in this address, notwithstanding the opinion which he entertains of the impolicy of the quadruple treaty; and that it is perfectly open to him, after having so concurred in it, without an amendment, to impugn and dispute hereafter the policy of that treaty.

The motion for the Address was then agreed to, and a Committee appointed to prepare and draw up the same.

HOUSE OF COMMONS,

Wednesday, February 1, 1837.

MINUTES.] Petitions presented. By Mr. PEASE, Mr. M^cTAGHART, Mr. FOX MAULE, Mr. WILKS, and Mr. HUME, from Stockton-upon-Tees; Edinburgh; Leicester; Modbury; Tamworth; Congregation of Lady Huntingdon's Chapel, Bradford (Wilts); Independents of Bradford (Wilts); Holt; and Baptists of Bradford for the Abolition of Church Rates.—By Mr. WALLACE, from Port Glasgow, for the Repeal of the Duty on Soap; and Mr. FOX MAULE, from Dumbartonshire, for the Repeal of Attornies' Tax.

ADMISSION OF STRANGERS.] The Sessional Order having been proposed,

Mr. Ewart rose to bring forward the motion of which he had given notice, relative to the Admission of Strangers. The only reason that he knew of, why a Member's Order was requisite, for the admission of persons into the strangers' gallery, was, that it was supposed to be some guarantee for the respectability of the individuals admitted. Now he (Mr. Ewart) believed that a Member granted an order at the request of any individual, especially if that individual was one of his constituents. It was, therefore, in fact no guarantee at all; because the character or avocation of the individual seeking the order for admission was never inquired into. Another reason in justification of this impediment was said to be, that on all important occasions the gallery would be inconveniently crowded. Now, he did not think that a good argument, seeing that the same objection would apply to the present system; for there were six hundred and fifty-eight Members of that House, and it was very well known that the gallery would not contain more than two hundred individuals. Besides, if it became crowded, the officers would have directions to prevent the inconvenience, and Members at present were as much besieged on their way to the House as the doors of the gallery would then be. At present the

modest and retiring man was sure to be excluded, while the forward and presuming was certain to succeed. The best proof of a person's anxiety to hear the debates was found in the fact of his coming early, and, on the system he proposed such a person would gain admission. It was well known that Members never refused a request made to them for an order, particularly if the applicant happened to be one of their constituents. He thought the present system a great injury to the unrepresented classes. He would suppose the case of a man who had no Member to represent him; why, such a man had no means of obtaining admission to the gallery of that House. For all the reasons he had mentioned—on account of the impediments to the public, and the inconvenience to Members—he should propose that the public should be admitted to the strangers' gallery of that House without a Member's Order; but that it should continue to be cleared, as at present, on the motion of a Member, and during divisions.

Lord John Russell said, that notwithstanding the arguments of the hon. Gentleman, he still doubted the prudence of dispensing with a Member's Order, which, in his opinion, afforded some guarantee for the respectability of the person admitted. There were, in his opinion, great objections to the proposition of the hon. Member for Liverpool, as on all great occasions the gallery would be crowded to excess, and among the respectable individuals there might be many pickpockets. He had all along considered that admission by means of fees was objectionable, and for that reason he had enrolled himself among those who were in favour of its abolition. But, until some better ground than that stated by the hon. Member for Liverpool was brought forward, he thought things ought to remain as they now were.

Mr. Ewart wished to know how the noble Lord, by the present system, would prevent pickpockets from entering the gallery of the House. It was notorious that Members gave their orders to any person that asked them, even to some of the porters in the streets.

Mr. Potter suggested, that the gallery should be open until seven o'clock for the admission of persons having Members' orders, and that after that hour it should be open to the public in the way the hon. Member wished.

The House divided on Mr. Ewart's motion. Ayes 11; Noes 172: Majority 161.

List of the AYES.

Bowring, Dr.	Roebuck, J. A.
Brotherton, J.	Wason, R.
Gillon, W. D.	Wilks, John
Hindley, C.	Williams, W.
Lushington, Charles	TELLERS.
Pechell, Capt. R.	Ewart, W.
Potter, R.	Wakley, T.

List of the NOES.

Alsager, Captain	Gisborne, T.
Angerstein, John	Goodricke, Sir F.
Arbuthnot, hon. H.	Gordon, hon. W.
Archdall, M.	Goring, Harry Dent
Ashley, Lord	Goulburn, Sergeant
Baillie, H. D.	Graham, Sir J.
Baring, F.	Green, Thomas
Baring, W. B.	Grey, Sir G. Bart.
Barnard, E. G.	Halford, H.
Barry, G. S.	Halse, James
Belfast, Lord	Hanmer, Sir J., Bart.
Bell, Matthew	Hardy, J.
Beresford, Sir J.	Hawes, B.
Bish, T. P.	Hay, Sir A. L.
Blackstone, W. S.	Hector, C. J.
Bodkin, J.	Henniker, Lor d
Bonham, R. Francis	Herbert, hon. Sidney
Borthwick, Peter	Hodgson, J.
Brabazon, Sir W.	Holland, Edward
Brady, Denis C.	Hoy, J. B.
Browne, R. D.	Ingham, R.
Bruen, F.	Inglis, Sir R. H., Bart.
Buller, Sir J. B. Yarde	Irton, Samuel
Butler, hon. Pierce	James, W.
Campbell, Sir H.	Jackson, Sergeant
Campbell, Sir. J.	Jephson, C. D. O.
Canning, hon. C.	Jervis, John
Chaplin, Colonel	Jones, Wilson
Chichester, J. P. B.	King, Edward B.
Clerk, Sir G.	Lefevre, Charles S.
Clive, Edward Bolton	Lennox, Lord G.
Clive, hon. R. II.	Lennox, Lord A.
Colborne, N. W. R.	Loch, James
Compton, H. C.	Long, Walter
Conolly, E. M.	Lushington, Dr.
Conyngham, Lord A.	Mackinnon, W. A.
Dalbiac, Sir C.	Maclean, D.
Dick, Quintin	Macleod, R.
Donkin, Sir R.	Macnamara, Major
Dugdale, W. S.	Mactaggart, J.
Duncombe, T.	Maher, John
Eastnor, Viscount	Mahon, Lord
Eaton, Richard J.	Mangles, J.
Egerton, Wm. Tatton	Marshall, William
Ellice, E.	Marsland, Thomas
Fancourt, Major	Maule, hon. F.
Fector, John Minet	Milton, Viscount
Fergusson, K. C.	Molesworth, Sir W.
Finn, Wm. Francis	Mordaunt, Sir J., Bart.
Fitzsimon, Chris.	Morpeth, Lord
Follett, Sir W. Webb	Murray, J. A.
Forbes, Wm.	Nicholl, Dr.
Forester, hon. G. C. W.	Norreys, Lord
Fremantle, Sir T. W.	North, Frederick
French, F.	O'Brien, W. S.

O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connor Don
O'Ferrall, M.
Oliphant, Lawrence
Palmer, Robert
Parker, John
Parrot, Jasper
Pease, J.
Peel, Sir R., Bart.
Peel, Col. J.
Peel, rt. hon. W. Y.
Pigot, Robert
Pinney, W.
Plumpton, J. P.
Pollock, Sir Fred.
Poulter, J. S.
Powell, Colonel
Power, J.
Price, S. G.
Pringle, A.
Pryme, George
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Ross, Charles
Russell, Lord John
Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Sibthorp, Colonel
Stanley, Edward
Stanley, Lord

Strutt, E.
Stuart, V.
Talfourd, Segeant
Tancred, H. W.
Thompson, Paul B.
Tooke, W.
Tracey, C. H.
Troubridge, Sir T.
Tulk, C. A.
Twiss, H.
Tynte, C. J. Kemeys
Tyrrell, Sir J.
Vesey, hon. T.
Villiers, C. P.
Vyvyan, Sir R. R.
Walker, C. A.
Walter, John
Warburton, H.
Ward, H. G.
Weyland, Major
Whitmore, Thomas C.
Wilbraham, G.
Wilmot, Sir J. E.
Wodehouse, E.
Wrightson, W.
Wrottesley, Sir J., Bart.
Wyndham, Wadham
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Philips, G. R.
Steuart, R.

DIVISIONS IN COMMITTEES.] Mr. *Ward* rose to move, that in every instance where five Members required it, the mode of taking divisions at present adopted in the House should be extended to divisions in Committee. At present the House possessed no records of the divisions that took place in Committee, yet they were often as important as those that took place in the House. It would, therefore, be highly desirable that they should be registered in the votes.

Motion agreed to.

PRIVILEGE.] Lord *John Russell*, previous to moving the Order of the Day for taking into consideration the letters received yesterday by the Speaker from the Lord Chancellor and Mr. Lechmere Charlton, begged to call the attention of the House to the propriety of appointing at the commencement of the Session a Committee of privileges in the same way as it used to do formerly. For the last two or three years no Committee of this kind had been appointed, in consequence, as he believed, of its having a clerk attached to it with a regular salary, which, in the absence of any immediate question for the consideration of such a Committee, ap-

peared to be a useless expense. In moving for the revival of the Committee of privileges on the present occasion, he should think it unnecessary to appoint a clerk specially to attend upon its proceedings, as there were many gentlemen connected with the House who would be fully competent to discharge all the duties required from such an officer. He thought generally with regard to the Committee of privileges that the questions brought before them had been discussed and considered with great attention and fairness, and he did not know that any occasion had occurred upon which the constitution of the Committee had been complained of. He should, therefore, move that such a Committee be appointed, to be constituted in the usual manner, namely, of a certain number of gentlemen named by the House, and of all knights of the shire and gentlemen of the long robe.

Appointment of Committee agreed to.

On the question that it do consist of all knights of the shire and gentlemen of the long robe,

Mr. *Hume* wished to know why any distinction should be made between gentlemen of the long robe and any other members of the House? Upon the questions coming before a committee of the description these were, he thought many gentlemen in the House unconnected with the legal profession quite as competent to form a correct opinion as any who had arrived at the dignity of the wig and gown. Why, too, should an exception be made in favor of the knights of the shire? He thought that the Committee, instead of being composed of such a host of members, which could tend only to protract and confuse its proceedings, should consist of a certain given number, say twenty-one, whose qualification should not depend either upon their being knights of the shire or gentlemen of the long robe.

Mr. *Williams Wynn* saw no reason to depart from the usual practice. The Committee had never been found inconveniently large, and its proceedings had always been conducted with the utmost propriety, attention, and despatch.

Lord *John Russell* was not aware that any inconvenience had ever resulted from the manner in which the Committee was constituted.

Sir *Robert Peel* observed, that in the case of Mr. Long Wellesley, although a great many of the Committee attended it

was not found that the number was inconveniently large. Great attention was paid by every member to all the circumstances of the case, which were entered into at great length, and the desire to do justice seemed to be common to all. If it should hereafter be found that any inconvenience arose from the number of the Committee, it would then be time to adopt the limitation proposed by the hon. Member for Middlesex.

Mr. Hume would not press his objection, as the general feeling of the House appeared to be against him; but he begged to observe that he was far from being convinced of the impropriety of his suggestion.

The motion agreed to.

MR. LECHMERE CHARLTON.] Lord John Russell moved the order of the day for taking the letters of the Lord Chancellor and Mr. Lechmere Charlton into consideration. The noble Lord then said:— I have very few words to state to the House on this subject. I think it will be necessary for the House to refer this question to a Committee of Privileges, in consequence of the statement which has been made by a Member of this House. The hon. Member for Ludlow (Mr. Lechmere Charlton) after stating that he seeks not to withdraw himself from the criminal jurisdiction of the realm, goes on to say, "to be protected, however, from any violence of the Crown, or its Ministers, is, I apprehend, the established and undoubted privilege of a Member of Parliament. To this hour I know not of what I am accused, except from public report." This is the statement which the House has received through one of its members, and it is in contradiction of the statement which you have received from the Lord Chancellor. The statement of the Lord Chancellor is, that it is not as exercising the authority of the Crown or as being one of the Ministers of the Crown that he issued the warrant, but that he issued the warrant for the commitment of E. Lechmere Charlton, Esq., one of the Members for the borough of Ludlow, "for a contempt of the high Court of Chancery, in writing and sending for a certain letter, dated the 24th of October last, to William Brougham, Esq., one of the masters of the court, followed by a certain other letter, dated the 19th of November last, addressed to myself." Now, I think it necessary that the House should refer

these two letters to a Committee of Privileges, to see whether this breach of the privileges of the House of which Mr. Charlton complains, has been committed, by the Lord Chancellor in the capacity of a Minister of the Crown, or as a judge of the Court of Chancery, I shall be content with referring its merits to a Committee, as was done in the case of Mr. Long Wellesley, where the matter having been fairly and laboriously investigated, the result was communicated to this House, and this House was not advised to interfere further in it. The order in Mr. Wellesley's case was, that the letters from the Chancellor, and from Mr. Wellesley, and the subject matter thereof, should be referred to a Committee of Privileges, which was required to report their proceedings and opinions to the House. I wish in the present instance, to follow the same course. Before I conclude, I wish to advert for a moment to the opinion given yesterday by the hon. and learned Member for Bath (Mr. Roebuck), namely, that as the hon. Member from whom the complaint was made was not yet in custody, he was not in a situation to claim the protection of the House. Now, I conceive that the letter received from the hon. Member himself stating that he believes a warrant has been issued for his apprehension, affords quite sufficient ground for the House to conclude that his absence from the sitting of this House has been occasioned by the apprehension of arrest under the warrant which the Lord Chancellor himself tells us has been issued for that purpose. It certainly appears to me that a sufficient case has been made out for the interference of the House, because though the hon. Member be not in custody it is clear that his absence from his duties here is occasioned by a step taken by the Lord Chancellor. Under these circumstances I think that we should proceed in the same way as in the case of Mr. Long Wellesley, and I therefore move that the letters of the Lord Chancellor and of Mr. Lechmere Charlton be referred to a Committee of Privileges, to consider the matters therein stated, and to report their proceedings and opinion to this House.

Mr. Roebuck wished to ask one question of the noble Lord before the subject dropped. When the Committee of Privileges was appointed, Mr. Charlton, of course, would wish to appear before it to

defend himself, and to explain the circumstances under which he was threatened with arrest by the Lord Chancellor. Now, what he wished to know was, whether it was the intention of the noble Lord that the protection of the House should be given to Mr. Charlton in going to and coming from the Committee? In his opinion Mr. Charlton ought to be distinctly in the custody of the Lord Chancellor whilst he was before the Committee; for he (Mr. Roebuck) believed that the hon. Member had endeavoured to evade the law; and, in his opinion, no man could claim the protection of that House against a warrant, or any other instrument by which he might be taken into custody, unless he had first yielded all obedience to the law.

Lord John Russell did not understand that the order for the appointment of the Committee would give any protection to Mr. Charlton. If the House chose to interfere in favour of that Gentleman to prevent his being committed or arrested as he went to or came from the Committee, a subsequent and distinct order of the House would be necessary for that purpose. For his own part he did not see that it would be necessary to take such a step in the first instance. Mr. Charlton was not yet in custody. If, before the inquiry terminated, he should be arrested, it might then be necessary for the House to make some such order as was made in the case of Mr. Long Wellesley, by which he might be brought before the Committee, and enabled to make his defence.

Committee appointed.

THE ADDRESS.] Mr. A. Sanford brought up the Report on the Address.

On the question that it be agreed to,

Mr. Grove Price, in order to guard against a supposed acquiescence in that part of his Majesty's Speech which related to foreign affairs, wished to state that he continued to hold the same opinions as those he had declared in the last Session of Parliament with respect to the impolicy of the interference of this country in the domestic affairs of Spain. It was not his intention, however, to offer any opposition to the Address which had just been read, but he begged it to be distinctly understood that in yielding a tacit consent to the opinions therein stated, he reserved to himself a full right, when the question was brought forward in a more tangible

shape, of expressing what were his real and decided opinions upon the subject. Convinced as he was of the ultimate success of that cause for which he felt interested, and which he begged to observe had not been materially injured by the affair of Bilboa, he should feel it to be his duty as a Member of the British Parliament to exercise, when the proper opportunity presented itself, his independent voice in support of that cause.

Mr. Maclean did not intend at that moment to express any opinion as to the policy or impolicy of the treaty entered into with the Queen of Spain. Upon that subject he reserved to himself the right of expressing a full and candid opinion upon some subsequent occasion. His object in rising then was to prevent any misapprehension of what had fallen from the right hon. Baronet (Sir R. Peel) upon the subject last evening. He (Mr. Maclean) agreed with the right hon. Baronet that the co-operation of the British force could not be objected to if that co-operation were such as had been guaranteed by the treaty into which the Government of this country had entered with the Government of the Queen of Spain. He (Mr. Maclean), however, was of opinion that when the question came to be fully investigated, as it ought to be, it would be found that the co-operation, if such it could be called—or the intervention, if such it had been—or the trans-limitation, if that were to be taken as the proper term for it—had not been such as was guaranteed by the treaty, and that the aid afforded to the Queen of Spain was such as might place this country in a dangerous position. When the proper documents were laid upon the table he thought there would be no difficulty in proving that the co-operation alluded to in the Address, instead of being within the words or spirit of the treaty, was directly opposed to both.

Sir Robert Peel was surprised that any misapprehension should have arisen as to the course which he yesterday stated his intention of pursuing. If such a misapprehension had arisen in the minds of any hon. Gentleman, he was quite sure it must have been occasioned by the circumstance of his having stated twice over what it was that he meant to do. What he stated was, that he was prepared to give his assent to that paragraph of his Majesty's speech which related to foreign policy,

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provided the aid afforded to the cause of the Queen of Spain was in strict conformity to the engagements into which the Government of this country had entered with the Government of the Queen. But leaving that point open for discussion, he added, at the same time, that the term "co-operative force," used in the speech from the throne, was of an equivocal character; and inquired whether that force was such as would come within the conditions of the treaty. That was the understanding upon which he gave a qualified consent to the portion of the speech which referred to the subject; and he had repeated it twice, hoping there would have been no misconstruction of his meaning.

Mr. *Maclean* had not mistaken the right hon. Baronet's meaning himself, but he believed others had done so, and he therefore took the opportunity of mentioning it, in order that the misapprehension might not extend further.

Viscount *Palmerston* said, there certainly was no misunderstanding on his side of the House as to what fell from the right hon. Baronet on the previous evening. He perfectly understood the right hon. Baronet to say that which he had now stated. Undoubtedly hon. Members on the other side, by assenting to the Address as now proposed, did not pledge themselves in any way adverse to the opinions they had on former occasions expressed relative to any of the topics contained in it. He would only further say, although it was unusual for an individual to express regret that his opponent had not made a longer speech against him, yet he assured the hon. Member for Sandwich, that when a longer attack should be made on our foreign policy, he should be exceedingly happy to meet it.

Mr. *Plumptre* hoped he should not be deemed out of order in adverting to what he considered to be an omission in the King's speech, inasmuch as no allusion was made to the prevailing epidemic, nor any recognition of the Divine Providence. Since the House last met, the country had been visited with more than one extremely severe affliction, upon which the King's speech was totally silent. Surely some reference ought to have been made to this subject, and to the will of the great Disposer of all events, the great Dispenser of national prosperity. He believed that at no time, in no nation, though plunged in the deepest ignorance, had an occasion

like the present been allowed to pass by, without some recognition of God's dispensation; and he very deeply regretted that no mention had been made of these visitations in the King's Speech. Both individuals and the country had suffered much during the last six months. A great deal of property had been destroyed by severity of weather, and at this very moment there was scarcely a family in the country, (though they might not be in a very alarming state) who was not more or less in a state of affliction. He should have thought it would have been as well at such a time, to have recognised the great superintending Power, and wise Disposer of all events. He believed that the great truth of Holy Writ applied as well to nations as to individuals—"Them that honour me I will honour, but they who despise me, shall be lightly esteemed." It was on these grounds he protested against this important omission.

Sir *George Clerk* could not avoid expressing his disapprobation, as a Scotch representative, that among the various topics mentioned in the King's speech, no allusion was made or information given upon a subject which had for some time past excited the deepest interest throughout Scotland: he referred to the result of the Commission appointed two years ago to inquire into the means of religious instruction in that country. As far as he knew from common rumour, the Commissioners had completed their labours; and, respecting a subject of such importance as that of ascertaining whether there was any deficiency in the means of religious instruction in so important a part of the empire as Scotland, he could have wished that some notice had been taken in his Majesty's speech. He thought the Ministers ought to have afforded information to Parliament as to whether they had received any Report from the Commissioners, and if so, whether it was their intention at an early period to call the attention of the House to it. This was no party question, but was interesting to every Member of that part of the empire to which the inquiry related. He therefore hoped the noble Lord would be able to give the House some satisfactory explanation on the subject.

Lord *John Russell*, with respect to the observation that had fallen from the hon. Member for East Kent (Mr. *Plumptre*) must say, that he so far differed from him,

that he (Lord John Russell) did not think it would be advisable to lay down, as a constant rule, which ought never to be departed from, that, in every speech from the Throne, Ministers ought to introduce the name of Divine Providence. He thought if that were to be laid down as a general rule, and it should be made a matter of attack upon the Ministers who did not observe it, it would become in time a mere matter of form, and the words would have very little effect. So far from promoting the object which the hon. Gentleman had in view, the using constantly, and trivially almost, in the speech from the Throne the name of Divine Providence would induce persons to pay less attention, and to be less solemn upon such an occasion, than they ought to be. He did not concur with the hon. Gentleman that there were any peculiar circumstances which, at the present time, made it necessary that they should have introduced such words into his Majesty's speech. It certainly had happened more than once. It happened no longer ago than in his Majesty's answer to the Address of the House last year, when his Majesty stated, that he would always study, under Divine Providence, to maintain the high character of this country, and promote the welfare of his people. That acknowledgment showed certainly that those who advised his Majesty to use those words, were not neglectful of that sentiment which it was his Majesty's disposition always to entertain—a sentiment which became the King of this Christian country. With respect to the observations made by the hon. Baronet (Sir G. Clerk), he trusted he could give what the hon. Baronet would deem a satisfactory answer. If the Report of the Commission on Religious Instruction in Scotland had been received, it would have been a proper subject for his Majesty to have mentioned in his speech; but, in fact, although he had been informed that the reports would be ready, yet he had received no Report until Monday night, after the speech had been approved by his Majesty, when it reached the Home-office. The Report received was one relating only to Edinburgh. It had since been sent to Lord Minto, one of the Commissioners, to receive his consideration, whether he should think proper, not having been able to attend the Commission throughout, to acquiesce in it; it being considered desirable that the Report should be signed by

all the Commissioners. He expected that the Report would have been by this time on the Table of the House; and he could assure the hon. Baronet, if it were not presented to-day, it should be to-morrow.

Mr. Twiss could not concur with the noble Lord in the opinion that such mention of the Deity would be inexpedient. The solemn nomination of Divine Providence in the initiative Act of so high a legislative body, while it would derive weight and dignity from the importance of the occasion, on the one hand, would, on the other, exhibit a remarkable fitness to the peculiar circumstances in which, by the interposition of Providence, the inhabitants of these countries were placed. There were some occasions upon which acts which might otherwise be deemed merely formal, were especially proper, and peculiarly becoming. National calamities, in the shape of epidemic disease, were undeniably of this description, and the solemn mention of the Divine name in a solemn Parliamentary document would, he repeated, be suitable to the principles pervading a Christian country, and befitting the national character. Another reason in support of his view, was the fact that a reform or measure of some description respecting the Established Church of this country was hinted at in the course of the Speech which had been read to them on the preceding day. Anxious to preserve that church unimpaired, he was equally anxious for the maintenance and diffusion of religious sentiments; and it certainly appeared to him not too much to expect that the expressions of loyalty and affection addressed to the Head of that Church should be coupled with the name of Divine Providence.

Report of the Address agreed to.

PRINTING PAPERS.—EVIDENCE BEFORE COMMITTEES.] Mr. Hume, in moving that a Select Committee be appointed for the purpose of selecting, arranging, and regulating the printing all Parliamentary documents, said, he was quite aware that a great many questions respecting the distribution of these papers to the public had been brought before the Committee of last Session. An arrangement had been, in consequence, effected, which had given much satisfaction to the public, and conduced to the general convenience of all the parties concerned. He had no hesitation in further observing, that

it would be difficult to discover a better mode than that which the Committee had adopted for giving facilities to the public in procuring important documents. His object in bringing forward his present motion, was to enable the Committee to be further prepared to yield the desired accommodation. Although a number of the Parliamentary papers of last Session had circulated widely, there still were many individuals who knew not how those documents were to be obtained. He would propose to follow up the motion which he would now lay on the Table with one for a return of the names and descriptions of all Parliamentary papers which it was proposed to supply, together with a list of the prices; the return to circulate with the "notices of motion," which issued each morning. He had stated what appeared to him (and he trusted hon. Members would give him a hearing) a most favourable opportunity for making generally known to the public the names and prices of all Parliamentary documents. The mode which he suggested, was to circulate such a return together with the printed list of "notices." Of these notices, there was printed and circulated daily a very considerable number; and he would suggest, that annexed to each printed notice should be the prices of the various Parliamentary documents, and the several places at which they were to be procured. A few extra lines would be sufficient for his purpose; and the desired information would be thus rendered accessible to the public in every Committee-room. He could assure hon. Members, that by consenting to the proposed arrangement, they would save themselves a vast deal of trouble. He had well considered the modes of affording facilities in this respect, and the plan which he suggested was the result of mature reflection. After formally moving the appointment of the Committee, the hon. Member expressed a hope that an arrangement would also be made, by which the public might be enabled to gain possession of all accessible documents relating to Select Committees, with the facility of procuring them as in the case of papers of the House of Commons. He described this arrangement as tending materially to promote the objects for which such Committees are appointed.

Sir Robert Peel could not help thinking that great advantages would result from

the adoption of some general rule as to the discretion allowed to witnesses examined orally before Committees, in the subsequent alteration of their evidence. This was, he conceived, a point of the utmost importance. The witnesses were uniformly permitted to revise their evidence, and he knew, from what had occurred in his own case, with reference to the examination of a witness before a Committee, that the most improper liberties were sometimes taken with the shorthand-writer's copy of the evidence, under the pretext of legitimate correction. In reading over the printed evidence of the individual to whom he referred, he met with an answer, of the precise terms of which, as spoken by the witness, he retained a perfect recollection; but so completely altered by the witness was its meaning, that had the answer as he found it in the printed report been given before the Committee in seeking for a further explanation, he should have undoubtedly asked some, and probably several questions. Between the addition of valuable details, and the variation of an answer, by which its meaning and substance were altered, there was a clear distinction. If a witness should fall into an unintentional error, it was quite right that he should be afforded an opportunity of correcting it. To mere verbal alterations he had no objection, so long as the meaning remained the same. But it indisputably tended to shake the confidence of the public in the fidelity with which proceedings before Committees were publicly recorded, and, by a necessary inference, in the mode of conducting those proceedings, when witnesses were known to enjoy the privilege of altering their testimony at pleasure, and when a private party attending at a Committee was deprived of the opportunity of asking questions, which in justice to himself or others he would have been compelled to ask, if the answer, as printed, had been delivered within his hearing before the Committee. If hon. Members would take the trouble of looking over the printed evidence in a limited number of instances, they would find that in many cases the answer did not correspond with the question, and that the person examining, if he were disposed to discharge his duty properly, would indisputably have sought further explanation, and asked additional questions. It appeared to him to be of the utmost importance that a distinct un-

derstanding should be arrived at with regard to the extent to which alteration of his evidence is permissible to a witness. The difference between a personal examination and prepared and written evidence was obvious to every understanding. The undoubted superiority of parol over written evidence in eliciting the truth was destroyed by the system of deliberate alteration, and the spirit of a witness's verbal testimony, when thus retouched and reconcocted, could be traced no longer.

The Speaker: The subject to which the right hon. Baronet has now alluded, had engaged much of my attention; and, if he had not now brought it forward, I should have felt it to be my duty, on the first appointment of a Select Committee, to have stated to the House the evils arising from the indulgence given to witnesses in correcting their evidence. I have stated this, in order that the House may not suppose that I had been indifferent to so important a matter. The practice of allowing witnesses to revise their evidence leads to a great delay in printing, and, consequently, in the circulation of reports and evidence. This delay has led to many and just complaints, and during the two Sessions in which I have had the honour to sit in this chair, I have done all that was in my power, by communication with the Chairmen of Committees, to point out the necessity of reverting to a more correct practice. The extent to which witnesses have carried the alterations which they have made upon receiving their evidence, are such as appear to me to be quite indefensible. I shall refer to one case, in which a witness not only altered the answers he had given before the Committee, but he actually inserted questions to elicit answers illustrative of his own views. I have been assured that the statement which I now make is correct. In another case a witness lost the copy of his evidence, which had been sent to him for revision, and the report has now been printed, omitting altogether the evidence which he had given before the Committee. It must be obvious, that when alterations to so great and almost unlimited an extent are made in the evidence of witnesses, and without being brought under the consideration of the Committee, the opportunity of requiring and receiving explanations, by means of examination as to the new matter in-

troduced, is wholly taken away from the Committee. The remedy for the evil is probably to be found in a vigilant control exercised by the Chairmen of Committees. If only very slight, or perhaps only verbal, alterations were permitted to be made, then they might be submitted to the Chairman, who might decide whether they ought to be sanctioned, or whether they are to be rejected as varying the effect of the evidence given before the Committee. If this control is not effectually exercised by Chairmen of Committees, it will then be necessary that recourse should be had to some stronger measures; but it is not desirable to pass resolutions in the House, when the end can be otherwise obtained. It appears to be so essential to sustain the accuracy and authenticity of the evidence given before Committees of this House, that I hope I shall be excused for having said so much on the subject.

Mr. Charles Buller still retained the opinion which he had expressed during the last Session—that the most effectual plan for the abatement of this nuisance would be to prevent altogether the correction of evidence. The only ground, as he understood, upon which the practice of permitting witnesses to revise their testimony could be for a moment justified, was the propriety of affording to persons examined before Committees the opportunity of correcting sentences hastily and unguardedly uttered. The plan which he would propose was to withhold altogether from witnesses the opportunity of making these corrections; and whenever an unguarded word was let fall, allowance would be made for the imperfection of unstudied style. If a different rule were adopted from that which he had the honour to propose, the Chairmen of Committees would of necessity be placed in circumstances of great difficulty. During the past Session it was determined by a Committee, of which he was a member, that no witness should be permitted to revise his evidence before it had been printed. The evidence was accordingly printed and sent to the witnesses for the purpose of revision. One witness, in performing this task, so far from confining himself to matters of style, altered almost every sentence, a process by which the meaning was in many instances materially changed. He (*Mr. Buller*) was consequently obliged to read from beginning to end of the witness's testimony, for the purpose of ascer-

taining where the alterations might be suffered to continue. The task was sufficiently troublesome, for the evidence extended over 30 or 40 folio pages. The best mode, in his opinion, of remedying this abuse, would be found in withholding from witnesses the privilege of correcting their evidence at all; or, if at all, they should be made to perform the task in the Committee-room, on the day of their examination. If the witness should be subsequently desirous to give any additional testimony, he would have only to come before the Committee and give it. But the system at present pursued, with regard to the correction of evidence, was in every respect preposterous.

An *hon. Member* said, that a Committee, on which he had sat for a considerable portion of the last Session, did not send in their report, with the corrected evidence annexed, until the month of October, although the Committee had ceased to sit before the prorogation of Parliament in August.

The *Chancellor of the Exchequer* deprecated the very improper use which had been repeatedly made by witnesses, of the privilege which was generally extended to them, of correcting their evidence. While, however, he fully concurred with the *hon. Gentlemen* who preceded him in reprobating these unjustifiable practices, he thought that the safest and most efficacious remedy would be found in the exercise of a vigilant control by the Chairmen of Committees. No *hon. Gentleman* could have had more numerous occasions of witnessing these improprieties than himself. Mistakes sometimes crept into the short-hand writer's notes; and in that case a correction was necessary; but this by no means implied the legitimacy of the extent to which witnesses frequently carried their alterations. The evil might be satisfactorily remedied by a little vigilance on the part of Chairmen. For his part, he had suffered from the inconvenience of evidence being thus altered at will; and had occasion, in one instance, to report to the House where the witness answered a question originally in the affirmative, and subsequently in the negative. Correction was in some instances undoubtedly necessary; but the Clerk of the Minutes, in submitting them to the consideration of the Chairman, should be bound to call the Chairman's attention to every correction introduced by the witness. The fact of the minutes

of evidence being taken home by the witness out of the jurisdiction of the House of Commons was the foundation of all that was erroneous in the system. If the witness were assured of the fact that he would be compelled to submit every alteration to the Chairman's judgment, the evil would soon find its remedy; and no change would be introduced but such as common sense and sound judgment sanctioned. He remembered a case which had called forth his marked animadversion at the period of its occurrence. He alluded to the report of a Committee of which his *hon. Friend* (the Attorney-General) had been Chairman, in which the evidence as originally given, and as afterwards altered by the witness, was printed in parallel columns. He would not say that his recollection of the circumstance was perfectly accurate; but, at all events, if the exposure was made in the mode which he had stated, the proceeding was quite justifiable.

Mr. *Williams Wynn* entirely concurred with *hon. Members* in reprobating the latitude in which witnesses sometimes indulged, under pretext of correcting their evidence. He did not see how it was possible to preserve the purity of evidence, so long as these sweeping alterations were permitted. At the same time, he contended that it would be quite unfair to deprive the witness of the opportunity of rectifying errors for which he was by no means himself accountable. The evidence was taken in short-hand, and afterwards transcribed. It was impossible that during this process errors should not creep in. Mistakes had been frequently made, and the witness of course misrepresented. For these the witness could not be held responsible, and an occasional sinking of the voice on his part would of necessity create ellipses in the shorthand-writer's notes. The privilege of correction should be therefore afforded to the witness; but in the exercise of that privilege he should be restricted by a salutary control. He would instance the case of an election petition, where the evidence is taken in shorthand, and no opening is afforded for correction. He had no doubt, however, that if a witness stated to the Committee that he feared the Clerk might have committed an error of importance in taking some portion of his evidence, the Committee would direct the minutes to be altered accordingly. A similar procedure might be adopted by every other species of Committee.

NATIONAL EDUCATION.] Lord *Brougham* said, he had the honour to lay before their Lordships a Bill which he had introduced the Session before the last, but which was not pressed through the House—he meant a Bill for promoting education and for regulating charities. It was not his intention, on the present occasion, to trouble their Lordships with a detail of the Bill; it was similar to the one to which he had referred, but it contained two material additions. The object of the Bill was to establish a board for the purpose of superintending the application of the funds which from time to time Parliament voted; also, to regulate the administration of charity funds generally, and to prevent abuses therein. Of this board the President of the Council, the Lord Privy Seal, the Secretary of State for the Home Department, and the Speaker of the House of Commons, would be members. The material changes in the present Bill were, in relation to certain powers, given for the regulation of education, and in the next place for the regulation of charities. Their Lordships were aware that objections had been made to the previous Bill on account of its being supposed to have a mischievous effect on voluntary contributions for educational purposes; now the present Bill obviated that; and, indeed, there was no intention in the former measure, to supersede voluntary contributions. These alterations effected a considerable improvement in the Bill, and he was very sanguine in his belief that it would be of great benefit to education. There were other alterations which he did not think it necessary to advert to; and he would move that the Bill be now read a first time.

Read a first time.

LOCAL COURTS BILL.—PLURALITIES.] Lord *Brougham* said, he had now two Bills to introduce, but he should at present merely move their first reading, and should not proceed with them a further stage unless the measures for the improvement and better administration of the laws which his noble Friends, his Majesty's Ministers, were about to introduce to Parliament, should be, in his opinion, inefficient. The Bills which he had now to lay upon the table were these—the one to prevent pluralities, and the other to establish local courts. No change in the latter Bill had been made beyond a few verbal alterations. The Bill, as their Lordships

were aware, had gone through several stages, and was lost on its third reading. True it was, there was a great difference of opinion in that House, whether such a measure ought to pass at all or not; but if one ought, then, as he understood the opinions of their Lordships, the present was the form in which it ought to pass. Undoubtedly, as regarded the numbers on the division on the third reading, there was a large majority against it. The noble and learned Lord concluded by moving that the Bills be read a first time.

Read a first time.

IRISH NATIONAL ASSOCIATION.] Lord *Cloncurry* wished, before their Lordships adjourned, to say a few words in reference to a circumstance which took place in that House on a former evening, when allusion was made to the National Association of Ireland, from which country he had recently arrived. No man lamented more than he did the necessity which had called that Association into existence; but, at the same time, he did not think that any noble Lord was justified in looking at it as an illegal or an unlawful association. He could speak of that association the more freely and impartially, inasmuch as he did not belong to it; and, in his opinion, it ought to be called a society for the vindication of Ireland, because it was in consequence of insulting, intemperate, and improper language having been used towards that country that it was first established. He cherished no feeling but for the prosperity of that country; and, if possible, he would conjoin that prosperity with the welfare of this country by a course of kind and beneficent policy. But it was quite impossible that that real affection or that warm feeling of mutual interest which it was so desirable to establish between the two countries could be maintained, if individuals came forward, he might say, to insult and libel a generous and high-minded people, because they struggled for those rights which had been unjustly withheld from them. That the National Association of Ireland, like all other bodies similarly situated, and similarly called together, had suffered language to be made use of which it would have been better to have avoided, he did not mean to deny; but still, their object was uniform, it was openly avowed; and he thought it was just. That object was, to get rid of one of the greatest mis-

fortunes that afflicted the country, and which brought destitution on Ireland—he meant unlawful combinations amongst the industrious classes, which had never failed to produce ruin and destruction in all parts of the country where they prevailed. So far as he understood, the Association had instituted a class of persons to preserve the peace, to give good advice to the people; and, if the peace were not observed—if the peace were infringed, then to take measures for remedying the disorder. He wished that he could laugh when he spoke on the subject of Ireland. He saw nothing to laugh at in the situation of that country. It was no laughing matter; and he thought they would be acting most unwisely if respect were not paid to the just claims of that country. The National Association of Ireland, he was quite convinced, would dissolve itself if his Majesty signified his pleasure that it should be dissolved. But there was another institution, of which no notice had been taken—a very numerous institution, which, as it appeared to him, had assembled for an illegal purpose in Dublin—for the self-evident purpose, he would say, of exciting dissension and division amongst the people, if not disobedience to the law. Summoned by certain Peers, a meeting of Protestants took place in a room adjoining the Mansion-house in Dublin; and their Lordships might judge of what sort of a meeting it was, when he stated, that the Lord Mayor of Dublin, as he understood, refused to preside at that meeting, although he allowed it to be held in a room attached to the Mansion-house. At that meeting the most violent and rancorous demonstration of Orange feeling was exhibited. Orange flags were carried about in triumph; and some of the party would, it was said, have waited on the Lord-Lieutenant, in a boisterous and tumultuous manner, if they had not apprehended that they would have been met by another and a larger party, who professed different principles. This proceeding had, however, done considerable good, because it had induced many noble Lords, extensive landed proprietors, and many commoners, to come forward with their protest against such indecorous proceedings. The Duke of Leinster, that man so excellent in all the relations of life, called on the peers and gentry of Ireland to express their opinion, and to remonstrate on this occasion, and that call was trium-

phantly responded to. Thirty-four most influential Peers connected with Ireland joined with the noble Duke in his expression of dissent. He admitted, that amongst those who attended the meeting to which he had referred there were several highly respectable persons. He had heard, however, that they had put down Peers of thirteen or fourteen years of age to swell the numbers, and that some who formerly acted on the other side now took an adverse part, merely from carelessness and facility. The meeting was, however, guided by those who, over and over again, had raised a mighty clamour, and endeavoured to injure the Government, merely because that Government had, for the first time, endeavoured to do justice, and nothing more than justice, to Ireland. He had little communication with the Government of Ireland—he, of himself, knew nothing of what they were doing. He believed, however, that they simply wished to do justice to Ireland; and further, he believed that those who calumniated and spoke injuriously of them belonged to that party who had profited by bad government, and who had arrogated to themselves the spoils of a people who had been too long trampled on. All he asked for Ireland was justice. He called on their Lordships to look at the question calmly and peaceably; and, having so considered it, to do what was right to the people of Ireland. But if it were hoped that the people of Ireland should be re-conquered—if it were contemplated that they should be subjected to the coercion of the bayonet and the sword—it was impossible but that such a resistance would be made as would bring the states of Europe, and perhaps America, to join with and succour the oppressed. Called on as they were by his Majesty to consider the situation of that country, and to give an opinion on that subject, he entreated their Lordships to look forward to the true means of allaying irritation by seeking remedies for existing evils. Let them not imagine that a licentious soldiery could be let loose on a nation without going much further than those persons intended who first counselled such a course. They saw here a people possessed, in an eminent degree, of ingenuity and industry reduced to a state of destitution and degradation by bad government. How was this frightful state of things to be altered? The way, the evident way, to relieve that people was to

give them education, which had been withheld from them in the most unfair manner—to give them employment, which they would be but too happy to receive—to give them also an adequate interest in the management of their own concerns, by imparting to them as large a measure of corporate reform as had been extended to England and Scotland. Further, by giving them an equitable and fair system of Poor laws, or rather a labour-rate; for the landed proprietors were, many of them, absentees, overwhelmed with distress and difficulties, and, with reference at least to them, a labour-rate would be the best measure that could be devised. If such relief as he had spoken of were given to the people of Ireland, it would render them tranquil and happy, and would produce incalculable benefits to the empire at large.

Lord Brougham wished to give his noble Friend (Lord Cloncurry) an opportunity of explaining an expression in his speech. He alluded to where he said that the present was the first Government that had endeavoured to do justice to Ireland. Now it would be recollected by the noble Baron, that Lords Wellesley and Anglesey had not long since held the reins of Government in that country, and he was sure he would rejoice in the opportunity of stating that in his place which he fully expressed in a letter lately seen by him (Lord Brougham), namely, a full acknowledgment of the great anxiety of the noble Lords to whom he alluded to do justice to Ireland. He thought an explanation due to the noble Lords—due to his noble Friend then at the head of his Majesty's Councils, Earl Grey; to the noble Lord who then held the office of Chief Secretary for the Home Department (Lord Melbourne), and to those who held the office of Chief Secretary in Ireland, as well as to himself, who at the time held a place of high trust as a servant of his Majesty. He was sure his noble Friend (Lord Cloncurry) would be glad of the opportunity of doing justice to those of whom he spoke. Perhaps the matter might be considered trifling, yet it would be well to correct any apparent errors, and not to allow any evil effects to follow.

Lord Cloncurry harboured no intention to insinuate anything against the conduct of the noble Lords who had been alluded to. He bore willing testimony to the humanity of the Marquess of Anglesey, and he believed that no man was more anxious

to do his duty than that noble Lord was. But it was hardly necessary for him to state, what everybody knew, that the Marquess of Anglesey was counteracted in his efforts, and that he had received orders from his own secretary not to adopt certain measures which he contemplated. Still he endeavoured to do something, and he had some degree of success. Then there was the Duke of Northumberland, an intermediate Lord-Lieutenant, than whom he believed a man more zealous to do his duty never lived, nor was there a man for whom he felt greater respect. He, too, was prevented from acting as he wished. With respect to Lord Wellesley, he had always looked up to him as one of the first men of his age; but his noble and learned Friend must know, that Lord Wellesley was, in both his governments, counteracted in his endeavour to carry into effect those plans which he had prepared for the benefit of the country. He should be very sorry, in what he had said, to be understood as meaning to cast any reflection on the noble individuals mentioned by his noble and learned Friend. All that he meant to say was, that there never was anything like uniformity of action in the Government generally, having for its object justice to Ireland, until the present Administration came into power.

HOUSE OF COMMONS,

Thursday, February 2, 1837.

MINUTES.] Petitions presented. By several Hon. MEMBERS from various places, for the total Abolition of Church Rates.—By Mr. WILKS, from Wickham and other places, for Abolition of Church Rates.—By Sir JAMES GRAHAM, from Longtown, for Relief of Hand-Loom Weavers.—By Sir FREDERICK POLLOCK, from Godmanchester, for Amendment of Municipal Corporations Act.—By Mr. WALLACE and Mr. FOX MAULE, from Greenock, Perth, and Chard, for Repeal of Duty on Soap.

REGISTRATION.] Lord John Russell rose for the purpose of moving for leave to bring in a Bill, to suspend for four months the operation of two Acts passed last Session, for the registration of births, marriages, and deaths. The Poor-law Commissioners had represented to him, that great inconvenience would ensue from putting these Acts in force at present, and they expected that by the 1st of July, about 1,300 parishes, not now in union, would be so, when the provisions of these Acts might be immediately carried into effect. This was a sufficient reason to induce him to postpone the operation of

tion of all persons conversant with the subject. It was time they should get rid of all those offices which incumbered the administration of Government, and that the courts should be put on a better regulated system. There was the greater reason to adopt this course, as the experiment had been tried in the Court of Exchequer, by Lord Lyndhurst, who introduced a Bill for the better regulation of that Court, and the effect of that experiment had been of the most advantageous description. The object of the present Bill was, to carry into effect the Report of the Commissioners. It would not be necessary for him, on the present occasion, to dwell at any length upon it, as there would be many other opportunities of discussing it. He would, therefore, content himself with adverting to the grounds on which it had been rejected last Session, by the other House of Parliament. The House would recollect, that, up to a late period, it was the custom to pay certain fees to the Judges of the King's Bench, and they were allowed to dispose of, and make the subject of family arrangements, certain offices in the Court in which they presided; but by a Bill passed in the reign of Geo. 4th, fixed salaries were named somewhat commensurate to the dignity of the station in which they were placed. In that Act, the rights of certain officers then living were reserved, and the power of appointing to subordinate situations were still continued to them. In the Bill which he introduced there was a clause still reserving those rights; but an hon. Gentleman objected to it, and proposed, whenever a vacancy occurred in the offices, compensation should be made to the persons having the right of appointment, in such amount as the Lords of the Treasury might think fit; and it was settled that the Treasury should be compelled to give the right of appointment to those who then held it, or three-fourths of the value of the offices themselves. On the Bill going to the House of Lords, Lord Ellenborough objected to the clause, as it would place him, who held the office of chief clerk in the King's Bench, in an invidious position. Owing, therefore, to his opposition, and to the absence of common law Lords, the Bill was thrown out; but he hoped, that during the present Session, it would meet with a more favourable reception, as he introduced the clauses as it had originally stood.

Mr. Hume said, he did not rise to oppose

the motion of the hon. and learned Gentleman; but he took that opportunity of asking, what steps had been taken to abolish the office held by the late Lord Rosslyn in the Court of Chancery in Scotland?

Lord John Russell said, that the Lords of the Treasury had taken the advice of the Lord-Advocate on the point of law, and that the regulation of that office was under their consideration.

Leave given.

MUNICIPAL CORPORATION ACT.]
The *Attorney-General* rose, pursuant to notice, for the purpose of moving for leave to bring in a Bill to amend the Municipal Corporation Bill. There were certain irregularities in the elections under that Act which, unless the House passed some legislative enactment to remedy them, would be productive of great inconvenience. There were two boroughs—Rochester, and Newport in the Isle of Wight—in which corporations there was an equal number of votes for each set of aldermen; the consequence had been, that each party had been put to much expense, inconvenience, and loss of time. Processes had also been issued against unfortunate councilmen more than two terms after the period they had been bound to serve, which had put the individuals to both expense and inconvenience; he should, therefore, propose, that the Court of King's Bench shall not have the power to issue a *quo warranto* after the lapse of two terms from the period of election. He would not now discuss the matter further, but would merely move for leave to bring in a Bill to amend the Municipal Corporation Act.

Sir William Follett did not rise for the purpose of opposing the motion of his hon. and learned Friend, in the object of which he agreed, though he would not pledge himself upon the subject; but he rose for the purpose of expressing his hope that his hon. and learned Friend meant to introduce some clause which should make the mayors more responsible than at present; indeed, as the law now stood, there was no check whatsoever on that officer—his dictum being final. There had been many instances in which the assessors had decided differently, and he should like to see some alteration in the constitution of their courts—in each case he hoped his hon. and learned Friend would bring forward some proposition for

remedying the inconvenience. As the Bill now stood he would not pledge himself to support it.

Leave given. Bill brought in and read a first time.

CRIMINAL LAW.] Mr. *Maclean* wished to know from the noble Lord opposite, (Lord John Russell) whether it was the intention of the Government to propose any alteration in the criminal law during the present Session? The commission had already cost the country 10,393*l.*, and only two reports had as yet proceeded from it.

Lord John Russell, in reply to the question put by the hon. Gentleman, begged to state, that in the Report made by the Commissioners, at the close of the last Session of Parliament, many alterations of the criminal law were suggested, and more especially with respect to the punishment of death. As the Commissioners recommended that that awful punishment should be taken away from many offences that were now capital, he thought it was not a subject that ought to be left long in debate or dispute, and therefore that no step should be taken with respect to it until the whole of the criminal law could be altered in the manner proposed by the Commissioners. At the same time, he thought that the subject was one that ought to occupy the attention of the Government, and that the Government, if it should be in their power to frame any measure upon it, should lose no time in calling the attention of the Legislature to it. With that feeling, soon after the close of the last Session, he felt it his duty to refer to the reports that had been made upon the subject; and he wrote to the Commissioners, requesting them to furnish him with the heads of a measure on the criminal law, by which the punishment of death might be taken away from those offences which, in their opinion, should no longer remain capital. The Commissioners met at the end of October, to consider of his letter, and he believed it was discussed and considered by them at great length, and with great attention. Since that time he had been in frequent communication upon the subject with the Lord Chancellor and Lord Denman, the chief justice of the Court of King's Bench, and, as the result of his labours and inquiries, he hoped, in a few days, to be able to give notice of a number of Bills which he intended to bring forward, and which

would make, as he conceived, very great ameliorations in the criminal law. As to the second part of the hon. Gentleman's observations, namely, the cost of the Commission, he had only a few words to say. He found when he came into office that a report had been presented by the Commissioners, and that it had fallen to the right hon. Gentleman, the Member for the University of Cambridge, who preceded him in his office of Home Secretary, to recommend to the Treasury a sum to be given to the Commissioners for their report. A certain sum was accordingly appointed by the right hon. Gentleman, and when the next report came before him he saw no reason to alter the precedent established by his predecessor, and he accordingly recommended the Treasury to pay the Commissioners exactly the same sum as had been assigned to them by that right hon. Gentleman. He had no doubt but that this Commission, like many others, might be found, in some respects, to be expensive; but, without entering into the merit of other Commissions, he would say of this, that no subject could be more important for the Legislature of a country to consider, than the procuring good and efficient criminal laws; and he would say likewise, with great respect to those hon. Gentlemen who had undertaken to reform particular parts of the criminal law, that it would be better that the Legislature should come to the consideration of the subject, having before them the mature and deliberate opinions of professional men, who, acting as Commissioners, had conducted a careful inquiry into the whole of the matter, rather than that measures should be brought forward of individual Members dealing only with one particular class of offences, mitigating the punishment of death as regarded that class of offences, and leaving others, perhaps of a slighter character, still liable to that awful punishment. These were all the observations that he felt it in his power at that moment to make upon the subject, and he trusted that the hon. Gentleman would feel satisfied with them.

Mr. *Maclean* explained, that it was his intention not to object to the expense of the Commission, but to call the noble Lord's attention to the fact, that nothing had yet resulted from the labours of the Commission.

Subject dropped.

HOUSE OF LORDS, Friday, February 3, 1837.

MINUTES.] Petitions presented. By several noble Lords, from various places, for the Abolition of Church Rates.

ANSWER TO THE ADDRESS.] The Marquis of Conyngham announced, that in obedience to their Lordships' commands, he had waited on his Majesty with their Lordships' Address, to which his Majesty had been pleased to return the following most gracious answer:—

“My Lords,—I thank you for this loyal and dutiful Address, and rely with entire confidence on your attachment to my person and Government, and on your enlightened zeal for the public service.”

HOUSE OF COMMONS, Friday, February 3, 1837.

MINUTES.] Bills. Read a second time:—Registration of Marriages.—Read a first time:—Common Law Courts; Grand Juries (Ireland); Lease-making (Scotland); Court of Session (Scotland); Small Debts (Scotland).

Petitions presented. By several Hon. MEMBERS, from various places, for the Abolition of Church Rates.—By Mr. W. WYNN, from the Overseers of various places (Wales), for Repeal of the Bastardy Clauses.—By Sir ROBERT FRANKLIN, from the Medical Superintendants of Dispensaries (Tyne), for the Repeal of the Clause relating to the Salary of Medical Attendants.—By Dr. BOWRING, from Perth and Dumbarton, for the Repeal of the Duty on Soap.

Lord J. Russell moved the Order of the Day for the House to go into a Committee of Supply; which was agreed to, and the Speaker left the Chair.

NATIONAL ASSOCIATION (IRELAND).] The House having resolved itself into a Committee of Supply,

The Chairman having read part of his Majesty's Speech relating to the estimates, put the question:—“That a supply be granted to his Majesty.”

Mr. Sergeant Goulburn would ask the noble Lord one question concerning Ireland. He (Mr. Sergeant Goulburn) deeply deplored—and he wished to know if the noble Lord had any objection to state a similar opinion—the existence of an association in that country, called the National Association; he wished to know if the noble Lord concurred in that opinion. He had witnessed with great regret the existence and the control of an association in that country that was incompatible with the rights of that House, which was at variance to the administration of justice in Ireland, and of which, on every occasion, he had disapproved. He then turned to the noble Lord, connected as he was by office with Ireland, would feel obliged by his thus giving him the opportunity of telling the House and the country what was his opinion on this subject.

Lord J. Russell said, he did not think it was convenient to state whether he concurred or not in the opinion expressed by the hon. and learned Gentleman on the National Association in Ireland. He did not conceive that this was a fit opportunity for the discussion; but he would give the hon. and learned Gentleman an opportunity of hearing his opinion on Tuesday night, when he brought in the Municipal Corporations Bill for Ireland. He would then state to the hon. and learned Gentleman his opinion, for which he was responsible; but he could not now state how far that opinion might coincide with that which the hon. and learned Gentleman had just expressed.

Mr. Sergeant Goulburn was strictly in order, on a motion for supply, to ask any Member of the Government if he concurred in any opinion which had been expressed by the Prime Minister respecting the Association—to ask if the noble Lord were bound by the opinion of the head of the Administration of which he was a part, who cordially disapproved of the National Association. He thought also that it was worthy the consideration of the House if he had, in asking this question, transgressed any of its rules. With deference to the noble Lord, he must say, that the answer he had received was no answer, but had rather the appearance of an evasion.

Mr. Hume said, that he thought the hon. Gentleman had got as good an answer as he had a right to expect. He had never before heard such a question asked. He did not know if the Prime Minister had ever expressed such an opinion; if he had, he could only say it was an indiscreet one. He did not know of what the hon. and learned Member disapproved, but, judging by the public and ordinary channels, he might suppose approved of the Association. He could tell the hon. and learned Gentleman, that Ireland had never been so quiet under any other administration, and no credit was due to anything except the moral influence that had been exercised, and been the moral cause of the quietude, and the people were prepared to do anything that the hon. and

learned Member should bring the question before the House, he would not find himself in a majority. He would find individuals of exalted rank joining the Association; and he would never believe but that the people of Ireland would see the necessity of uniting, and of rallying round the association in its efforts for their welfare.

Mr. *O'Connell* not only highly approved of what had been done by the Association, but he had heartily joined in it. He did not know whether the opinion alluded to by the hon. and learned Gentleman had been delivered or not by the Prime Minister—nor did he much care. He rather feared that it had been exaggerated. At all events, he was highly delighted with the proceedings of the Association; and when any specific charge was brought against it, he would be prepared to satisfy the country that it was not only legal, but had been most useful. The Association had this feature about it, that, whereas the Catholic Association had not one-fourteenth of its number Protestant, this association, on the contrary, had more than one-third of its members Protestant, and those, too, men of rank, property, and intelligence; and the number was increasing every day. This afforded a hope that Ireland would at length become one country, instead of being divided into a faction on the one hand, and the people on the other. The proceedings in that association were open as day—they courted publicity in every discussion—and he would say, that he believed the utmost possible facility was given to every person to know what was done amongst them. That association had sprung from a just sense of wrong, aggravated by insult. There had been found men audacious enough to assert that Irishmen were aliens in religion, in language, and in blood. There had been found a party atrocious enough to join with the individual who had dared to make use of that insult; and though the blood of Irishmen boiled, yet they had learned in the school of adversity to control and regulate their feelings. That association was determined to obtain justice. They were determined to obtain an equalisation in the privileges enjoyed by Scotchmen and by Englishmen; and if they could not obtain justice otherwise, they were determined to have it by a domestic Legislature. The Union should not be a mere paper and parchment union—it

should not be a union of insult and degradation. The people of Ireland hoped for justice in a complete union; and if they could not obtain a complete union, he would never despair of the exertions of seven millions of men in obtaining justice for themselves.

Mr. *Shaw* said, that although it was an inconvenient practice to indulge in incidental discussion, yet he could not allow any person to suppose, by his silence, that he acquiesced in the sentiments of the hon. and learned Gentleman. It appeared to him, that the existence of the Association was inconsistent with the peace of Ireland. The Association assumed to itself the functions of Parliament, and was inconsistent with the rights of that House. The hon. and learned Gentleman charged others with using insulting language; he had himself repeatedly called the English Saxons, sassenachs and strangers. And with regard to the hon. and learned Member's observations on the union, had he not said, over and over again—he could show, that the hon. and learned Gentleman had written the same thing—that, under any circumstances, he would not be content without the Repeal of the Union? He could produce the words of the hon. and learned Gentleman, in which he said, that he neither could nor would be content with any other measure than the Repeal of the Union. In his conscience he believed, that the object of the Association was to impede the union between the two countries, and to overthrow the established religion.

Mr. *O'Connell* said, he did not stand in the same situation as the hon. and learned Recorder. He was merely a political agitator, but the hon. and learned Recorder was a political judge; he combined the functions of judge and partisan. When the hon. and learned Member again quoted him, he begged that the quotation might be accurate. At different periods he might have said, that he no longer looked to this country for justice; since then he had entertained some remnant of hope; and even if this country did not grant them justice, he would not despair.

Lord *John Russell* did not rise to reply to the hon. and learned Gentleman opposite. He wished to state again, and he thought it was incumbent on him, in justice to Lord Mulgrave's Government, to do so, particularly as no notice of censure on Lord Mulgrave had been given which

would bring the question before the House, that on Tuesday next, when he introduced the Municipal Corporations' Bill, he would state the whole case of the Irish government; he would now only add, that for every act of that government he held himself fully responsible.

Mr. *O'Brien* felt the inconvenience of discussing this subject at present, but he should not be doing justice if he did not refer to the policy that had been pursued last year by the party opposite. If the same policy were now pursued, it would go far to unite all Irishmen; and the question would then be considered whether the rights of Ireland should not be granted even by a Repeal of the Union. He called upon the party opposite not to repeat the fatal policy by which Catholic Emancipation was wrung from them.

Resolution agreed to. House resumed.

GRAND JURIES (IRELAND).] Viscount *Morpeth* rose to move for leave to bring in a Bill to amend the Grand Jury Act for Ireland. As the amendments now proposed did not embrace any new matter, and were entirely formal, it was not necessary to go into any details. He would merely state that the Bill, with one exception, was the same as the Bill of last year, and he anticipated no opposition to it. He moved for leave to bring it in.

Mr. *Shaw* said, the object of the noble Lord was one unconnected with politics, and that he should make no objection to the introduction of the Bill proposed by the noble Lord. The Grand Jury Bill of last year certainly required amendment, particularly in the two points mentioned by the noble Lord—the provisions for dispensaries, and those which related to deserted children; he thought it right, also, to put beyond a doubt, that last year's Act was not intended to bring the county and city of Dublin within its operation.

Mr. *O'Connell* thought, some provision should be made in this Bill to regulate medical charities, as in those districts of Ireland where medical advice was most wanted, it was impossible to procure an adequate salary for a medical attendant. He had great doubts on the clause respecting deserted children. The evils that had resulted from the establishment of the Foundling Hospital at Dublin were so enormous as to necessitate the breaking up of that establishment. The frauds

had been found to be so numerous, that he thought it better to trust to individual charity. He should have a better opportunity of discussing this subject when the noble Lord brought forward his Poor-law Bill for Ireland.

Mr. *F. French* acknowledged the necessity of some part of the measure then before the House. Unfortunately, the Act of last Session was so defective, that if some of the provisions of the Bill now introduced by the noble Lord were not adopted, the salaries of the county-officers would have to remain unpaid, and the public roads and the remainder of the county expenditure unpresented for. By the law, as it at present stood, the Spring Grand Juries would not have the power to levy money for any presentments that were obliged, in the first instance, to be laid before the cess-payers at each Sessions. He was also aware of the necessity of a clause to regulate the posting of notices for applications, which, by some strange oversight, had been altogether omitted. So far he was willing to go with the noble Lord, and regretted that, consistently with his duty to his poorer fellow-countrymen, he could support him no further. Had his noble Friend read the Report of the Commissioners on the state of dispensaries in Ireland, he would have known it was anything but desirable, as he, by this Bill, was about to do, to restore them to their original state. For his part, he would sooner abolish them altogether. He did not, generally speaking, consider them to be serviceable to the people, 60*l.* or 70*l.* a-year was, in many instances, paid for distributing 10*l.* or 20*l.* worth of medicine; the continuance of this system had been decided against by the House last Session, notwithstanding the able advocacy of the hon. Member for Cork, and without any experience of the effect of the alteration, which was, that not more than half the amount of the entire income of the medical chests should be allotted to the physician. The noble Lord was about to re-establish it; he did not mean to deny that there were highly educated and intelligent men amongst those by whom the dispensaries were managed, but there were also many perfectly incompetent. The first class, he considered, were by no means adequately remunerated; they could not in justice to their families give up sufficient time to discharge the duties of their districts for

the paltry stipend allotted to them. The employment of the second class ought not to be suffered to continue; it would be much better for his Majesty's Government to introduce a Medical Reform Bill, to intrust the health of the agricultural population to none but competent persons, and to make their remuneration ample, than attempt to patch up a system which could never, under any circumstances, be rendered efficient.

Leave given, and Bill brought in and read a first time.

LEASING-MAKING, SEDITION, &c., (SCOTLAND).] The *Lord Advocate*, on introducing this Bill, said, that the criminal law of Scotland was in general mild, and gave great advantages to the prisoner in conducting his defence; but the general character of the law of Scotland differed very much in the punishment of political offences from the disposition it showed in repressing other crimes by moderate penalties. Both the statute and common law were of great severity, and so extremely vague, that no person, however circumspect, who differed from the Government of the time, could be said to be secure. To refer only to one statute—that of 1585, cap. 10, forbade any person publicly to declare or privately to speak or write any purpose of reproach or slander of his Majesty's person, estate, or government; or misconstrue his proceedings, whereby any disliking may be moved between his Highness and his nobility and loving subjects, in time coming, under pain of death. The statute 1594 ratified this and all other statutes, and enacted the same penalties against whoever heard these leasings, calumnies, or slanderous speeches, or writs, and did not apprehend the authors if it lay in his power, or reveal the offence to the Crown or a magistrate. These severe laws unfortunately did not remain a dead letter. In 1635 Lord Balmarino was found to have incurred the penalty of death, on a conviction of having only heard an infamous libel and concealed and not revealed it; and in 1681 the Earl of Argyle received sentence of death on the Act of 1585, for having merely added this explanation at taking the test oath, that he took it so far as was consistent with itself, or with the Protestant religion. This was held to be defaming the King's laws and proceedings, contrary to the statute. In 1703, after the Revolution, the severity of these laws was

relaxed so far as regarded capital punishment; but the law of Scotland remained on the same footing from 1703 until the 6th Geo. 4th. The improved feelings of the age led to that very important statute which lays down the great principle, which cannot be too strongly kept in view, that the crimes of leasing-making, sedition, and blasphemy, should be punished in the same manner as such crimes would be punished if committed in England. At that time the law of England with regard to blasphemous and seditious libels rested on a statute passed in the 60th year of George 3rd., which provided that if any person shall be convicted a second time, he might either be punished by fine and imprisonment, or banished from the United Kingdom. The 11th of George 4th, and 1st of his present Majesty, repealed that part of the 60th of George 3rd, which related to the sentence of banishment for the second offence; but hitherto no measure had been proposed, as far as he (the Lord Advocate) was aware, for making the corresponding change upon the 6th of George the 4th, with reference to the law of Scotland. I may be thought, perhaps (continued the learned Lord) somewhat unnecessarily to have referred to the severity of the old laws, and the judgments pronounced in bad times, but they ought not to be lost sight of at the periods most favourable to the liberty of the subject; and the enactment of the 6th of George 4th cannot be too strongly kept in view, both as a protection to those political rights which every person ought to enjoy in Scotland as well as in England, and as a safeguard to the court and jurymen, who are placed in a dangerous and painful position when called upon to execute laws of great severity and extremity vague in their enactments.

Mr. *Hume* approved of the introduction of the Bill, which would preclude all possibility of the present severe enactments being again enforced, as they had been against the early Reformers of the last century.

Mr. *Wilks* wished the Government to bear in mind, that laws of extreme severity still existed in England. By an un repealed statute of Charles 2nd, no person could be a professor in any college unless he signed a declaration that he had adhered to the religion of the Established Church.

The *Attorney-General* was understood to state, that the hon. Member for Boston did not put a right construction on the

estate to which he alluded, and that if there was the slightest ground for supposing that its penalties were as severe as had been represented, he would undertake to bring in a Bill for its repeal.

Leave given. Bill brought in and read a first time, as well as Bills to make alterations in the duties of the Lords Ordinary; in the establishment of clerks and officers of the Court of Session and Court of Commission for Feuds in Scotland; and to reduce the fees payable in those courts; and effectually to recover Small Debts in the Sheriff Courts, and in the Sheriff Circuit Courts for the trial of small debt causes by the Sheriffs in Scotland.

COURT OF EXCHEQUER, SCOTLAND.

Mr. Robert Stewarts moved for leave to bring in a Bill to regulate certain officers in the Court of Exchequer in Scotland. He understood the House to understand that the object of the proposed measure was to effect the consolidation of certain offices in the Court of Exchequer, by which arrangement the business would be better conducted, and the expenditure reduced.

Mr. George Clerk had no objection to the introduction of the Bill, and he was assured that the House would be anxious to support it. He was, however, anxious to draw attention to the fact that the proposed measure was not intended to effect any consolidation of the offices of the Court of Exchequer, but was intended to effect a consolidation of the offices of the Court of Exchequer, by which arrangement the business would be better conducted, and the expenditure reduced.

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correspondence with that Board; and it was believed, in many quarters, that one object of the new arrangement was to dispossess this efficient and experienced public servant, for the purpose of substituting a less eligible person (as far as the public interests are concerned) in his place. Unless, therefore, such a case should be established against Sir Henry as he felt confident could not be made out, he trusted that a British Parliament would do justice to Sir Henry, and intimate their concurrence in the opinion he had expressed that the new office should be conferred on one who, from his talents and character, as well as from his long acquaintance with the details of the business transacted in the Exchequer Department, was so well qualified to discharge its duties.

Mr. George Clerk wished to call the attention of the House to the conduct of his Majesty's Government. It appeared that two offices in the Exchequer Court of Scotland were about to be consolidated, and that the duties of the consolidated office were a future to be executed by one individual. Either of the gentlemen now engaged in the transaction of the business in the two offices was able and willing to discharge the performance of the duties of the consolidated office; yet the Government proposed to remove both of those gentlemen from the public service, to pay them compensation, and to appoint a new person to the new office. Consequently, the proposed arrangement, instead of effecting a saving, would entail an increased expenditure upon the country.

Mr. George Clerk understood the House to be of the opinion that since the duties of the offices were so similar, it was probable that the two offices, which it was proposed to consolidate, were willing and able to discharge the duties of the new office, and that the proposed arrangement would be a saving to the public service. He was, however, anxious to draw attention to the fact that the proposed measure was not intended to effect any consolidation of the offices of the Court of Exchequer, but was intended to effect a consolidation of the offices of the Court of Exchequer, by which arrangement the business would be better conducted, and the expenditure reduced.

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Baronet (Sir G. Clerk) had succeeded in drawing the attention of the House to the subject, which it must be admitted was no slight difficulty, seeing that the general noise that prevailed was so great that not a word of the two preceding speakers (Mr. Steuart and Sir George Sinclair) could be heard even by those who, like him, were but a very short distance removed from them. When the right hon. Baronet alluded to the principles of economy professed by those who sat on that (the Ministerial) side of the House, he (Mr. Hume) would assure the right hon. Baronet if he were disposed to become a convert to those principles himself, that he might calculate with security on the support of those with whom he was in the habit of acting. If any such improper or imprudent proceedings as those described by the right hon. Baronet were proposed to be adopted, it would certainly be the duty of the House to interfere and prevent them. At the same time he could not help thinking there was some truth in what had been stated by the right hon. Gentleman (Mr. F. Baring) below him. It would be very improper if the men who were responsible for the due performance of the duties of any particular office should not be at liberty to appoint those only whom they conceived to be fully competent.

Major *Beauclerk* thought, that the only justification the Government could have for the appointment of a new officer was the circumstance of both the gentlemen to whom allusion had been made being totally unfit for the duty, and in such a case they would not be entitled to any compensation whatever.

The *Chancellor of the Exchequer* should have left the case as it was until the discussion on the second reading of the Bill, but for the observation of the hon. and gallant Member who preceded him. He (the Chancellor of the Exchequer) did not admit the principle on which that hon. and gallant Officer had based his argument. It was a case of frequent occurrence that, on a change such as the one in question, a man competent to perform the oaths of an office of a particular description—nay, who had discharged it competently through the latter part of a life devoted to it—was found quite incompetent to discharge the enlarged duties of another office. With respect, however, to the facts, he did not think it necessary to look into them after what had been stated by the Secretary for the Treas-

ury. He joined with his hon. Friend in saying that in any examination which should be called for on this subject by hon. Gentlemen opposite, they should be indulged to their very hearts' content. They should have the papers; and if the papers were not sufficient they should have what appeared in a matter of this description, where it was necessary to have an investigation of the facts, and which assumed the character of a judicial proceeding, they should have a Select Committee. The hon. Member for Middlesex (Mr. Hume) might, if he chose, apply his acuteness and knowledge to the subject as a member of that Committee, as far at least as his vote was concerned. The hon. Baronet, the Member for Edinburghshire, should have the fullest opportunity of inquiring into the facts. He would say, that the imputations thrown out in the course of the investigation were only just if the facts supported them; but hon. Members should not have reason to complain that they had been deprived in a matter of this nature of the opportunity of contradicting it if possible. The Government had had, before now, to consolidate offices. Since Parliament had last met he had had to consolidate two most important offices the Army and Navy Pay offices. It was a painful duty to him, because it affected the future prospects of an individual; but when the Government laid before the House the consolidation which they had made he would invite hon. Gentlemen to say whether, in those arrangements, favouritism had taken place—whether there had been any discharging of old servants for the purpose of placing in their stead new ones as long as they had been competent to perform the duties of their office. The consolidation of offices had taken place in the Government of Lord Grey, and it had been continued in that of Lord Melbourne; and persons who had been in the public service had alone been discharged on the principle that they were incompetent to perform their duties. In the present case it was entirely a matter for investigation whether the individual was or was not properly competent to fill the situation he had held. If he was, then Government certainly had no right to appoint a successor; but if he was not competent, then he would say, in contradiction to the gallant Officer, that it would be the worst possible economy to continue this officer, who was incompetent to perform

Gentlemen, and those who represented large constituencies were, he should say, much more attentive to their business than those returned for small places. Some hon. Gentlemen opposite were not very particular in being in their places at late hours, except a few who deserved the name of his Majesty's Opposition. Late hours, therefore, were not only injurious to the country, and detrimental to legislation in that House, but they were oppressive by their inequality; and his hon. Friend the Member for Salford, and other hon. Members, who sat long after midnight, came in for an undue share of exertion, of which they had a right to complain. He was convinced that justice would never be done to the country, until a portion of the day was devoted to the duties of legislation; and the best thing that could be done would be to devote two or three days in the week to the business of the House, instead of proceeding with nocturnal legislation. He trusted that the House would not stop with the present motion, but would go much further, as well for the benefit of the House as the satisfaction of the nation.

Lord John Russell was not prepared to concur in the motion of the hon. Member for Salford, because the effect of it would be to take away all discretion on the subject from the House. The practice during the last Session had generally been to adjourn the House about twelve o'clock; but there were cases when it was important that public business should be proceeded with; and when it was the opinion of the House that the business before it required such despatch, he thought the hour at which the business was brought forward ought not to form an objection to the progress of important business. According to the motion of the hon. Member, if any hon. Gentleman wished to obstruct the progress of a particular Bill, it would be in his power, by moving an adjournment after twelve o'clock, to put a stop to the business before the House, and thus materially delay, and perhaps eventually defeat it. The hon. Member for Salford had last year frequently moved the adjournment of the House, and he had never opposed the wishes of the hon. Member; on the contrary, he thought the hon. Member had exercised his power with admirable judgment, and he did not wish to interfere with the hon. Member's discretion hereafter. But, at the same time,

he did not like to have any fixed and settled rule to prevent the public business going on, particularly as, after all these adjournments, they had not got through so much business as they might have done if they had sat later. He did not wish to interfere with the motions which the hon. Member might make from time to time for the adjournment of the House; but he could not agree to his present motion, because, as it appeared to him, it must cause an obstruction to the public business.

Mr. Hume declared that a great deal of time had been lost last Session in consequence of debates arising upon the very motion for adjournment. In particular cases, he admitted it would tend to the advantage of the public that the business before the House should be proceeded with after twelve o'clock. What was asked by the motion was, not to stop a debate which was going on before twelve o'clock arrived, but to prevent the discussion of fresh business after that hour. It was absolutely necessary that some Members should be present all the time the House was sitting, and many others wished to be present, and as many of them came down at eleven or twelve o'clock in the day and were obliged to stop till the House rose, he would ask whether an attendance of twelve or thirteen hours was not enough for any man? He really thought that more progress would be made if the motion was agreed to, so that after twelve o'clock no new matter should be brought on.

Mr. George F. Young would support the proposition, because the value of legislation should be tested, not by its quantity, but by its quality; and so far as his experience went, all the worst measures which had passed through that House had passed after midnight. Measures which were brought forward after twelve o'clock did not get that calm consideration which was required, and the consequence was, that many of them were extremely discreditable to the character of the House.

The House divided:—Ayes 61; Noes 147: Majority 86.

List of the AYES.

Baines, E.	Browne, R. D.
Beauclerk, Major	Buckingham, J. S.
Bentinck, Lord W.	Chaplin, Colonel
Blackburne, John I.	Chapman, Aaron
Blake, M. J.	Chichester, J. P. B.
Brabazon, Sir W.	Elphinstone, H.
Brady, Denis C.	Fielden, J.
Bridgman, H.	Fitzsimon, Chris.

conferred on them by the Reform Bill. They find no fault—they allege no insufficiency against that measure; on the contrary, their wishes, in this instance, are bounded to its fair and legitimate operation. But they assert that it is not allowed to operate as was intended—that a scheme has been devised by its enemies, and a system organised with a view to defeating its provisions; and so fatally successful have these efforts been, that already many of the counties are virtually deprived of the power so lately given them, of choosing their own Representatives, and that every county in Scotland will ere long be brought to the same condition. This is their averment, and whether it be a just one or not, the House shall now have the power of deciding. Let me first remind you of what was the end and intention of the Scotch Reform Bill, what had been the elective system previous to that Bill, and what was the change then meant to be introduced. Was it not formerly the complaint that the people at large had no share in the election of their representatives? That the privilege of nominating him was monopolised by a favoured few; and that these consisted for the most part of individuals who had no proper connexion with the county that they voted in; who had no property, no residence within it; and who acquired their franchise by the holding of a merely fictitious superiority. And what was the principle of the Reform Bill? That all the old system should cease to be—that nominal representation should end—that monopoly should be destroyed—that non-resident electors should be swept away, that fictitious qualifications should never more be heard of. The choice of the representative, instead of being vested in the few, was to be given to the many. In the place of the counties being overrun by voters who had no connexion with the soil, the qualification was in future to be limited to the inhabitants, and in lieu of a nominal and fictitious freehold, a real *bona fide* property was at all times to be held indispensable to the franchise. Such, Sir, and I appeal to the recollection and the candour of hon. Gentlemen on either side of the House—such was the principle of that Bill—such it was announced to me by the Minister who introduced it, and who declared it to be the intention of the Legislature, that not one rag of the old system should remain

A new one was substituted in its place, which emancipating Scotland, was received with joy. The first general election took place under the operation of that Bill, and the voters on that occasion (with the exception of the old roll, whose privilege had been preserved to them for their lives) were really and substantially the resident possessors of the estates for which they had claimed in their respective districts. That election went against the party which had lately been in power, and it became evident to them, with the new order of things, their supremacy was at an end, but it was equally evident that if by any misconstruction or misapplication or evasion or violation of the recent act of Parliament, they could succeed in re-establishing any thing approximating to the former system, their influence must immediately revive. Accordingly the effort was to be made—desperate in its character, and demoralising in its effects, that effort has been made—and so systematic has been the plan adopted, so well organised and so comprehensive in its arrangement—and so ready and resolute, and reckless the instruments selected for its execution—that at this moment some of the counties in Scotland, nearest to the metropolis, are as completely in the hands of the old monopolists as if the Reform Bill had never been introduced. The mode in which this end is attained is by a very extensive manufacturing of purely nominal votes, and by such a series of frauds upon the law, as will be surprising, if not incredible, to English ears. To enumerate all the devices though which the ingenuity of their authors has endeavoured to find some alleviation to their despair would be quite impossible; but, with the permission of the House, I will describe a few of the most notorious. The first is by a system of joint tenancies—a farmer, paying a large rent and having several sons, is made to take them all into his lease. They may none of them be brought up to his line of life—they may not reside with him, or near him, or within a hundred miles of him, yet they are all registered as joint-tenants. Nay, there are instances of men being enrolled in this character, who are following their business as practitioners in the law, and merchants, and shopkeepers, in distant towns—men who never saw that, or perhaps any other farm in all their lives, and who do not know the parish in which it is situate. The second mode of creat-

1. The first step in the process of identifying a problem is to determine the nature of the problem. This involves a thorough understanding of the situation and the factors that are contributing to the problem. Once the nature of the problem is understood, the next step is to identify the causes of the problem. This involves a detailed analysis of the situation and the factors that are contributing to the problem. Once the causes of the problem are identified, the next step is to develop a plan of action to address the problem. This involves determining the steps that need to be taken to address the problem and the resources that will be required to implement the plan. Once a plan of action has been developed, the next step is to implement the plan. This involves carrying out the steps that have been identified in the plan of action. Finally, the last step in the process is to evaluate the results of the plan. This involves determining whether the plan has been successful in addressing the problem and whether any further action is required.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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 9. Treatment
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 11. Prevention
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the 1990s, the number of people in the world who are undernourished has declined from 760 million to 600 million. The number of people who are malnourished has declined from 1.1 billion to 800 million. The number of people who are obese has increased from 100 million to 300 million. The number of people who are overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million.

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DO NOT AGREE.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

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fictitious qualifications by their masters' orders—and by such extraordinary persuasion, and upon such frivolous pretences, have these parties been at all times induced to claim, that they have many of them refused to appear to be examined before the Sheriff; and some of them, when the oath has been tendered, have refused to take it. The last plan I have to describe, is one that has as yet occurred but in one county. It does not go even the length of feigning a possession in land or houses; it is a simple bond of annuity for 10*l.* a-year, secured over an heritable subject—so that as many ten pounds a year as an individual's estate is worth, so many votes can be create without alienating an acre. How such annuities have been hitherto procured, I know not—but how they may be procured I know well. They may be purchased precisely like the subject in the last-mentioned case—a bill may be given for the price—the interest on that bill may be an exact equivalent for the annuity—and the whole transaction fraudulent and fictitious. But the parties, nevertheless, swallow the oath. Having thus shown the nature of these devices—and there are many others with which I shall not deem it necessary to occupy the House, it now only remains for me to prove the extent to which they have been practised. I will take for this purpose the six counties adjacent to one another in the neighbourhood of Edinburgh, viz.:—the three Lothians, Roxburgh, Selkirk and Peebles, and I will at present confine myself to them. In the county of Edinburgh, in 1832, the constituency amounted to 1,126; non-residents, 61; life-rents, 42. In the present year the life-rents had increased to 146, and the non-residents amounted to 141. He would next refer to the county of Haddington, the constituency in which amounted, in 1832, to 513; the non-residents were 27, that number had since increased to 151. The life-rents in 1832 were 29, in 1836 they increased to 75. The present constituency was 714. The next county was Linlithgow; in the year 1832, the constituency was 532; the non-residents 112. The non-residents were now increased to 202. The life-rents, in 1832, were 23; non-residents 4. This year the life-rents were 66; and out of the 66, the non-residents were 63. He would then take the county of Roxburgh. In 1832 the number of the constituency was 1,188, and out of

this body not one-seventh were non-residents. At the present time the number of non-residents was not less than 444. The number of life-renters in 1832 did not exceed 33, and all these were residents in the county. The number of life-renters enrolled this year was 89, and of these 87 were non-residents. In 1832 the constituency of Peeblesshire was 301. Since that time a great number of persons had been enrolled as voters; for at the present moment the constituency amounted to 576. Out of the list of voters in 1832 there were 15 non-residents; the number of non-residents at the present time was 218—being nearly equal to the original constituency. There were only eight persons in the list of voters as life-renters in 1832. The number of life-renters added this year to the constituency was 137—and of these 121 were non-residents. The list of life-renters at the present time was 160, and of these 132 were non-residents; so that, in point of fact, there were only 28 resident life-renters, and 22 of these were entitled to be registered in consequence of offices they held as clergymen or schoolmasters. In Selkirkshire, in 1832, the constituency was 180. The number since registered was 444, being nearly double the amount of the constituency in 1822. The whole constituency was now 562, being more than double the number enrolled the year after passing the Reform Bill. In 1832 there were no non-resident voters; in 1836, the number of non-resident voters enrolled was 288—being more than the original constituency. In 1822, there were no life-renters, excepting the clergy and schoolmasters, in number about twelve. During the present year eighty-nine life-renters had been placed on the list of voters, and of these eighty-seven were non-residents. The whole number of life-renters at the present time was 112, and 107 of these were non-residents. Now, Sir, these are facts by which I think it necessary to illustrate this part of the question. Are they not sufficiently convincing? But they are not all—the worst is yet to come: the crowning point of all, the perfection of this machinery, is yet to be arrived at. I have hitherto described the system in its two first stages only—the third and last yet remains. I have shown that it began by the *bond fide* purchase of properties by non-residents, and that it next proceeded to drop all that was

in its infancy—what has been done hitherto has been mere attempt of experiment; but preparations, I warn you, on a more magnificent scale are making for the ensuing registry; what has been done around Edinburgh will next year be done around Glasgow, and Perth, and Aberdeen, and then a section of the inhabitants of a few large towns will have all the counties of Scotland within their grasp. But I fancy I hear the hon. Gentlemen opposite objecting to me, “Why do you direct all your censure against us?—why do you spare your own party, which has also been guilty of these which you describe as improper practices?” Because, Sir, I have discovered a wide distinction between the cases. In tracing the origin and progress of the system, I have thrown the blame on those who were its inventors and its chief promoters; and when individuals of their opponents have partially followed their example, I am ready to prove that it was forced on them against their will—that they acted tardily and reluctantly, and purely in self-defence. I will show this by a reference to facts; and every word that I now state I am prepared to make good before a Committee. The election of 1832 ended late in December, and, as soon as it was over, it was currently reported that great, if not unlimited, power had been given to a well-known Edinburgh agent to create a sufficient number of improper votes to recover the three principal counties that had been lost. This report many people found a difficulty of believing; but when the registry came on, the claims thus made out were produced—they had all been manufactured in the preceding January, and immediately after the election. The Liberals immediately saw what was likely to result from this—the people must be annihilated. They held meetings and consultations; but they thought the proceeding so dangerous, and so disgraceful, that they would not resort to it. The registry of 1834 came, and another inundation of mushroom qualifications; but still the opponents of the Tories did not retaliate. They saw their danger, but they thought it preferable to dishonour—they had had one year of warning and preparation, and now a second, but they kept true to their resolve. But then came the general election—and with it, in its most disastrous form, the fruit of those two registrations. District after district was overwhelmed,

and county after county snatched away; and then it was, and then only, that the forbearance of individuals could no longer be secured. The race was in many places commenced by both parties in good earnest, and is now being carried on by such a deluging of counties with votes of all descriptions, that ere long the advocates of universal suffrage will have a favourable opportunity of judging of the practical workings of their favourite theme. I do not approve of the practice, or defend it either in the one party or the other. I will screen neither—I have ever set my face equally against both—and I will expose both equally before the Committee. But is there not a great difference in the culpability of the parties? I say there is the same distinction as between a man who raises his weapon for assault, and another who snatches a sword in self-defence. The act of the one party is from choice, and adopted for aggression and injury; the other only followed the example after long delay and repeated provocation, and from the imperious necessity of personal safety. The aim of the one was to crush the privileges of the electors; the object of the other to protect them. The right hon. Baronet opposite, the Member for Tamworth, declared lately at Glasgow, that it was his determination to support the principle of the Reform Bill, and he called on his followers to do the same. Sir, I honour him for that determination, and I hope that I may now confidently reckon on his support of my motion. The petitioners ask merely for the principle of the Reform Bill to be carried into effect. “Abolish fictitious qualifications,” they say, “and we will thank you and be satisfied.” There is no further change asked here; no demand for the Ballot; no petition for short Parliaments—and yet they have had their difficulties, and formed their opinions on these topics as well as their southern neighbours. But the elective privilege was so new to them, and so sacred in their eyes was the proper use of it, that they held it firm against all assaults. Intimidation was tried with them, but they braved it all. Bribery was attempted, but they were proof against it; and then the manufacturing of votes was had recourse to. The people were too firm to be bullied—they were too honest to be bribed—but they were not too numerous to be swamped. To swamping, accordingly, they were doomed. The work proceeded

at a rapid, a fearful pace, and since the hit was to come upon them, they now do feel at least grateful to their opponents for having brought it so speedily to a head—and that too by a process of operations so open and undisguised, that no man who has eyes to see can have a doubt of its existence—or that has capacity to reason, can deny the necessity for a remedy. The petitioners come before you with this plain, unanimous remonstrance—that if they deserved the franchise to be bestowed, they may now, on stronger grounds, demand that it should continue to them. That they did deserve it, they tell you is attested by the use that they have made of it. Look at their elections. Wherever popular contests have taken place they have been conducted with peace, and order, and decorum. Wherever popular candidates have been chosen, they have been men of experience, of ability, and of character. The anticipations of their friends on these heads have been more than realised. The hopes and predictions of their enemies have been as grievously disappointed. The people of Scotland now contemplate with joy the prospect, that through their instrumentality the real character of their countrymen may be understood. It was with a pang of shame and humiliation, that they had hitherto submitted to be judged of by the miserable samples of a begging Aristocracy, which an exclusive system threw up. Though their former representatives, being elected by an oligarchy, were like the oligarchy that elected them—venal, and subservient, and corrupt—the great body of the nation, despised and disregarded as they were, were always intelligent in mind—educated in habit—highly moral and religious in feeling—and nobly independent in character. And as soon as the power was given them, these were the qualities they sought in their Members; and they then saw, for the first time, a body of independent men, the organs of the free voice of Scotland, enrolled among the best friends of freedom in the empire, and welcomed by them as stout and valued allies in the great constitutional battles of the age. They bid you observe how the prejudices of country have already died away, and the choice of a Scottish constituency been admitted a title of distinction. On the one hand, they point with satisfaction to the distinguished men from England and Ireland who have been

united to their connexion, and to whom have been confided the interests of their wealthiest and most populous towns—their great marts of enterprise and commerce on the Clyde or on the Tay; and, on the other, they remember, with a feeling of pride, amounting to exultation, the tribute that was indirectly paid to them by this very House of Commons; inasmuch as when it was thought essential to its dignity, that the assertion of a principle should be involved in the election of a Speaker, the Member of their body, unanimously pointed at by all classes of Reformers to be put in competition with a Gentleman of great experience and acknowledged merit, as the fittest to supersede him in his exalted office, and sit in that Chair as the triumphant champion of their opinions, was no other than the popular representative of their own ancient metropolis. With such feelings, then, and such results—so encouraged and so rewarded—the political mind has become peaceful, happy, and contented—and with political contentment national prosperity has gone hand in hand. But if you reverse the picture—if you endeavour to wrest from them the boon that has been so lately conferred, or suffer it to be filched from them by others—have you calculated the effects? Will the people remain tranquil and submissive? Will the law be similarly respected? Will the elections go on equally smooth and undisturbed? Even in the olden times, we are none of us too young to remember, that the murmurings of the populace have been known to swell to such a pitch as to blanch the cheek of the favourite of the town-council, while he was undergoing the very honours of ordination—aye, and even to shake the powder from the wig of the all-potent but bewildered Lord Advocate of the day. And is it not wisdom to foresee that all this may soon return? If you stop up the channel which the constitution has provided for the feelings of the people, depend upon it they will break out through other channels which the law has not acknowledged. The Scotch have but lately tasted the sweets of freedom, but their appetite for reform has only been sharpened by enjoyment; and if their enemies should succeed for a time in depriving them of its expected fruits, believe me, sooner or later, they will bring the evil to such a head, that it can neither be continued without danger, nor ended

without convulsion. Sir, I have now concluded all I have to say upon the subject. I thank the House for its attention; and I have now to say that the petitions presented to you are just and reasonable in their nature, the arguments they are founded on are strong, and the appeal to your protection is not likely to be made in vain. The hon. Member concluded by moving for a Committee to inquire into the system of creating fictitious votes in Scotland.

Mr. *Robert Ferguson* seconded the motion. After the able, eloquent, and conclusive speech of his hon. Friend, he need only encroach on the House for a few minutes. But he must say, that the sweeping creation of fictitious votes now going on in Scotland was felt by the real constituency to be an intolerable grievance. They found that whatever importance was intended to be bestowed upon them by the Reform Act was gone, or fast going; and that the results of the means of influence resorted to by the Tories were of such a description, that very many persons had reason to regret that they ever possessed the franchise. The speech of his hon. Friend had obviously not failed to make a deep impression on the House, and he trusted would not fail to rouse them to inquire into the character of these fictitious votes, and to ascertain if it were possible that they could be consistent either with the letter or the spirit of the Reform Act, so far as respected Scotland. The fact was, the Tories had pushed these transactions much too far; inquiry has become necessary, a remedy must be found. Their modes of influence, he must also observe, had been so undisguisedly and so prejudiciously used towards individuals, as to push on the Ballot question—to force it on; and although he was originally adverse to the Ballot on principle, the monstrous evils which existed now induced him to consider it as the only remedy; and, whenever the question came on for discussion, it would most probably induce him to vote for it.

Sir *George Clerk* said, that he fully agreed with the hon. Member who last addressed the House, in what he had said of the clear and able manner in which the hon. Member had introduced the subject to their notice; but the hon. Member must excuse him if he refused to concur in the difference which he had made as to life-
rent qualifications between one party and

another. The hon. Member had made his statement in such a manner as if he wished it to be inferred, that those creations were made for the support of one party. He would admit that it must be disagreeable to the House to say with which party the system had begun; but with whatever party, Whig or Tory, it had originated, he had no hesitation in saying, that it ought to be put down. He must declare for one, he was perfectly prepared to say, that if there existed in Scotland fictitious and collusive qualifications, for which no sufficient remedy could be found in the enactments of the Reform Act, that Act ought to be amended. If facilities for the creation of such qualifications did exist, he was quite as ready as any hon. Member in that House to admit, that neither party would be very scrupulous in pushing the law to its utmost verge, for the purpose of augmenting their own political power. The hon. Member opposite had presented to the House the view which he took of the Reform Bill, but it was for the House to say, whether or not that was a correct view of its character, in reference to the elective franchise, at all events. The opinion of the hon. Member seemed to be, that the intention of the Legislature in enacting that measure, was to do away with non-residence in counties. From that he begged to express his dissent. Unquestionably the intention was apparent on the face of the Act to do away with non-residence in cities and boroughs, but by no means in counties; else, why did a property qualification for counties form a necessary part of the Bill? It was clearly admitted on all hands, it could not be denied, that the Reform Act created a property qualification; it therefore did not insist upon residence as a necessary condition. Owing, probably, to the political system which prevailed in Scotland, the people of that country were less disposed than in other parts of the United Kingdom, to a minute division of property, but an extension of the elective franchise naturally led to a more minute subdivision of property. For a long time, in Ireland, the same causes had led to similar results. If the evil to which the hon. Member referred was an evil of serious importance in Scotland, of how much greater importance was it in Ireland, and how much more widely extended was its operation? It was notorious, that the fictitious qualifications in Ireland were greater than in

any other part of Great Britain. The House had heard some strong condemnations of the practice of creating voters. He desired to know, was there anything that persons of wealth need be ashamed of, in the circumstance of their purchasing property, with a view to serving the party to which they belonged? He might be allowed to hope, that there was no intention of doing away with *bonâ fide* qualifications, and he might be allowed to add, that when the hon. Mover thought proper to refer to the state of the elective franchise in 1832 and 1836, he had omitted to pay any attention at all to its condition in England in those years, still less had he noticed the state of Ireland. The proprietors of land found new rights under the Reform Act, and that naturally disposed them to make a new arrangement with respect to their property; upon what ground, then, could exception be taken to that? It really did appear to him a most novel and startling doctrine, that the increase of the persons invested with the elective franchise, was to be regarded as an evil. It was particularly novel and startling when it proceeded from the other side of the House. Judging of what might be the feelings and sentiments of hon. Members opposite, from what had been the opinions put forward in the *Edinburgh Review*, that publication declared, that however strong the objection of its party might be to fictitious qualifications, however great their aversion to mere parchment votes, they would still take away no man's right. In their opinions, the more who were invested with the power of voting the better; it therefore much astonished him to find an increased constituency made a matter of complaint by hon. Members professing liberal opinions; and he confessed it did appear to him that the avowal of such doctrines, on their part, seemed to warrant the insinuations so generally thrown out during the discussions on the Reform Bill, that the elective franchise which that measure created, had been studiously framed, with a view to strengthen the political interests of that party, who were the authors and promoters of that great change in our Constitution. The hon. Member for Bath had said, that the Reform Bill was a measure which its authors introduced, not for the people's interest, but to secure their own. It was no longer ago than Tuesday night, that the hon. Member expressed that opinion; and within the

short period which had since then elapsed, they found the hon. Member for Cockermouth expressing sentiments which the supporters of Government cheered, and gave the strongest possible confirmation to the assertion of the hon. Member for Bath. The argument of the hon. Mover was, that the fictitious qualifications of which he so much complained, would have the effect of swamping the legitimate 10% electors. The simple answer to that was this—the particular enactments of the law bearing upon that point, permitted such a state of things to exist; there was clearly nothing illegal in non-resident voters for counties, neither was it in any respect inconsistent with the acknowledged principles of the Constitution, nor adverse either to the spirit or the letter of the Reform Act. Was it to be supposed that all persons connected with the proprietorship of land, in pastoral districts, would at all times be resident? But it was contended, that however consistent with the existing state of the law such a condition of things might be, it had become inexpedient to allow its continuance. Then to what did that species of argument lead? To nothing less than that the Reform Act rested upon a wrong basis. Its authors could not deny, that they based their measure upon property, and not numbers. To meet the views of the hon. Gentleman, they must now remodel the measure, and establish it upon a new foundation. As must be fully in the recollection of the House, the attempts to curtail the number of voters had been most frequent on the part of liberal Members. At present they complained, that the voters for counties were too numerous, while but a short time since, there were loud complaints of a similar kind against the poorer votes in corporations. His remarks, however, he begged to say, were not made with the least desire to continue or uphold any description of fictitious or collusive voters. He looked at the existing condition of the elective franchise, as all persons ought, who were engaged in electioneering proceedings—namely, with a view to get rid of every thing unfair; he had, therefore, not the least objection to a full and fair inquiry into the causes of collusive and fictitious votes; but he must be distinctly understood, as drawing a wide distinction between those, and persons holding certain qualifications under the Reform Act; especially he objected to the doctrines of the

hon. Mover, with respect to farmers who admitted their sons, for example, to a participation in their leases. It was, in effect, admitting them into a partnership in their business, and to that he apprehended no rational objection could exist. Life-renters formed the next class, to whose exercise of the franchise exception had been taken. He would ask this question—did they mean to deprive of their rights all the electors in England who possessed estates for life? And he would further ask, to what point did the observations made to the House tend, if not to that? Hon. Members could not have forgotten the long discussions on the 40s. life qualifications, nor the difficulty with which the noble Lord, who had the care of the Reform Bill, now Earl Spencer, consented to the 40s. life qualification. To these observations he had only to add, that if the object of the proposed Committee was to inquire into the causes of fictitious and collusive voting, by leaseholders and life-renters, he should not raise the least objection to its appointment; and if he saw that a remedy for that evil could be devised, he should rejoice. That many attempts had been made to create fictitious and collusive votes, he readily admitted; but, in his opinion, the Reform Act furnished a sufficient remedy for that evil; and that remedy, he conceived, was in full operation in the courts of the Revising Barristers. He knew, and many other Members connected with Scotland must also know, that in Roxburgh, and several other counties, very many claims were rejected in the courts of the Revising Barristers; but in determining upon the appointment of this Committee, it might not be unimportant to inquire on which side in politics the electors, who had been so often complained of, were likely to vote. The House had been told, that a conclave existed in Edinburgh, for the purpose of promoting the operation of those collusive and fictitious votes. He might be permitted to say, that he knew something of Edinburgh; of this conclave he knew nothing, and he had no reason to believe that it existed. Allusion had been made to the lists prepared in Edinburgh, of the voters who came within the description given by the hon. Member; on that point he should only observe, that if they went to other parts of the United Kingdom, it was probable that they would find them very nearly balanced. He professed his desire not to make the present a party

question, and he trusted that there existed no intention on the part of hon. Members at the other side of the House to restrict any qualification which the Reform Act imparted. If such a course were contemplated, he must be allowed to say, from what had occurred, there was some reason to fear, that a selection would be made of those most favourable to the views of hon. Members on the other side of the House. He repeated, that the evils complained of were not peculiar to Scotland; he had seen some accounts of what took place at the Registration Courts in England, where numberless attempts were made to create fictitious votes; forty individuals, deriving their franchise out of one small field, and not one of the forty was able to point out the portion which fell to his own share; not only did practices of this nature prevail in counties of England, but in cities; they were attempted in a city not very far distant from the spot on which he then stood. If the pure love of reform were the only motive which influenced the mover and supporters of the present motion, he should say that he saw no cause why they should confine their inquiries to Scotland. If the proceeding were necessary as to one part of the United Kingdom, he should like to see it extended to the counties and towns of England and of Ireland, and he hoped that equal justice would be done to all; he also hoped, that when the list of the Committee was submitted to the noble Lord on the Treasury Bench, it would be found to contain such names as would divest it of any suspicion of being framed for party purposes.

Mr. Roebuck was of opinion, that the country owed much to the hon. Gentleman who had submitted the present motion, because it would test the sincerity of that House, as to its desire of promoting purity in the representation; and they would have the means of ascertaining whether the House would do that, which former Houses of Commons had not done, amend the representation by putting down the system of fictitious votes. The hon. Baronet opposite (Sir G. Clerk) considered, that property was the essential qualification for a man to exercise the right of legislation, and if he possessed property in three or a dozen places, he should have the right of voting for three or a dozen individuals, and thus influence the election of twelve persons to be returned as representatives to that House. [*Hear, hear.*]

Hon. Members might say "hear, hear;" but did they look to the consequences? The present motion had been introduced with a degree of virtuous indignation in which he sympathised; but he hoped that the hon. Member would feel it equally, whether the parties were rich or poor. He did not feel the same anxiety respecting collusive or fictitious votes which some hon. Members appeared to endure; what was it to him whether the votes were fictitious or otherwise? The question in which he felt an interest was, whether or not the voter was sufficiently intelligent to exercise the right of voting. In his judgment intelligence was the true qualification. One occurrence of the present evening afforded him much satisfaction, and that was, to see the hon. Members on the other side of the House complain of restrictions upon the elective franchise; he quite rejoiced to find them advocating the principle of an extended suffrage, and every year they remained out of office, he had no doubt that their desire for such extension would increase. "Wait a little longer," said the hon. Gentleman, "and they will become advocates for universal suffrage." He was also an advocate of the Ballot, which, in his opinion, was the only remedy for the evils now stated. The creation of fictitious votes was complained of, and of persons possessing a power which they ought not to have in influencing elections; the object, therefore, ought to be to find out the means for the prevention of these evils. Where was that remedy to be found? why, for one, in the Ballot, and for the other, in universal suffrage; because, so long as property gave a qualification, it was impossible to secure the purity of election. If the elective franchise was given in consequence of the possession of riches, the individual so possessing them would take an advantage of his wealth, which he ought not to be allowed to possess.

Mr. Pryme would remind the hon. Gentlemen opposite, that one of the great objects contemplated by the Duke of Wellington on the Catholic Relief Bill was to prevent subdivision of property; and that measure was accompanied by another, which disfranchised the 40s. freeholders in counties, and raised the qualification to 10l. With regard to the observation of the hon. Baronet as to *bonâ fide* purchase, and the case he cited, he understood him to refer to the county of Huntingdon; but

he would ask, did that case at all resemble what had taken place in the counties of Scotland? The object of the hon. Member who brought forward the present motion was, to put down the practice of creating fictitious votes, which had been pursued to a considerable extent in Scotland, in some degree in England, and in Ireland also. He agreed with the hon. Baronet opposite, that the practice ought to be put down in one part of the country as well as another; and with that view, if the hon. Baronet would move for a Committee to consider this subject as regards Ireland as well as England, he would vote for that motion.

Mr. Horsman thought there ought to be separate Committees for England, Scotland, and Ireland.

Mr. Hume said, that even after the Committee was formed, they must still have recourse to ballot and universal suffrage.

Mr. Shaw wished to extend the inquiry to Ireland. He thought the Committee most desirable, but he objected to its being limited to Scotland.

The *Chancellor of the Exchequer* said, that he assented to the principle of the motion as to Scotland, and was perfectly ready to carry it on with respect to England and Ireland; but he cautioned the hon. Mover not to allow his motion to be swamped by any suggestion for extending it. He thanked the hon. Baronet opposite for having used the term "justice to Ireland;" and he hoped that the time was not far distant when the sincerity of his desire to do justice to Ireland would be put to the test. At present, he thought that the most convenient course would be, to affirm the principle of the motion, and allow the nomination of the Committee to be postponed till Monday. He desired that the Report of the Committee should be as authoritative as possible; and he therefore wished that it should bear an impartial, nay, even a judicial character.

Mr. O'Connell was glad to hear what had fallen from the right hon. Gentleman, the Member for the University of Dublin. For the first open day he intended to give notice of the extension of the Committee to Ireland, and he looked to the right hon. Gentleman as his seconder. He thought he had a right to expect that no one would seek to separate them when united for so good a purpose.

The *Chancellor of the Exchequer* ex-

pressed his willingness to give his best assistance to any Committee appointed with reference to Ireland.

Sir Henry Hardinge certainly saw no reason why the proposed Committee might not, without the appointment of a separate Committee, extend its inquiries to Ireland, in the same manner as the Intimidation Committee had previously done.

Mr. Forbes challenged the most rigid examination, and desired that the part of the country with which he was connected should be judged by the letter of the Reform Bill. It was perfectly true, that the merchants of Glasgow, and even the learned persons connected with its University, had purchased landed property, and had thereby increased their political influence; but he would ask, were they therefore to be called political assassins? The hon. mover might know something of the "clique;" they might be called political assassins; but he knew of no other body deserving the appellation. With regard to the county which he had the honour to represent, he would take upon himself to say, that upon examination it would be found as pure as any in the United Kingdom, and to have conformed as closely as any other to the spirit of the Reform Act. The counties of Perth, Roxburgh, and Haddington, had also supported the cause of good government, sound reform, and the Protestant religion. If such were the conduct of political assassins, he must acknowledge that the electors of those counties were guilty.

Motion agreed to; appointment of Committee postponed.

MR. LECHMERE CHARLTON.] The *Speaker* said, he had received a letter from this Gentleman, which he would read to the House. It was to this effect:—

"Sir,—I have the honour to inform you that persons stating that they have a warrant from the Lord Chancellor have found their way into the house in which I am staying, and have compelled me to go to the Fleet Prison with them. I had flattered myself that, while the matter was under the consideration of a Committee of Privileges, such violent proceedings as these would have been avoided; but I am sorry to say, I am mistaken. I have only to add, that I hope you will be so good as to read this letter to the House, and that they will extend to me the privilege that under similar cases has been given to Members of Parlia-

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ment.—I have the honour to be, Sir, your obedient servant,

" E. L. CHARLTON.

"To the right hon. the Speaker.

Friday Evening, half-past five o'clock."

Mr. Williams Wynn moved, that the letter be referred to the Committee of Privileges. The right hon. Gentleman expressed a supposition of the probability that the Committee would make an order similar to that made in the case of Mr. Long Wellesley.

Letter referred to the Committee.

HOUSE OF LORDS,

Monday, February 6, 1837.

MINUTES.] Petitions presented. By Lord SUFFIELD, from Narborough, for the Abolition of Church Rates.—By Lord BROUGHAM, from Leeds, and from various other places, for the Abolition of Church Rates.

HOUSE OF COMMONS,

Monday, February 6, 1837.

MINUTES.] Bills. Read a first time:—Salmon Fisheries (Scotland).—Read a second time:—Municipal Corporations Act Amendment.

Petitions presented. Several Hon. MEMBERS, from various places, for the Abolition of Church Rates.—By Mr. TOOKER, from Truro, for the Repeal of the Duty on Soap.—By Mr. MORRISON, from Ipswich, for the Repeal of the Poor Law Act.

OFFENCES. (IRELAND.)] Mr. Bradshaw moved for a return of the proclamations issued by the authority of the Lord-Lieutenant of Ireland, for the apprehension of persons concerned in murders, fire-raising, forcible entry of houses, and other outrages, during the six months ending the 31st January, 1837, with the rewards offered thereon.

Mr. Hume said, that he had moved for a similar return in the last Session of Parliament, to which he would refer the hon. Member, as it might save the trouble of urging the present motion. If these isolated returns were made, they never could be able to judge of the state of the country; he would, therefore, suggest that the hon. Member should postpone his motion.

Mr. Henry Grattan said, the object of the hon. Member was quite clear. He was not aware that such a motion had been made before. The return of the last Session, however, was a totally different one. He must say, that a speech made at the Glasgow dinner contained the falsest statements concerning Ireland. There never were more erroneous or more unfounded statements put forward, and he

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and steam boats employed on the northern coast of Spain since the date of the treaty, and of marines, artillery, engineers, and sappers and miners employed in the co-operation granted by his Majesty to her Catholic Majesty. Now, it had always been a rule with the Admiralty, under all Administrations, that, pending naval operations, it was not expedient or desirable to lay before Parliament returns of the number of ships and men employed in those operations, and he was sure the House would agree with him that any departure from such a rule would be attended with the greatest possible inconvenience, because it would necessarily interfere with the operations of the force employed, by giving to the enemy a complete knowledge of the course which it would be proper for him to take. Therefore he hoped that, having given an unguarded and unauthorised assent to a return which he now felt ought to have been resisted, and which the House, he believed, would see reason not to sanction, the hon. Member would permit him to move the discharge of so much of the order as related to the number of ships and men employed. Presuming, however, that the hon. Gentleman had some argument to found on the fact that certain officers and men of artillery and engineers had been employed in the squadron under the command of Lord John Hay, he was quite prepared to give the hon. Gentleman the full benefit of an admission of that fact; for he had no hesitation in stating, what indeed was known to all the world, that there had been attached to Lord John Hay's squadron one or two officers of artillery and engineers, and a certain number of privates belonging to those corps. He could not suppose that it would make any difference to the hon. Gentleman's argument whether that number was ten, twenty, or sixty. It was a question of principle, he presumed, and not numbers. He, therefore, hoped, the hon. Member would be content with the admission which had now been made to him, and content himself with arguing against the principle, which his right hon. Friend near him would tell him had always been contended for by the Admiralty under every Administration.

Mr. Maclean was understood to say, that supposing he should bring the question forward, it would be a very serious dent to his argument if the returns

were not made. He did not think that the general rule to which the noble Lord had referred was strictly applicable to ourselves, as co-operating parties. He thought there was a very material difference whether we had employed ten, twenty, or sixty officers and men, or 600 or 700. At the same time he was extremely anxious not to occasion any inconvenience to the Government, especially after what had fallen from the noble Lord, and if the noble Lord gave notice of his intention and made his motion on a subsequent day, he would not oppose it.

Mr. Charles Wood said, it was very inconvenient to call upon the Admiralty to make a return as to the number of ships and men employed in any naval operations that were pending. If the hon. Gentleman, when speaking to him (Mr. C. Wood) on the subject of his intended motion, had specified to him the precise terms in which he afterwards shaped it, he should at once have told the hon. Gentleman that such a practice never had been pursued, and that it was contrary to all the rules of the Admiralty. He was perfectly ready to make any general admission as to men having been employed, but any return of the actual force so employed he must resist.

Sir Henry Hurdinge thought the rule laid down by the hon. Secretary of the Admiralty was a very proper one; but after his hon. Friend the Member for Oxford had been told by the noble Lord the Secretary for Foreign Affairs that there would be no objection to a return of the number of ships and men employed, no blame certainly could be imputed to him for making the motion.

Mr. Maclean could not conceive in what way he could have given the hon. Secretary to the Admiralty a more distinct notice of the object of his motion than by putting into his hands in the morning a printed document setting forth that which he should move for in the evening.

Conversation dropped.

PILOTAGE.] Mr. G. F. Young begged to ask the right hon. Gentleman opposite whether it was the intention of Government to bring in any measure respecting pilotage?

Mr. Poulett Thomson was understood to reply, that when the report of the Committee was received, he would then be able to answer the question.

TIMBER DUTIES.] Mr. *Hume* asked the right hon. Gentleman whether it was his intention to introduce any measure for the alteration of the timber duties?

Mr. *P. Thomson* said, that as any great alteration in these duties must depend, not only on circumstances connected with policy, but also on circumstances connected with the revenue of the country, it was not now in his power to answer the question.

REGISTRATION AND MARRIAGE ACTS SUSPENSION BILL.] On the motion of the Attorney-General, the House went into Committee on this Bill.

Mr. *O'Connell* wished to know whether, in considering this Bill, an opportunity would be given to correct what was erroneous in the last measure. He hoped it would be so framed as that such amendments could be made. According to the provisions of the Bill of last Session, no chapel could be registered unless as a separate building. Now that was inconvenient, for there were many chapels which existed in connexion with other buildings.

Lord *John Russell* said, that there would be an opportunity afforded at a future period of introducing any amendments that might be agreed to by the House.

Mr. *Wilks* hoped that the Bill would be postponed for a month, in order that full opportunity might be afforded for introducing such improvements as might be suggested. He expected to receive many valuable suggestions from the Dissenters in different parts of the country.

Mr. *Baines* wished to say a few words with regard to one point relating to the reading of notices before the guardians of the poor. That part of the measure was generally conceived by the Dissenters to be derogatory and insulting, and he was sure that it was not the wish of any branch of the Legislature to accumulate insult on the heads of those whom the Bill originally intended to relieve. There was another point to which he begged to call the attention of the House, and he hoped they would not fail to take it into consideration. It was that part of the Registration Bill by which the guardians of the poor were to be made the superintendent registrars of births, marriages, and deaths. This was an exceedingly objectionable part of the Bill. It was the seventh clause, and if any arrangement could be made to obviate this objection, he thought it would

be very acceptable to those on whose behalf it was intended that the Bill should operate beneficially. He was sure his hon. Friend, the Member for Boston (Mr. *Wilks*), would be disposed to give every attention to these points, and that his Majesty's Government would be disposed to co-operate in any measure that tended to give to those who were interested the full effect of the relief sought.

Mr. *Wilks* admitted that the first point adverted to by his hon. Friend was a monstrous evil on the part of the Dissenters of this country, and one to which every Member who took an interest in behalf of the Dissenting body was bound to give every attention in his power. As to the other point, he was not prepared at that moment to pledge himself, but he would give it every attention.

The Bill was reported, with the amendments; and the House resumed.

PRIVILEGES OF THE HOUSE.] Mr. *Bernal* presented a Petition from Messrs. *Hansard*, printers to the House of Commons, stating that an action for libel had been commenced against them for publishing a Report of a Committee of the House, and praying for relief in the matter. He moved that the petition be read.

The petition was read by the clerk, which stated that in 1828 the petitioners had been appointed, and had since continued to be, printers to the House; that by certain resolutions of the House, of 13th August, 1835, and 18th March, 1836, all Parliamentary papers and reports were directed to be sold to the public by the petitioners, at a rate below their actual prime cost; that they had printed a Report of the Commissioners for inquiring into the state of prisons, wherein it was stated that many of the prisoners had been found reading obscene works printed by J. J. Stockdale; that Stockdale had subsequently commenced an action for libel in the King's Bench against them; and had estimated his damages first at 1,000*l.*, but had subsequently increased them to the enormous sum of 20,000*l.*; that the case stood for trial on Tuesday, the 7th of February next; and that the petitioners had directed their solicitor to take the necessary steps to defend such action. The petitioners then stated that they had, under the advice of an eminent special pleader, as a bar to such action, pleaded that

they were present to the House of Commons, and had, therefore, printed the Report under the sanction and authority of the House, but that the Court of King's Bench had since ordered the plea of justification to be struck out of the record. They, therefore, prayed the protection of the House.

Mr. Bernal then moved that the petition be referred to the Committee of Privileges.

The Speaker said, on referring to the reports, he found that in a case where an action had been brought against the Speaker and the Sergeant-at-Arms, the opinion of the House seemed to be that the plea ought to be so framed as to allege specifically and distinctly the authority of the House in defence of the action. In this it was doubtful whether the plea had been so framed; and it would only be prudent in the House to pause, till that point were ascertained and not enter hastily into a contest on a question of privilege.

The Attorney-General happened to be counsel in the case, and would take care not to make allusion to the merits of it. But he was anxious for the sake of the learned Judge that it should be fully understood by the House that he meant no disrespect whatever to the House by the order he made, because all that he meant was, that the special plea of the privilege of the House was wholly unnecessary, inasmuch as it was competent for the defendants to give that matter in evidence under the plea of the general issue. He would just suggest to the House that if they did wish to protect persons from the consequences of publications made under their authority, it might be necessary to have a new law upon the subject.

Mr. O'Connell certainly did not wish to make any reflections on the motives of the learned Judge; but it appeared to him (Mr. O'Connell) that the judge had taken a most inconvenient course. If the plea had been left on the record it would have been decided at once whether in point of law it amounted to a justification or not, and that without the expense of a trial, because if the plea had been demurred to, then the question would have been simply a question of law and decided by the court; whereas under the general issue it could only be tried before a jury. This was a demonstration how inconvenient the practice of pleading the general issue in many cases was. The general plea denied

the publication, and put it upon the plaintiff to prove it. Now that was not Mr. Starnard's defence at all. He admitted that he published the Report, but he also alleged that he published it by the authority of the House. By striking out the plea of justification, therefore, they were to have a trial, not to ascertain these facts (which were already admitted), but to ascertain whether these facts amounted to a justification. Now that could have been ascertained without a trial if the plea had been left on the record. It was impossible that the House could order a man to print and publish a paper, and afterwards allow an action to be brought against him, without extending to him the protection of the House. If a wrong had been done by the publication, the House itself ought to afford compensation.

Mr. Williams Wynn said, when the House ordered a publication of its Reports, not for the use of the Members only, or when it authorised any person to sell those Reports, that certainly was a publication by its authority, and was within the case which occurred at the close of the reign of Charles 2nd. In that case the Speaker was proceeded against in the Court of King's Bench for having licensed a certain publication. He pleaded in justification the authority of the House; that plea was overruled by the judges, and it was afterwards declared that the decision of the judges was a violation of the privileges of the House; and the judges were called upon to answer for it at the Bar of the House. No doubt the authority of the House might be given in defence upon the general issue, but if it were put on the record it was a plea which, in his opinion, ought not to have been overruled. He could not conceive that it was necessary to make any new law upon the subject. He would not enter into the question as to the expediency of licensing and selling Parliamentary papers, but he very much doubted the expediency; but having granted that licence he was bound to say those acting under it could not be amenable to any law for so doing. Unquestionably this case would induce the House to exercise a more jealous control over the papers published by its authority. It was no longer ago than at the close of the last Session, to his great surprise, he found in the Report of the Committee of Petition a petition printed containing the strongest charges, in the most offensive and scan-

dalous language, against Lord Chief Justice ——. He was sure if that petition had been read to the House it would never have been suffered to lie upon the table unless some Member should have given notice that he intended to ground upon it proceedings that would give an opportunity to the learned Judge to make a defence. As it was now, it stood upon the journals as a most offensive production, and he certainly should take an opportunity, unless some proceedings were intended to be grounded upon it, to move, as in other instances had been the case, that the petition be expunged from the journals of the House.

Mr. *Cutlar Fergusson* said, that the petitioners ought not to have pleaded the general issue at all, but only a justification. He did not think it was too late to move the court to allow the plea of the general issue to be withdrawn, and the plea of justification entered on the record. He had no doubt that such an application would meet with success.

Sir *Robert Peel* hoped that the House would take no step which would interfere with the regular course of justice. He apprehended that under the plea of the general issue the defendant might give evidence of his having acted under the authority of the House. In his opinion, it would be better for them to postpone the matter until the decision of the Court of King's Bench had been given, because the House were at perfect liberty at any time to take such steps as they pleased to vindicate their privileges. He would, therefore, suggest that the hon. Member who had presented the petition should move that the debate be adjourned until after the question had been settled in the court.

Sir *W. Follett* agreed with the suggestion of his right hon. Friend. He thought that many of the observations of the hon. and learned Member for Kilkenny were totally without foundation. The learned Judge had no discretion, but was bound to remove the plea from the record, on the ground that Mr. Hansard had not thought fit to stand upon the defence that he had printed the Report by the authority of the House alone; but he had also pleaded the general issue, and had, moreover, taken upon himself to plead that the allegations which were printed were in point of fact true. He having so done, upon a summons being taken out before the learned

Judge to remove the special plea, he was bound to remove it if, in his opinion, the matter of that plea could be given under the general issue, unless Mr. Hansard first withdrew the plea of the general issue. If Mr. Hansard had been content to stand upon what was, in his (Sir William Follett's) humble judgment, a conclusive defence—namely, that he printed the Report on the authority of the House of Commons, the learned Judge would have allowed that to remain upon the record, and a judgment would at once have been taken upon it. If it should appear on the trial to-morrow that Mr. Hansard did so publish it, it would be a justification. Therefore this House ought not to interfere at all, unless it saw that the court of law was running counter to the orders of the House. He, therefore, agreed with his right hon. Friend that the best course to adopt would be to see what should be done before the learned Judge to-morrow; and if he should tell the jury that the defence was a conclusive one, then there would be no necessity for the House to interfere.

Mr. *O'Connell* certainly thought that Mr. Hansard had embarrassed himself. Why should he plead the truth of the publication? Neither had he any reason to plead the general issue. Having done so, he must take the consequences.

Lord *John Russell* hoped there was a general agreement in the House that, with respect to the publication of papers by the authority of the House, the protection which the privileges of the House afforded would be extended over those who made such publication. It did not appear to him, however, that the order for printing and publishing the papers by individuals at all differed from the species of publication which took place previously among the Members themselves. He would add, that he trusted this case would be disposed of in the way proposed by the hon. and learned Member for Exeter. With respect to this particular case, it did not at all resemble the case of the petition alluded to by the right hon. Gentleman, containing matter of a scandalous nature concerning the Lord Chief Justice. It was one which formed a legitimate subject for the attentive consideration of the House and the public. It would be recollected, the inspectors of prisons had been appointed in consequence of an Act of Parliament passed the year before last; and they were ordered

by himself, as Secretary of State for the Home Department, to make a report. In one of those reports, it was stated that they had found in some of the prisons various newspapers and other publications, and the inspectors did no more than their duty in communicating to him what they thought of the character of those books and newspapers; while, in his opinion, the House of Commons did no more than its duty by ordering that report to be printed. It was a publication which was essential to their proceedings and to a due consideration of the important subject of prison discipline.

Mr. *Roebuck* considered no person publishing papers under authority ought to be exposed to the trouble and expense of such an action as this. On the contrary, whoever published under the sanction of the House ought to do so under perfect security. To say that there was a difference between publishing and selling that which was published, was a distinction worthy of lawyers, but not consistent with common sense. The moment a thing was printed it was published to all intents and purposes; and courts of justice had determined that putting a letter in the Post-office was a publication; and whenever the votes of that House were printed they were published—all the world knew them—all the world would know them—and the publisher ought to be protected.

Mr. *Williams Wynn* could not agree with the hon. Gentleman that the publication was of the same kind when a court ordered documents to be printed for its own use, and when it was sent out to the public. There was, in his opinion, a decided difference between one case and the other. The House could order documents to be printed, not only for its own use, but for that of the public; this, therefore, called for greater circumspection as to what documents should be published, and he wished, in making these observations, merely to show what inconvenience might arise from a want of this circumspection.

Mr. *Bernal* said, that whatever was the result of the action, he was sure the House would not suffer the Messrs. Hansard to suffer any loss. He looked upon this as a matter of course, and he would therefore move that the petition do lie on the table.

Agreed to.

Mr. *Williams Wynn* then asked the hon. and learned Member for Kilkenny, with respect to the petition he had recently

referred to, whether it was his intention to found any proceedings upon it?

Mr. *O'Connell* said, when he was requested last Session to present the petition he told the parties that he did not think it was a petition that ought to be presented to the House, unless somebody was disposed to follow it up by bringing an accusation against the judge, and that, in his opinion, it contained statements of that nature which could not be well followed up. The party replied, that all he required him (Mr. O'Connell) to do, was to present the petition, and he (the party) would get persons to bring the matter of it before the House. He begged to add, that when he presented the petition he had no idea of its being printed or published.

SELECT COMMITTEES EVIDENCE.]
The Select Committee to inquire into fictitious votes (Scotland) having been nominated,

The *Speaker* said, I hope that the House will allow me to recall their attention to the discussion which took place a few nights ago, with respect to the evidence taken before Select Committees. It is probable that it will be an important part of the duty of the Committee now appointed to examine witnesses, and to report their evidence to the House. The occasion, therefore, is appropriate. When this House appoints a Select Committee to inquire into and report upon any matter referred to them, a very important duty is devolved upon the members of the Committee, who are responsible, and are bound to discharge it with accuracy and fidelity. A practice has prevailed of allowing witnesses to alter and add to the testimony they have given before the Committee; and this, too, without the alterations and additions being submitted to the Committee, so that the witness might be examined as to the alterations or additions. This practice cannot be defended. It is not evidence given in the presence of the Committee, but evidence altered and added to by the witness in his private apartment. This practice, when carried to the extent that is now not uncommon, tends to destroy the character for accuracy and fidelity which ought to be impressed on evidence which purports to have been given in the presence of the Committee. The witnesses have been in the habit of retaining the evidence in their possession for so great a length of time as

to have, in very many instances, delayed the printing and circulation of the Report and Evidence, to the serious inconvenience of this House. The simplest way of correcting these evils is, by requiring that the evidence, when written out from the shorthand writer's notes, should be sent direct to the printer, so that it may be printed forthwith. If the witness chooses to see his evidence after it has been printed, he may attend the Committee for the purpose of correcting any verbal mistakes, to which, as a rule, corrections ought to be limited. If the witness wishes to vary and add to his evidence, he ought to be re-examined before the Committee, and be subjected to proper examination. It has been suggested, that cases occur, in which witnesses are examined as to opinions on difficult and abstruse subjects; and that they cannot answer satisfactorily on the sudden; and, therefore, that in such cases alterations and additions ought to be sanctioned. The remedy for this is, that the witness, if he be not prepared to answer on the sudden, should ask for delay, and a future day should be appointed for his examination. By these means the evidence will be what it ought to be—evidence given before the Committee; and where an opportunity has been afforded for examining the witness as to all the facts and opinions contained in his evidence. Greater attention on the part of the Chairman and the Committee may be necessary, if these rules are adhered to. But, in truth, time is always saved by doing business with care and accuracy; and especially it is important that the questions proposed by Members should be stated with brevity, clearness, and precision. The shorthand writers ought always to be sure that they have collected accurately the question or the answer before they write it down; and hence the necessity for alteration will be avoided. If the shorthand writers be inefficient, the Committee have a right to expect that they shall be attended by efficient persons, as the remuneration given by this House is ample. The name of the shorthand writer who attends a Committee, should, on each day of the sitting of such Committee, be given to the Chairman; and the shorthand writer ought to sign his own notes. In all this there is nothing of novelty: it is only reverting to the ancient and better practice of this House, and it is in conformity with the practice which prevails in Election

Committees. If it shall be the pleasure of the House to sanction the course now suggested, it will be my duty to oblige in my power to secure the observance of these rules.

IMPROVEMENT FOR DEBT. The *Attorney-General*, in moving to move for leave to bring in a Bill to amend Imprisonment for Debt except in cases of fraud, said, that he did not propose to enter at large into the subject. It had been frequently discussed in that House, and the House had frequently expressed a strong opinion as to the propriety of abolishing imprisonment for debt, except in cases of fraud. He would explain, as briefly as possible, the points in which the Bill which he now asked leave to bring in, differed from the Bill which he had formerly presented to the House. One difference was, that the present Bill was much shorter than the former Bill. He therefore trusted that some of those hon. Members who had offered opposition to his former Bill would not offer any to the present. Indeed, he entertained some hopes that his hon. Friend, the Member for Knaresborough, would second his present motion; for he had discarded that part of his old Bill to which his hon. Friend had objected so strenuously—he meant that part of it which related to speedy judgment and execution upon bills of exchange. He considered that that part of his former Bill might be spared now, on account of the great improvement which had recently been introduced into that department of the law by the judges. The progress of causes had been so much accelerated, the means of procuring justice were now so much more economical than formerly, that he thought he might safely omit that part of his Bill altogether. Another part of his former Bill related to a *cessio bonorum*. That he had also omitted, because he thought it ought to form a separate measure of itself. He had also discarded a third portion of his former Bill—he alluded to the penal portion of it, by which several new misdemeanours were created, which, if they existed at all, he thought they ought to form part of the new Bill for the consolidation of the criminal law, which he hoped would be introduced during the present Session of Parliament. The main objects of his Bill were to give the creditor an immediate remedy against the property, and to take away from him his

remedy against the person of his debtor. To those two objects his present Bill would be confined. It had been stated by the late Sir Samuel Romilly, and indeed by every person who had considered this subject, that the law of England was in a lamentable state as to the remedy of a creditor for any debt adjudged to be due to him. He had, in fact, no direct remedy against a great part of the property of his debtor. He could not seize the money, the bills, the book-debts, the bonds, or indeed any security of his debtor. All the freehold property of his debtor was exempt. His copyhold property could not be touched. Half of his funded property might be taken, but that only under peculiar circumstances. Was it not much better that the creditor should have a remedy against the money, the funds, the book-debts, the bonds, the bills of exchange, and the landed property of his debtor, than that he should seize his person, incarcerate him, when he could set all his creditors at defiance by living in prison on the proceeds of his property? The first great object of his Bill would be to enable the sheriff to seize on the money, the bills, the book-debts, the bonds, the funded property, the copyhold and freehold lands of the debtor. He proposed that a judgment should be a charge on the real estate, so that if, after twelve months, the debt should not be discharged the party holding that judgment should have the same remedy against the land as if he held a mortgage upon it. Giving this advantage to the creditor, he proposed to enact that he should no longer have any power over the person of his debtor. At present the creditor had power to seize the person of his debtor in order to get at his property; but if the Legislature gave the creditor power to get at the property of his debtor, it ought not to place the person of the debtor at the mercy of his creditor. He proposed, therefore, that except in cases of fraud, the creditor should not have the power of seizing on the person of the debtor. The number of persons confined in gaol for debt was between 13,000 and 14,000 and three-fourths of them were living on the gaol allowance, and had no property to dispose of. He thought it right that those persons should be discharged out of custody, and that they should be allowed an opportunity of maintaining themselves and their families by honest industry. He by no means pro-

posed to take away the power of imprisoning for debt in all cases; on the contrary, it would be provided by his Bill, that whenever fraud was discovered it should be punished; and consequently the judge would, in every such case, be allowed a discretion, to be exercised according to circumstances, of ordering that the debtor should be imprisoned. Moreover, whenever a creditor should swear that he had reasonable cause to believe that his debtor was about to abscond from the country, with the view of defrauding his creditors, the power of securing the person of the debtor, which at present existed, would still remain. He proposed that, after judgment had been obtained, the debtor should be required either to pay his debt within a certain time, or to give an account of his property. If that account should be considered unsatisfactory, the debtor should have an opportunity of offering explanations relative to it before the commissioner; but should it be found that he did not honestly disclose the amount of his property, or refused to surrender it for the benefit of his creditors, he would then be liable to a strict imprisonment—not, as was often the case at present, to a mock imprisonment, which did not prevent the debtor from keeping a handsome house, and living in a style of the greatest luxury. He would, in fact, be kept *in salubri arctâ custodiâ*. Such was the principle of the Bill, which he believed would prove mutually beneficial for the creditor and the debtor. There was another point, with respect to which the present Bill differed from the one which had been formerly introduced. It was urged, as a strong objection, that the Government, while endeavouring to amend the law, proposed to create a great number of new judges; and it was said that the patronage of the Crown would be increased in an alarming manner. Now, he would declare most sincerely, that he always found that in introducing new Bills the creation of new offices was, so far from being desirable, to be if possible avoided, because it always threw serious obstacles in the way of any improvement of the law. It was difficult to determine how the patronage thus created should be disposed of. If it was given to the Crown, it was immediately said that the patronage of the Crown was improperly increased. If it was given to the Lords-lieutenant, to the *custodes rotulorum*, or to the Quarter Sessions, there

would then always exist a great danger that improper appointments would be made, and that much more jobbing would take place than could be apprehended if the patronage were placed at the disposal of a responsible Minister of the Crown. Under these circumstances, he was happy to inform the House, that he had so framed the present Bill as to render new appointments unnecessary. He hoped that the new system might be worked by means of the machinery already in existence. As that part of the Bill relating to the *cessio bonorum* had been got rid of, the provisions of the Bill might be carried into effect within a radius of forty miles round London by the Bankruptcy Commissioners; and in other cases the Court of Review would be empowered to appoint a special commissioner, to examine the debtor and to do justice between him and his creditors. There would, consequently, be no permanent addition to the judicial establishment of the country, and the proposed system would be less expensive than the existing one; for the House would remember that it appeared by the Report of the Commissioners on this subject, that the expense of giving bail alone, which would be rendered unnecessary by the provisions of his Bill amounted to the annual sum of 300,000*l*. The hon. and learned Gentleman concluded by moving for leave to bring in a Bill "to extend the remedy of creditors against the property of debtors, and to abolish imprisonment for debt, except in cases of fraud."

Mr. Richards quite concurred in the propriety of making a broad distinction between the fraudulent and the honest debtor; but, in his opinion, it was a more difficult task to draw the line than the hon. and learned Gentleman seemed to think. The hon. and learned Gentleman had not shown the House how that difficulty was to be overcome. He hoped, however, that especial care would be taken to make the provisions of the present Bill answer the expectations which its title gave rise to. The last Bill brought forward on the subject would have created immense patronage for the Government, and, instead of being of benefit to creditors, would have been a mere Bill of pains and penalties. The individual to whom the drawing up of that Bill had been intrusted seemed to have the same opinion as the hon. Member for Bath of his Majesty's Ministers. The Bill had been drawn up knavishly for

the purpose of increasing the patronage of the Ministers, and of bringing down the landed aristocracy. He did not accuse the Ministers of having read that Bill. He was sure, from an expression which he heard fall from the hon. and learned Gentleman (Sir J. Campbell), that the Bill had not been read by him until after the second reading. As for the noble Lord, the Secretary for the Home Department, he doubtless was too much engaged in writing learned disquisitions on the constitution, or too much attracted by the charms of the drama, to pay any attention to the subject. Nor was it to be expected that the noble Lord, the Secretary for Foreign Affairs, or the Chancellor of the Exchequer, could have devoted any time to the consideration of the subject—for the former had been trying to give a practical lesson of non-intervention to the Spaniards; and the latter had been endeavouring to sustain the value of his Exchequer-Bills. The hon. Member for Oxford (Mr. Maclean) had frequently put questions to the Government respecting the re-introduction of that Bill, but he suspected that even that hon. Gentleman had not read the Bill about which he appeared to be so anxious. It was undoubtedly true that the Bill passed that House, but, to quote the words of the late Mr. Cobbett, "he thanked God that we had a House of Lords." That House plainly saw that the professed object of the Bill, viz., the improvement of the law, was all a pretence. Their Lordships were not long in discovering that it proceeded from the same shop as the Irish Corporations' Bill and the Irish Church Bill came from, and that its object really was, to increase the patronage of the Ministers. He did not say it was directly the Bill of Ministers; it might have been drawn up by some of the understrappers of Government, and he had denounced it, as he did the present, as a knavish Bill and calculated to undermine the landed aristocracy of the country. He hoped such a Bill would never pass that House, and that ample time would be afforded for its discussion, at an earlier hour than two in the morning, and that it would not be allowed to go forth to the country deserving the character which he had felt bound to attribute to it. He trusted that ample opportunity would be given for the consideration of the new Bill, and he hoped that if it should be found at all similar to the former Bill, the

House would not hesitate to throw it out.

Mr. Maclean assured the hon. Gentleman who had just sat down, that he had read the former Bill; and that his object in questioning the Government about the introduction of a new Bill, was to ascertain whether or not an opportunity would be allowed for fully considering its provisions. It appeared to him, from the great many alterations proposed to be made in the new Bill, that the hon. and learned Gentleman opposite (the Attorney-General) admitted, that the House of Lords had acted perfectly right in not agreeing to the former measure. There were parts of the present Bill, which he thought the House ought to watch with extreme jealousy. The power which it was proposed to give to any creditor who should be prepared to swear that he suspected his debtor was about to abscond, of causing the latter to be incarcerated, was one extremely liable to abuse. The old Bill contained a provision which he considered highly dangerous, and to which he should be disposed to object, if it was comprehended in the present Bill; he alluded to the power given to the creditor of breaking into the house of a third party, in order to obtain possession of goods belonging to his debtor.

Mr. Potter felt sure, that the introduction of the Bill with the proposed alterations would give great satisfaction to the country, and particularly to the trading community.

Mr. Ewart said, that the former Bill, which had been described by the hon. Member for Knaresborough, as tending to undermine the landed aristocracy, only went to make them liable for their just debts; and if the hon. Member dared to maintain that that was an improper object of legislation, he should like to know what sort of constituency it was that sent that hon. Member to that House? He was astonished to hear the hon. Member charge the party who had drawn up the former Bill with having knavish purposes in view.

Mr. Richards rose to order. The hon. Member for Liverpool had attributed words to him which he had never used. He never charged the party who drew up the Bill with having knavish purposes in view. What he said was, that the Bill had been knavishly drawn up; and that the drawer of it seemed to entertain the

same opinion of his Majesty's Ministers as the hon. Member for Bath had of them.

Mr. Ewart put it to the House, whether the words used by the hon. Member did not convey an imputation against the Gentleman who had drawn up the former Bill. The *animus* which dictated the expression was evident.

Mr. Richards: I have explained the *animus*.

Mr. Ewart continued. He was glad of the introduction of a measure so calculated to benefit the people as that of which the hon. and learned Gentleman (the Attorney-General) had explained the nature. It had been said by Lord Chancellor Eldon, that the law in its present state was barbarous, and he thought, that no one would be found to object to the introduction of a Bill for its amendment.

Mr. O'Connell said, that when the former Bill was under the consideration of the House, he inquired whether it was to be extended to Ireland, and was told in reply, that the machinery which was requisite for its operation was inapplicable to that country. He then resolved, after the English Bill should have passed, to ask for the introduction of one of a similar nature, adapted to the circumstances of Ireland. It now appeared, if he properly understood the statement of the hon. and learned Gentleman (the Attorney-General), that there existed no reason why the proposed measure should not be extended to Ireland, as all intention of erecting new tribunals was disclaimed. Under these circumstances, he thought it would be wise, as the proposed provisions were in his opinion highly salutary, to legislate for both countries in one and the same Bill.

Mr. Hawes said, that with regard to the opinions of the Common Law Commissioners upon the question, he would mention, for the information of the hon. Member for Knaresborough, that they, if not unanimous, were nearly so, as to the policy of abolishing imprisonment for debt, and those few who differed from the rest had published the reasons for their dissent. They had founded their opinions upon the evidence of tradesmen and other persons, capable of forming a correct judgment on the question, the majority of whom had stated, that the credit of the country could not be in the least degree affected by the abolition of imprisonment for debt. Under the existing system there was the greatest

facility for getting at the person of a debtor, but none whatever for getting at his property. Many hon. Members thought, that securing the body of a debtor was a step towards getting hold of his property; but they were much mistaken. Debtors were discharged from prison without examination, and the greater part of those who remained in prison were extremely poor, and that at once ought to do away with any objection to their being set at liberty. He should give the Bill his best support.

Mr. *Pemberton* did not rise to prolong the discussion relative to the Bill of the hon. and learned Gentleman opposite, but to inquire of the Government, whether it was their intention to submit to that or to the other House of Parliament, any measure for the improvement of the administration in the Courts of Chancery. During the last Session of Parliament a measure was introduced by the Lord Chancellor, but it was considered so inadequate for its purpose, both by lawyers and all other persons, that no great regret was felt, that the measure was not proceeded with. The evils which then existed had since increased to a degree of which the hon. and learned Gentleman opposite might not perhaps be aware. Two years and a-half ago the arrears in the Court of Chancery were between 300 and 400, and they had now increased to between 800 and 900. In the House of Lords, too, the duties of the Lord Chancellor had greatly increased, so that the sittings in his own Court were frequently interrupted. Added to this, the Court of Privy Council had occasioned extreme inconvenience by totally altering its arrangements. It formerly used to hold its sittings during the holidays, when no other Court was open; but it now sat at times when business was being transacted in other Courts. Still its sittings were so unfrequent, that it could not acquire a bar for itself; and consequently the gentlemen of the profession were obliged to neglect the interests of their clients, either at the Privy Council or at another Court. The hon. and learned Gentleman proposed by the provisions of the Bill he had asked leave to introduce, to throw some duty on the judges of the Court of Review. He was very glad to hear of such an arrangement, for there certainly was no body of men in the country so much in want of employment as those learned individuals. It was not his in-

tention to comment on that matter; all he wished to know was whether the Government intended to bring the whole subject to which he had alluded under the consideration of Parliament? He could not help thinking, that it might be desirable to have it first discussed in that House. There were, undoubtedly, in the other House, persons of high eminence, but they filled or had filled judicial situations; and persons at the bar might be able, on account of their peculiar position, to throw some light on the subject, which perhaps could not be afforded by individuals in a superior station.

The *Attorney-General* admitted the existence of the evils to which the hon. and learned Gentleman had drawn the attention of the House. He believed there could be no doubt, that, in consequence of the increased population, and the increased wealth of this country, the present judicial establishment was inadequate. That judicial establishment continued, in point of fact, in almost the same state as it was at a period when the kingdom was six times less populous, and twenty times less wealthy. He could assure the hon. and learned Gentleman, that the subject to which he had alluded was under the serious consideration of the Government, and he had no doubt, that during the present Session, and at an early period, it would be brought under the consideration of that House, care being taken to give time for the fullest and most mature discussion.

Leave was given. The Bill was brought in and read a first time.

ANSWER TO THE ADDRESS.] Lord J. Russell appeared at the Bar, and read his Majesty's answer to the Address, which is as follows:—"I have received with satisfaction your loyal and dutiful Address. I rely with confidence on your mature consideration of those subjects to which I have called your attention. It will be my earnest endeavour, with the blessing of Divine Providence, to preserve the peace of Europe, to maintain the honour of the Crown, and promote the happiness of my subjects."

REGISTRATION OF VOTERS.] The *Attorney-General*, in moving for leave to bring in a Bill for the better regulation of the Registration of Voters in England, said, that upon reconsideration of the measure submitted to the House during

the past Session, he had judged it proper, with the consent of the House, to introduce a few changes. The tendency of which would, in his judgment, tend to improve the system of registration generally. Instead of having 100 judges, as at present, of the amount of fines for the omission of the franchise, he proposed having only eight or ten—an amounting sufficient number for practical utility. He also purposed introducing a modification into the questions which were put to electors upon going to the poll, respecting the fact of their residence in the premises, out of which they registered during the year preceding. By the existing system, not fewer, perhaps, than 1,000 persons were liable to disfranchisement, in consequence of change of premises, although they had moved to a better house than that which they had occupied at the period of registration, and were subject to the payment of a higher rent. He (the Attorney-General) proposed introducing an alteration, to meet this inconvenience, into the Bill which he should have the honour to submit to the House, and he hoped to be permitted to do so without opposition.

Mr. Mucous wished to know in whom was to be vested the appointment of the individuals, who, according to the hon. Gentleman, were to be intrusted with the superintendence of the registries, and the right of deciding upon claims to the franchise?

The Attorney-General entertained the hope, that in this respect an arrangement every way satisfactory to the House would be entered into. He had been most anxious before the introduction of the Bill of last Session to vest the appointment of the superintendents of the registration in the Speaker; but that right hon. personage disclaimed the exercise of any such power. A difficulty now existed as to whether the right of appointment should be vested in the Secretary of State for the Home Department or in the Lord Chancellor. He would, however, apply his attentive consideration to the fittest arrangement in this matter.

Leave granted. Bill brought in and read a first time.

JOINT-STOCK BANKS.] The Chancellor of the Exchequer, in rising to move the renewal of the Committee on Joint-stock Banks, said, it would be in the recollection

of the House that last Session, on the motion of the hon. Friend behind him, the Member for the Tower Hamlets, a select Committee was appointed to consider the state of the law in relation to Joint-stock Banks. That Committee was generally assumed to and assigned to the part of the hon. Member for the Tower Hamlets, there appeared a disposition to extend its inquiries further than was contemplated by the hon. Member for the Tower Hamlets, there was no desire to desire to resist the inquiry itself. The Committee which was appointed in May proceeded to apply itself with great industry to the points referred to by the House. It sat till the close of the Session, and examined vast numbers of witnesses, in whose testimony it was no part of its present business to comment; but the whole of it was before the House. It then became a question with the Committee whether it would be wise or prudent to legislate at that period. The subject was fully considered by the Committee, and the advantages and disadvantages of immediately legislating occupied their attention during two days deliberation. The opinion of the Committee on the point was stated in the report, to the effect, that they saw so many difficulties in the way of immediate legislation, and so many objections to imperfect legislation, that they preferred recommending that the Committee should be revived in the course of the present Session, and that, in the meanwhile, their report should be circulated in the country. It was in obedience to that recommendation that he now begged to propose the revival of that Committee. He trusted that those gentlemen whose co-operation he had benefited by in the Committee, that those gentlemen who had acquiesced in the appointment of that Committee, had since the 12th of May seen no circumstance which could induce them to withhold their support from him on the present occasion. He trusted that the experience which they had had in the interval between the close of the last Session and the present period, was not such as to indispose them from at least renewing the Committee. As the proposition he was about to make was for the continuation of the Committee, it would be highly inexpedient on his part to presume any anticipation of what might be the opinion of the Committee on the subject, but he should be greatly misconceived if it were considered that his motion was one

made in hostility to the principle of Joint-stock Banks, or the established system. It was well understood that the Act 2 Geo. 4th, was rather considered, when it was passed, as an experiment, and it was obviously necessary that time should elapse before it would be possible to form a deliberate opinion on the subject. Now, however, a great many facts were before them which would enable them to judge whether the practice under the Act in question, and the Act itself, required amendment. The very large majority of witnesses examined on the part of the banks, while maintaining the decided usefulness of a well-understood system of Joint-stock Banking, united in the opinion that the law required amendment, for the protection of the banks themselves, of the people, and for the general protection of the credit and currency of the country. [*Hear.*] It had been suggested that the Committee should extend the range of its inquiries; but he would appeal from the Gentlemen who cheered to the Gentlemen on both sides of the House who had been on the Committee, and ask them whether the subjects before them had not been in themselves sufficiently complicated and difficult without embarrassing themselves with new and still more intricate and delicate subjects for consideration. It was out of the question to require the Committee to embark upon the whole question of the currency, or the renewal of the Bank of England charter in connection with Joint-stock Banks. He did not mean to say, that it would have been possible to carry on the investigation before the Committee without looking into the effect of the Bank of England circulation in relation to these banks; this sort of incidental inquiry was indispensable to the development of the subject; but to open the whole question of the currency and the Bank Charter in that Committee would only tend in a very great degree to embarrass its proceedings. The House would recollect, that in the last Session his language on this subject had been at all times that of caution and warning; that he had said nothing in any part of the discussions of last year that in the least degree tended to give an exaggerated hope of national prosperity or increased enterprise; indeed, an hon. Member had almost reproved him for his extreme caution in this respect. But, at the same time, the language of caution need not be the language of despair, and he was as little dis-

posed to speak despairingly now as then; but in the same spirit of caution he would now entreat hon. Members who might be disposed to extend the circle of the Committee's inquiries to beware lest they thus inflicted a permanent injury on the best interests of the country. He should reserve to himself the full power of addressing himself to the subject of any amendment which might be made upon his motion. It was his intention to propose the extension of the inquiry of the Committee to Ireland. Several circumstances in connexion with the circulating medium in that country, which had taken place in the course of the last six months had been such as greatly to excite public attention. Whatever amendments hon. Gentlemen might be disposed to move to extend the inquiry, with a view to improve the law respecting banking, he begged to say he was himself prepared to extend it to Ireland; and in order to give the Committee the assistance of some Irish Members in the course of its deliberations, he proposed to add to the Committee of last Session four Irish Representatives; two taken from one side, and two from the other side of the House. It was perhaps absurd in him to talk of the two sides of the House in relation to a subject of this nature; for he was bound to say, that in the inquiry of last year all party feeling was completely lost sight of, as it surely ought to be in a question in which were involved interests on such immense magnitude as the banking interests of this country—interests on which the commercial credit of the country was entirely dependent. When such interests were at stake all might be satisfied that no party feelings or differences would be allowed to interfere with the due exercise of the best judgment which each individual Member of the Committee could bring to bear on the subject. He should conclude with moving, in the terms of the motion of last year, that a Select Committee be appointed to inquire into the operation of the acts for promoting the establishment of Joint-stock Banks under certain restrictions in Great Britain and Ireland, and to determine whether it was expedient to make any alteration in the provisions of those Acts.

Mr. *Hume* was fully aware of the importance of the present question, and he begged the indulgence of the House while he made a few observations in relation to it. The right hon. Gentlemen

had stated that the Committee of last year was appointed with no hostile view towards Joint-stock Banks, and he was not disposed to say it was; but he believed the Joint-stock Banks entertained a different opinion. He would set out by declaring it his conviction that no banking system could be perfectly safe, unless founded on the principle that bank-notes should be changeable for bullion or coin on demand. That was the very essence of the security which the commercial interests were entitled to. Unfortunately the late Chancellor of the Exchequer, in granting the last Bank Charter, consented to the introduction of a clause in which that essential principle was departed from. He took the sense of the House on the Clause to which he was referring, and in doing so told them that it was fraught with evil; that sooner or later even those authorities of the Bank who recommended it to him would regret its being embodied in their charter; that it would most certainly lead to such a surplus of paper, and consequently to such accommodation and speculation, as must eventually endanger the credit of the country. This was the opinion he had expressed in the debates on the Bank Charter, and he would now proceed to vindicate the course he took last Session, when he proposed to extend the inquiry, unless it were apparent that it was proposed for some very different purpose than the one avowed; but here was a question mooted of deep public interest, and he expected that his motion for the omission of the clause he had alluded to would have received some attention from the Committee. He was sorry, on reading the evidence, to find that not a single question was put to ascertain what was the effect of the paper of the Joint-stock Banks being made payable in the country in Bank of England notes. If such a question had been put, the inquiry was certainly not pursued. He had no hesitation in saying he regretted now that his amendment was not carried, and also the manner in which the present inquiry was carried on. He agreed with the right hon. Gentleman that this was a critical period—he agreed with him that mischief or good would result according as this inquiry was proceeded with—but he must press for inquiry when he saw enactments on Banking which he believed to be fraught with the sacrifice of millions of capital. He told Mr. Canning and Mr. Huskisson that they were mistaken as to

the sources of the mischief when they were attributing the panic of 1825 to the country Banks, without any proof that it was so. He observed, on that occasion, that the whole issue of the country Banks could not possibly produce the least effect on the circulation. The House, he would contend, legislated on wrong information; and let any commercial man look back to the withdrawal of the small notes from circulation, and say whether that had not been productive of the most serious and lamentable inconvenience. The right hon. Gentleman told them that an inquiry into the Bank Charter would be an incidental inquiry; his proposition, however, was not to open the question of the Bank Charter, but only to inquire with a view to ascertain what had been the discretion exercised by the Bank of England. He felt bound to say that he knew no individuals who were more anxious than were some of the official gentlemen connected with the Bank of England to do justice and see the duties of their office efficiently performed, yet he had no hesitation in also declaring that he did not think their proceedings had manifested a knowledge of the principles on which they ought to act, and, therefore, whatever changes had taken place in the currency in the last few years had been owing to the management of the Bank of England, and not to that of the Joint-stock Banks. If he could make that out he hoped the House would go with him in adopting his proposition, which was to extend the inquiry to Banks in general, and to the causes of those changes in the currency which had occurred during the last two years. His object was to show what ought to be the principle of Banking; to show what ought to be the system here and what had been the results from the system adopted here and elsewhere. The right hon. the Chancellor of the Exchequer proposed that the Bank Charter should be the subject of an incidental inquiry; he would have it the subject of their principal inquiry. He was prepared to show that if evils had resulted from a surplus currency, they were not produced by the Joint-stock Banks, but by the Bank of England. If he should show that the evils of speculation had arisen which had led to a sudden restriction of the currency—if he should show that great changes had taken place which had thrown an artificial value of five, ten, or more per cent. on some particular com-

modities, and in a few months had depressed them to an equal amount—if he should show that anything had occurred which had interfered with the public credit, and placed it, though it had always heretofore been as high, below the credit of a neighbouring country—if he should show that the interest paid on Exchequer Bills in England was higher than the interest paid on Exchequer Bills in France—if he should show that within the last twelve months the credit of England, as regarded Exchequer Bills and the Funds, was higher than that of France, whereas now it was deteriorated—if he should show the existence of such a state of things, he would ask the House was not that a fit subject for inquiry? The right hon. the Chancellor of the Exchequer said nothing had occurred since the last meeting of Parliament to throw doubt on the utility of the inquiry. Certainly nothing had occurred. His object was, to urge inquiry, not to limit it. When he saw an attempt made to attribute an evil to Joint-Stock Banks of which they were comparatively innocent—he admitted they were not altogether so—he considered himself bound to endeavour to fix it on those whom he considered the real offenders. In characterising the course which had been taken as an offence he did not mean to attribute anything worse than a want of caution and the violation of an important principle. The right hon. the Chancellor of the Exchequer said, they ought to proceed with great caution in an inquiry of this description, inasmuch as the interest of every man in the community was more or less affected by it; he agreed so far with the right hon. Gentleman, and on that very ground would ask the House to go along with him in his proposition. He begged to divert the attention of the House to what must have attracted considerable notice during the inquiry of the Committee of 1819; he referred to a portion of the evidence of Mr. Alexander Baring, who was considered one of the best of the authorities examined by the Committee. A question was asked of him, the object of which was to ascertain whether greater changes in the currency had taken place in France or in England. Everybody knew what changes had taken place in this country from 1797 till the period when the right hon. Baronet opposite (Sir R. Peel) introduced his Currency Bill. He admitted that one of the greatest benefits

which had been conferred on this country was that Act of the right hon. Baronet by which he placed the currency on its present footing. Though the sufferings were great through which we arrived at a sound principle, those sufferings could not be fairly attributed to the measure of the right hon. Baronet, but were the result rather of the previous misgovernment. It appeared from the evidence that there was a paper currency in France, but none below the value of 20*l*. He believed it would be found he had stated the value correctly. The circulation in France was essentially metallic. The paper was issued by the Bank according to the demand, and it was never pushed, as it was in this country, for the purpose of making a profit by the issue, or for the encouragement of speculation. It discounted at all times at four per cent., and was a Commercial Bank. The reduction of the rate of interest by the Bank of England had been the cause of much of the evil of which we had to complain. The reduction of the rate of interest, and the amount of surplus money possessed by the Bank had increased speculation. The Bank of England currency had been chiefly paper. Let any one draw his conclusion from the results of the system in France, as compared with the results of the system in this country—let him make that comparison, and reconcile his mind to our system if he could. France had stood the shock of two invasions—she had to pay immense sums to the allies in the course of a few years—she had to bear up against the importation of corn to an immense amount, in consequence of the failure of her corn crops—she also suffered at another time from the failure of her wine crops, which were equally important to the industry of that country. Surely this would have been enough under other circumstances to have deranged her whole monetary system. Notwithstanding, however, that she had had these large sums to pay, no such changes in her currency, no panics, had occurred in that country as had taken place in England over and over again. The Bank of England availed itself of its assets to derive profits, and in doing so occasioned that excess in the currency which led to a restriction, and, the restriction being suddenly felt, a panic took place. By such management as was seen in 1825, as well as at the present period, the whole com-

mercial community was, as it were paralysed. These were periods of the utmost danger; no man knew what to do, and no man knew what might be the result. He was anxious that they should look, not to Joint-stock Banks under the idea that they had created the difficulty, but that they should inquire into the proceedings of the Bank of England, which he believed in his conscience had occasioned it. He would have them ask themselves how it was that a wealthy country like England should be in a tenfold degree subject to these violent changes, while France, while Holland, while every other country, except America, remained undisturbed; and America had followed in a degree the steps of England, in consequence of the facilities which existed of her getting money from this country; she had suffered, but from the information he had obtained from an American paper he had received this morning, he believed her sufferings were entirely at an end. The great advantage which the commercial world enjoyed in America was, that they were enabled to borrow money at three per cent., while, if it were to save the first houses in London, no money could be borrowed here below the rate of five per cent. for a period extending beyond three months. He sincerely wished, that the Chancellor of the Exchequer would take a lesson from their mode of proceeding in America, and place the merchants of England in a similar situation to that of which the former enjoyed the benefit. He was desirous that the Committee should extend their inquiries with a view to ascertain the causes which had led to this state of things in England. For his part, he would state without hesitation what appeared to him to be the cause. He dated the commencement of the present panic to the 15,000,000*l.* loan which was raised in this country in 1834. It would be recollected what was the situation of the country when the vote for the West-India loan was passed. It was upon the circumstances which arose immediately subsequent to that vote that he founded his complaint against the discretion conceded to the Bank of England. On the 30th of June the Bank of England had a circulation of 29,000,000*l.*, and the circulation of the joint-stock banks, according to the report, amounted to 10,939,000*l.* The circulation of joint-stock banks was in reality considerably greater than the report alleged. For the year ending the 28th of

December, 1833, the aggregate of the issues of the joint-stock banks, as stated in the report, was 10,152,000*l.*; and for the year terminating on the 25th of June, 1836, it was alleged to have amounted to 12,302,000*l.*, showing an increase of between 1,000,000*l.* and 1,500,000*l.* But it is worthy of observation that the periods at which the amounts were selected were the months of December, March, June, and September, within one week of the times at which the dividends were paid; and the issues of the banks were therefore taken at those periods of the year when the amount of their issues was necessarily the smallest. In consequence, therefore, of the dividends not being taken into account, there was never less than 4,500,000*l.*, sometimes 5,000,000*l.*, to be added—a sum which was uniformly issued during the week after the estimates were taken, for the purpose of paying the dividends. The Committee had in no part of their report stated, or in their evidence elicited this important fact, without a knowledge of which it was impossible to form a correct judgment on the subject. Having guarded the House against this error, and shown that the amount of the joint-stock-bank issues were nearly 1,500,000*l.* greater than the report stated, he would revert to the subject of the conduct of the Bank of England in relation to the West-India-Loan Fund. A paper which was laid on the table of the House by the Chancellor of the Exchequer at the period to which he referred contained these words:—"It is desirable to effect this loan with as little disturbance to the currency of the country as possible." For which purpose, in the preamble of the 3d and 4th of William 4th were inserted these words:—"The payments of this compensation to be made out of the instalments as they become due." He had before him a list of the awards made by the Commissioners for Claims to Compensations; and he had also a list of the payments, in making which the regulation properly introduced into the preamble of the Bill had been departed from. On the 16th of August, when the last five per cent. was paid, the amount of payment was 4,500,000*l.*, and the amount of award 4,700,000*l.* But although there had been a great regularity of payment, there had been no regularity of distribution, and hence the panic which followed. This he would endeavour to explain to the House. The Bank Directors had commu-

nicated to the Chancellor of the Exchequer their resolution not to give any accommodation; and they were perfectly right, for by restraining the disposition to make advances they did much to prevent irregularity. But the consequence of this was, that the contractors screwed down the Government to the utmost; they felt that the Government had no choice but that of treating with them, and therefore they drove a harder bargain with the Minister, by which naturally the public suffered. When, however, this damage to the public had been effected, then, and not till then, but just then, within one week namely, a notice was issued by the Bank, signifying its readiness to make advances on all good securities, at the rate of 5 per cent. Here was a temptation, and one difficult of resistance to the borders of omnium, to come forward and pocket 5 per cent. But this was not all; it threw the whole sum of money into the coffers of the Bank, although the awards had not been made, they actually getting at one time, 11,000,000*l*. As the Chancellor of the Exchequer got the money, he paid it into the Bank; the Bank began to feel the redundancy of its capital; it began to feel that appetite for lending which was so natural to men having a surplus at their disposal, and accordingly loans were most readily granted. But what was the consequence? Why, that the same money was actually paying, at the one and the same moment, two distinct interests. No bank was ever known to have had such assets; at one time they had amounted to 20,000,000*l*.; an increase certainly, as could be proved by figures, on what they had previously possessed, but then one half of it was a loan of public money. When the notice of the willingness of the Bank to discount was made publicly known, there were also certain limitations announced, beyond the pale of which its assistance was not to be expected. These limits, however, did not fix any *maximum* boundary to loans; no, they merely fixed the *minimum*, but of a fixation of *maximum* they had no idea. He who wanted a sum less than 2,500*l*. could not get it; but he who wanted a sum above that, even were it half a million, could obtain it. This, of course, induced private bankers to make deposits of stock, or any other securities, with the Bank, and get advances on them, for the Bank discounted at 2½ per cent., and they, the private

bankers, at five per cent. With the advances thus made, with this lucrative getting into circulation the private bankers increased the number of circulating banknotes and other speculative, which they regarded with as much apprehension. But without attempting to determine whether or not those apprehensions were just, one thing at least might be asserted—the earnings they had received was produced, not by the expenditure of private capital, but by the misadministration of public funds. Up to that time, the Exchequer had been accustomed to draw on the Bank, and the money had been going out—that is, the Bank was placing itself under the obligation of taking up, or called on it 1822, 1823, 1824, 1825, 1826, 1827, 1828, and in 1829, 1830, 1831, thus making a reduction of 4,000,000*l*. But on the 31st of June, of that year, they had 25,000,000*l*. out in circulation; not, of course, the notes which were out must be paid in instant if sent in. What he had notice of the Bank of England, they became the guarantors for the amount of those notes, and those notes were to him, as against them, what the checks were on his private banker. There was certainly one species of currency which was not likely to undergo conversion office, and that was the species which represented trust-moneys; but then the amount of trust-moneys was never very large, and, as it varied but little, might be treated after the fashion of mathematicians, when dealing with what they termed constant quantities, and be disregarded. During the whole of this period, the exchange had been adverse to this country, yet in August their liabilities had increased to 36,500,000*l*., and in the following January, the aggregate of all demands against the Bank, amounted to 36,421,000*l*. So little judgment, so little discretion, had they shown, that, although constantly losing money, they had increased their circulation to an excess of 7,500,000*l*. above that of the previous June. What was the consequence of all this? Why, that paper which in August last had so extensively prevailed, and which, even at the present moment, had not wholly subsided. In August, a declaration to deal with America was manifested; then there followed a reluctance to do so generally, without reference to the class of bills. The feeling, of course, did not remain confined within the walls of the Bank of England, but was disseminated throughout the country.

by that. But what was the consequence to the country? An advance in prices, until, in September last, the price of every article of import was raised from 40 to 100 per cent. In the article of cotton, there was an advance of 80 per cent. When we had to pay high prices for the material which came to be manufactured here, foreign nations would never give us a corresponding price for the manufactured article. The consequence was a falling-off of our trade. In January last the circulation of the Bank of England was 31,000,000*l.*, and they had 4,000,000*l.* to pay that amount, being very little more than half a crown in the pound, to pay their engagements. He asked the right hon. Gentleman was any corporation to be permitted to produce so much mischief to the country and to every branch in it? Why were they all to be in such a state of alarm and uncertainty? The right hon. Gentleman told them indeed that he saw no ground for despondency. He (Mr. Williams) should like to know how the Bank issues were to be regulated—how, by reducing the circulation to such an extent, they were to bring the prices of all commodities down, so as to turn the exchange in their favour? He asked the hon. Gentleman if he did not see any ground for despondency in looking to the consequences of such a state of things? The distress, in his opinion, was only in its commencement, if the right hon. Gentleman did not give to the question proper consideration. What had been done in 1824 and 1825? They all recollected the effects then produced by the Bank of England upon the interests of the country. He remembered to have heard it stated by a Minister of the Crown in that House, that this great commercial and manufacturing country “was brought within eight and forty hours of bankruptcy.” What was the answer of their leading men? One of their directors stated before the Committee, he understood, that at last they had discovered the safe principle upon which to regulate their issues. They had discovered the proper mode of regulating them, and that if they kept gold in their coffers one third of the amount of their issues, they would be always safe. He admitted that they would; and the Bank went on for some time upon that principle. But what was the condition of the Bank of England now? Instead of having the one-third of the amount of

their issues in gold—they had in gold only about the one-seventh or one-eighth of their issues. He asked, was that a state of things that ought to be allowed to continue? Ought a great country like this to be thus drove about from pillar to post, and nothing fixed, regulated, or certain? He had watched the proceedings of the Bank of England and its issues for the last ten years, and he took upon himself to say this, that the Bank had been so changeable—so much up and down in their issues, that no man could engage in any commercial or trading transaction for six or nine months and be able to tell what the result would be—whether it would be allowed to be advantageous, whether it would bring to him a large profit, or be attended with very great loss. In a country like this, some certain principle ought to be laid down. The currency was the measure of all property. The prosperity of this and every other country depended much upon this, that they should keep the currency in such a state as it would not vary, as it had been continually varying, under the management of the Bank of England. He hoped the House would institute a thorough and searching inquiry into the causes of the present evils, and whether they had been produced by the management of the circulating medium. Such an inquiry ought at once to be instituted; its result, he trusted, would be to have a regular currency established.

Mr. Robinson was desirous to take that opportunity of offering a few remarks on the question before them. The proposition of the Chancellor of the Exchequer was for the revival of the Committee of last year, which had been appointed on the motion of the hon. Member for the Tower Hamlets. The hon. Member for Middlesex proposed, not merely that the inquiry should be extended to Ireland, but that it should embrace the entire monetary system of the country. Now the House had repeatedly refused to grant an inquiry into the general system of the currency of the country. He did not mean to discuss whether the House had acted wisely or not in refusing that inquiry. He would not then say whether the currency was in a satisfactory state or not, or whether it might not be improved; but he would state that if an inquiry was to be granted it ought to be granted directly to that effect, and not be ingrafted on a motion of the

nature of that before the House. But even though a direct motion was brought forward, he would still object that such an inquiry should be confided to a Committee so constituted as the present. He freely admitted that the present Committee were perfectly competent to enter upon the question as limited by the motion of the Chancellor of the Exchequer; but he must deny that a Committee so constituted was competent to enter into the whole question of the currency and monetary system of the country. If the Committee of last year were revived they might expect that the result of the inquiry and the report would, during the present Session, lead to some system of legislation with respect to Joint-stock Banks; but if the proposal of the hon. Member for Middlesex was carried into effect, and the Committee pursued the more extensive inquiry, they would not be able to come to any satisfactory decision, and the Session would pass away without any advantage being derived from their inquiry. He was enabled to state, with respect to Joint-stock Banks, that some legislation was necessary on the subject. He differed from the opinion of the hon. Member for Middlesex that Joint-stock Banks could with safety be left to themselves. He certainly admitted that it might be safe to leave Joint-stock Banks of deposit to their own system of operation; but with respect to Joint-stock Banks of issue, they were so mixed up with the general concerns of the country, and so intimately connected with its commercial affairs, that it was the duty of the Legislature to deal with that branch of the subject. He would not say a word with respect to the conduct of the Bank of England, or how far the conduct of the Directors of the Bank of England might have contributed to the recent derangement of the commercial interests of the country. His hon. Friend the Governor of the Bank of England was present, and if he felt disposed to offer any remarks upon the subject he would listen to them with great pleasure. He did not want to enter into any vindication of the conduct of the Bank of England but, as a commercial man, he had particular opportunities of knowing that during the late crisis the commercial interests of the country were materially indebted to the Bank, and the public inconvenience would have been materially aggravated but for the conduct of the Directors of the Bank of England on that occasion. He was at

a loss to know how far the Bank of England was chargeable for any of the inconvenience of a metallic currency. No doubt they might sometimes be chargeable with too much enlarging, or too much restricting, the currency, because being the largest establishment in the country, all the other banking establishments looked to its operations to guide them how to act. The hon. Member for Middlesex had kept out of view the derangement that might result from the extension of the currency without limitation. Another great bank—the London and Westminster Bank—had lent to a bank in Manchester 150,000*l.*, and the bank at Manchester was compelled to have recourse to the Bank of England to prevent it from stopping payment. Private and Joint-stock Banks went on increasing and limiting their issues by the example of the Bank of England, and so long as they had a metallic currency co-existing with the circulating medium, so long they would be subject to this fluctuation. He would not go into the general question, but if the House were disposed to consent to the revival of the Committee of last year he certainly was of opinion that the inquiry should be limited to the proposition of the Chancellor of the Exchequer. The hon. Member for Middlesex had gone at great length into the question. He was not disposed to follow the hon. Member throughout all the arguments he had urged, but he could not avoid noticing some fallacies which had been made use of by the hon. Member with respect to the commercial interests of this country and of France. The hon. Member for Middlesex had said that the public credit of this country had always held an eminent position, beyond that of any other country, yet that our credit had been impaired, whilst the credit of France had maintained its ground. Now this admitted of a very simple solution. This country was the general mart of all the commerce of the world, and a large portion of the commerce of Europe and America centered here. There could be no doubt that the late derangement of commercial interests in America had contributed to the difficulties that had been felt here. France had remained in a great degree free from any participation in those circumstances, and that accounted for this country having suffered some inconvenience from which France remained free. Without entering into the merits or demerits of the Bill of

of a Joint-stock Bank to one particular system. The shareholders ought to be the best judges of their own interests, and it would be most injudicious to interfere unless it could be shown that the public interest required it. There were several other points indicated in the Report as topics of legislation. With respect to the publication of the liabilities and assets to the shareholders at large, that would not be advisable, as the information might not at all times be trustworthy, and only calculated to mislead. He trusted that the proposed limited inquiry would not be assented to by the House. The next point of the law referred to the non-payment of doubtful debts. How could any one judge, he should like to know, whether parties gave in a proper account of bad debts or not? He thought it was unwise to make such a point a subject for legislative enactment, for it was in reality impossible ever to decide with certainty concerning it. There were four or five other points referred to by his hon. Friend, which he thought were completely out of the scope of the notice of the House. The real objects to be aimed at were to obtain a direct remedy against fraud, and to derive the readiest and most efficient mode to recover debts. He was sure that any attempt to legislate beyond that, could not be made with advantage. Another reason against the interference was, that the modes of conducting those banks were so various that it would be found exceedingly difficult to come to a right and definite conclusion on that point by itself. For instance, some banks were accustomed to hold Government securities, whilst others transacted business without them. How could the House legislate on such a point, when conflicting testimony could be brought forward in favour of both practices? Again, there was the question of discounting bills. His hon. Friend near him (Mr. Hume) was against the practice, while others on the Committee would, he doubted not, be found in its favour. Here, again, how could legislative enactments be framed to meet the question? He could not perceive, in looking over the evidence, that this could be considered a safe or useful subject of legislation. The Chancellor of the Exchequer had asked, with the most infantine simplicity, several questions on this subject, which betrayed, he thought, most groundless fears. He inquired, for instance, if a banker in Cumberland should establish an agency in

Cornwall, and should make his notes payable at Newcastle, would it not be a hardship on the persons in the neighbourhood? He could assure the hon. Gentleman that no fear need be entertained on that head; for if one note was issued from the bank in Cornwall there was no danger of a second one being taken. For what would be done in the case alluded to? Why, the person who holds the note goes to another bank, and demands cash for the note; this is at once acceded to, for the Cumberland banker is considered a safe man. The holder of the note is charged the postage to Newcastle and back, amounting to 3s., to which, if 1s. is added for commission, he will have to pay 4s. for the 5l. note. Did the right hon. Gentleman think that this would be an inducement to him to receive a second note from the same quarter? The right hon. Gentleman's fears were entirely visionary, and still he had repeated his inquiries on the point just alluded to at least a dozen times. He felt sorry to have been obliged to take up the time of the House with so much dry detail; but he had thought it absolutely necessary, in order to show that the inquiry could not prove useful. He thought it would be exceedingly unwise to renew the Committee, for it would only excite expectations which could not be realized. He would therefore move the previous question, and if supported by many of the Members he would divide the House; but, if not so supported, he should rest contented with having proposed what he thought would best contribute to an effective and impartial treatment of the question, and would support the motion of the hon. Member for Middlesex.

Mr. Villiers thought, that if the hon. Member for Worcester would sanction an inquiry into the Joint-stock Banks, and into the effects of the suppression of one pound notes in 1823, and that he was not averse to the whole truth being disclosed respecting the operations of banking in this country, there was something whimsical in his opposition to the amendment of the Member for Middlesex. He was anxious for the truth to be elicited, and, therefore, should vote for that amendment. He did not expect much good from the revival of this Committee, if the inquiry was to be confined to the operations of Joint-stock Banks, for he was afraid that, from partial evidence, no rules could be deduced that could have any general ap-

plication; and, if the Committee had it not in view to derive regulations which should affect all banking establishments in the country, he feared that their labours would be of very limited utility, and that it would tend to confirm an impression that already prevailed, that this inquiry was promoted rather with the view of restricting one branch of the trade in order to favour the other, than of promoting the public welfare. He thought that Parliament could usefully apply itself to discover on what principles banks should be regulated, with the view to their advantage and their safety; but when they had made such discovery, he was more disposed to leave the enforcement of those principles to free competition than to legislation, for sure he was, that the more the public were encouraged to lean upon Parliament for the regulation of their interests, the more careless and incautious would they become. He thought the evils now imposed to Joint-stock Banks were greatly over-rated, and their advantages greatly under-rated, and the difficulty of legislating for such evils as they were chargeable with, was shown by the various nostrums which were prescribed for their remedy. Every person was confident in his own, but not many agreed with the other. His hon. Friend, the Member for the Tower Hamlets, had no less than three, which he proposed to combine—paid-up capital, unlimited liability, and complete publicity. Now he had seldom heard any commercial man agree to them all, some disapproved of all, and he was more disposed to agree with the latter than the former. The great evil was thought to proceed from these banks being allowed to issue notes; but their issues not forming above one-fifth of their liabilities, their improper use of this privilege did not amount to more than one-fifth of the evil to be apprehended. If it was an object to discover the real cause of these disturbances in the currency (and which now appear to be of periodical occurrence), why they should inquire into the mode in which the Bank of England had exercised its powers and its privileges. To inquire into Joint-stock Banks, and omit the largest of them all, which was the Bank of England, was, in his mind, a perfect delusion. He believed that most men who had written, and who had thought upon the causes of these commercial panics, had agreed in tracing them to the arbitrary and inconsiderate operations of the Bank

of England; and until that establishment was placed upon a different footing, he saw no reason why the same calamities might not recur. The fault, in his judgment, was, that the Bank of England was given exclusive privileges, which left the country to depend upon it to regulate the currency, and at the same time it was left with all the interests of a private trader: the result was, that its interest and its duty were in constant conflict, and the commercial classes were made the victims. Until the currency of this country was made to depend upon some sounder system than this, he could only expect a repetition of those panics of which we heard so much, and which must be attended with such serious injury to trade. On these grounds he should support an extension of the inquiry.

Mr. Warrington did not agree with his hon. Friend, the Member for North Derbyshire, in most of his propositions. The question before the House, as it appeared to him, was not whether they should legislate on the subject of joint-stock Banks, but whether they should name a Committee of inquiry on the subject—whether there were not in existence evils arising out of the conduct of joint-stock Banks, which, for the sake of public information and security it was desirable to inquire into. The evils attributable to joint-stock Banks were, it appeared to him, of a very different nature from those which could be said to be the charge of the Bank of England. Amongst the charges against the managers of joint-stock Banks was that of want of integrity in their proceedings; but he had never heard, amongst all the charges against the Bank of England, that of any want of personal integrity on the part of its governors. A want of prudence had occasionally been attributed to them, but it had never been alleged against them, that they had mismanaged the funds entrusted to them by their customers, for their own personal benefit. He would not deny that the Bank of England might not be as perfect in its control of the currency as might be desirable, and that a time might come when it would be advisable to inquire into such a question. At the same time, however, he would observe, that whilst the greatest good which could be expected to result from such an inquiry, was that of forming an efficient board, to control the currency, with as much equality as possible, the

anything but creditable to them to attempt to arrest the progress of this investigation, and, for his part, he certainly had imagined that the re-appointment of this Committee would not have been opposed. He thought so because it must be apparent to every one, from what had recently taken place, that the most searching inquiry was necessary. With regard to the argument that the Legislature had no right to interfere between one individual and another, he admitted that it might hold good if those concerned in Joint-stock Banks were to be the only sufferers by their operations; but when the whole community was affected by them, and when the entire fabric of commercial credit was liable to be shaken by the acts of those bodies, he conceived that the Legislature had not only a right but it was their bounden duty to interfere. He concurred with the hon. Member for Wolverhampton that Joint-stock Banks had conferred great benefit on the community; but in order to render that benefit permanent it was necessary that the public mind should be satisfied that they rested on a secure foundation, and this confidence could only be established by the most searching inquiry into the principles on which the transactions of those concerns were conducted.

Mr. *Pattison* was understood to state, that it might perhaps be expected that he should express his opinion on the question before the House. He felt that he was placed in a most awkward predicament, from being unaccustomed to address them. He would, however, simply advert to a few of the topics touched upon by hon. Members who had preceded him, and in the first place, he must observe that he could not concur in opinion with those who thought that sufficient cause had not been shewn for this inquiry. Events which had taken place during the recess, in his opinion fully justified the re-appointment of this Committee. With respect to the observations of the hon. Member for Coventry, in reference to the management of the Bank of England, he considered them uncalled for; and he could only tell that hon. Gentleman, who thought fit to find fault with the management of the Bank, that the accounts of that establishment had been regularly published—that its affairs were conducted under the auspices of Government—and that all its transactions were in strict conformity with the rules and regulations prescribed by the Legislature.

If, then, there were any grounds for this accusation why was it not brought forward before, and why should the present moment be selected for the attack? When the proper time arrived, the Governors of the Bank would be ready to meet any accusations which might be brought against them, and he had no doubt but it would then be satisfactorily shown that those charges of mismanagement were without foundation. He repeated, that sufficient cause had not been shewn why this inquiry should not take place. He would, therefore, support the motion for the re-appointment of the Committee, and, if the Joint Stock Banks were not conducted on the principle admitted by the Legislature, that principle must be altered.

Mr. *Cayley* said, he agreed with the hon. Member for Middlesex, that the inquiry should be extended to the affairs of the Bank of England. The difficulty which the Bank of England had to contend with under the present system was, that it had to attend not only to its own interest—to bank stock, for instance, as well as other property connected with that establishment—but also to the interests of the mercantile body. The Bank on the late trying occasion had acted with great humanity, and had attended to its own interests as well as the great interests of the public, without drawing the cord too tight. But he would now ask what was the danger to the Bank at present? The danger arose in a great measure from the circumstance, that the exchanges were not favourable, and, consequently, so long as this was the case the necessary result must be, to create derangement, to a certain extent, in the affairs of the Bank. In the crisis of 1825, the state of the exchanges was not so bad or so injurious to the Bank. On that occasion, the rate of exchange had been unfavourable for only six months; whereas, when the difficulties commenced last autumn, it had been unfavourable for twelve or eighteen months, and then, as in 1825, the Bank was compelled to make the greatest exertions to stave off the evil day, and to counteract the evil arising from the price of commodities being higher than the standard of value. He considered it impossible that the standard of value could be higher than the prices of commodities, unless the circulation had diminished in order to raise the price. He therefore supported the inquiry, while at the same time he expressed it as his opinion, that

the Bank of England, and the fact that the Bank of England was the only bank in the world which was not a joint stock bank. The Bank of England was the only bank in the world which was not a joint stock bank. The Bank of England was the only bank in the world which was not a joint stock bank.

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though two said that we were in a state of great prosperity in the time the inquiry was first instituted, and therefore the Directors of the Bank of England should have been in a position to know. What became of the inquiry was a matter of course, and the Directors of the Bank of England were in a position to know. The Directors of the Bank of England were in a position to know. The Directors of the Bank of England were in a position to know.

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sary to send over a million to Ireland; and what would be the consequence if it should be necessary to send over gold now when there was little more than four millions in the Bank? Some hon. Members approved of inquiry, but objected to the time. He could see no reason in that. Why not have inquiry now? Why should it be postponed? The hon. Member for Bridport and the hon. Member for the Tower Hamlets, said, there was danger. Was the Bank of England in danger? If so; that was an imperative reason for inquiry. If the Bank were in danger, was not the community also in danger and was it not the most rational way to get out of the difficulty by meeting the danger at once? The great danger arose from the apprehensions of the public, and the best way to dispel those apprehensions was to ascertain what the real evil was. Hon. Members had spoken of the importance of establishing great principles. Now, nothing was worse in many instances than great principles for individual injury. He believed, the great principle sought to be established in 1819 had caused more danger and more injury to many individuals than any other of a similar nature. It spread its influence over a vast number of individuals, and reduced many who had been living in wealth and affluence to the greatest distress. He therefore wished for inquiry. The Chancellor of the Exchequer said inquiry would come incidentally; why should it not come directly? Let the inquiry commence without delay; and the more extensive it was, the more would the public mind be disabused.

Mr. Crawford bore testimony to the correctness of the illustration given by the hon. Member for Derbyshire of the success of the Birmingham Joint-stock Bank. He was not prepared to address the House, as he had not had the honour of being upon the Committee. He had, however, endeavoured to make some estimates of what might be the probable profit of a most prosperous bank. He left a large margin when he said that ten per cent. of that profit could not arise upon a banking principle unless it were from the sale of the credit of the banks, instead of money on discount. So far as the debate had gone, it did not appear that the House had been put in possession of one important fact respecting circulation—viz. the amount of paper created by re-dis-

counts, acting upon prices just as much as bank rates acted upon prices. Without meaning to define to what extent the present evils had been produced by the circumstance of Joint-stock Banks lending credit, instead of lending money, he thought he might say, that such a practice would account for the state into which the country had been thrown.

Mr. Poulet Thomson observed, that the hon. Member for Derbyshire had brought forward the Report of the Committee, and had objected to its being re-appointed, because he objected to the recommendations of the Committee. The Committee advised, in their Report to the House, the re-construction of the Committee of last Session for the purpose of acquiring further information before they could recommend any course of legislation to the House. With respect to what had fallen, as to the Committee reporting that legislation, was unadvisable; he need only refer to the evidence of Mr. Moore James, who said, in reply to the question, "Is this a portion of the law, which, in your opinion requires amendment? It does." He believed that hon. Members would find few witnesses who considered legislation unadvisable, though they differed as to the mode. If it were advisable, then, to legislate on the subject, was it not better to re-appoint the Committee? Every friend of Joint-stock Banks ought to assent to the inquiry. All must be aware that these banks had borne up well, and had gained credit under the trial. As a friend, therefore, to Joint-stock Banks, he should vote for the proposed inquiry. Whatever difference of opinion there might be as to the construction of some of these banks, it could not be denied, that the large numbers of persons of wealth and respectability who engaged in these establishments formed a new feature in the banking system of this country. No doubt such a number of persons of this class created a greater degree of security and no man entertained a doubt that paper had been pushed farther than it ever had been before. The credit of the Joint-stock Banks undoubtedly produced such a result; and he agreed with an hon. Member who stated, that great disadvantage might arise from the market being overflowed with paper at one time, and too much curtailed at another. But that was an evil which could not be guarded against: no Act of Parliament could make people

The first of these was the fact that the United States had a large and growing population. This was due to a number of factors, including the high birth rate, the immigration of people from other countries, and the fact that the United States was a large country with a lot of land. The second factor was the fact that the United States had a large and growing economy. This was due to the fact that the United States had a lot of natural resources, including coal, oil, and gold. The third factor was the fact that the United States had a large and growing military. This was due to the fact that the United States was a powerful country and had a lot of money to spend on its military. The fourth factor was the fact that the United States had a large and growing influence in the world. This was due to the fact that the United States was a powerful country and had a lot of money to spend on its foreign policy. The fifth factor was the fact that the United States had a large and growing culture. This was due to the fact that the United States was a large country with a lot of people and a lot of different cultures. The sixth factor was the fact that the United States had a large and growing education system. This was due to the fact that the United States was a large country with a lot of people and a lot of different cultures. The seventh factor was the fact that the United States had a large and growing health care system. This was due to the fact that the United States was a large country with a lot of people and a lot of different cultures. The eighth factor was the fact that the United States had a large and growing social security system. This was due to the fact that the United States was a large country with a lot of people and a lot of different cultures. The ninth factor was the fact that the United States had a large and growing infrastructure. This was due to the fact that the United States was a large country with a lot of people and a lot of different cultures. The tenth factor was the fact that the United States had a large and growing environment. This was due to the fact that the United States was a large country with a lot of people and a lot of different cultures.

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the object of inquiry: if the inquiry were to be carried out into every branch of banking affairs, and into the *minutiae* of the currency question, they might go on *ad infinitum*. If they were to appoint a Committee to investigate the operations of the whole of the English banks, the Irish banks, the Scotch banks, public banks, private banks, Joint-stock banks, and all the various banks in the kingdom, there would be no end to the inquiry, there would be no one subject settled, and no pretext would be wanting for postponing a decision. Therefore, while he was for a full inquiry into the subject, he would have it limited to a special object. There were two propositions before the House besides the original motion. There was the proposition of the hon. Member for Middlesex to multiply the objects of inquiry; and there was the proposition of the hon. Member for Derbyshire, which went to deny the right of the House to make any inquiry into the subject at all. To neither of those propositions could he give his consent. He had already stated the reasons which induced him to oppose the motion of the hon. Member for Middlesex. To the principle involved in the proposition of the hon. Member for Derbyshire he could by no means agree. The hon. Member for Derbyshire contended, that as it was generally allowed that Parliament ought not to attempt to instruct or control persons, generally, in the management of their own business, so it ought not to interfere with the management of Joint-stock Banks. But the cases were widely different. Parliament had already interfered with reference to Joint-stock Banks, and having so interfered, it was entitled to carry that interference further. If the persons who were engaged in Joint-stock Banks were to be considered the best judges of the manner of carrying on their own business, why had Parliament restricted them in various ways? Why were they prohibited from issuing five-shilling or half-crown notes? The moment that Parliament interfered with them in one respect, it acquired the right or contracted the obligation to interfere with them in any other respect in which such interference might be considered advantageous to the public. No one could deny, not only the right, but the sound policy and justice of acting on this principle. For instance, could any man doubt

that the recent transactions of the North-

ern and Central Banking Company justified an inquiry into the nature of those transactions? Where a company had been invested by the Legislature with the power of coinage, or with the power of issuing money—a power affecting the interest not merely of the shareholders, but of those who took their notes—and when that Company was found to have made an application to the Bank of England, and to have declared that they should be ruined unless the Bank advanced them a hundred thousand pounds, surely that was a very different transaction from a speculation in sugar or tobacco. The moment that the Legislature devolved upon any body of men the power of issuing money (a power absolutely regal in its character), that moment it acquired the right of taking care that the interests of those whom such a proceeding affected should be protected. The hon. Gentleman opposite said that no one could doubt the disinterested and judicious conduct of the directors of the Joint-stock Banks. He doubted it. He had not so much confidence in their wisdom as the hon. Gentleman had. The hon. Gentleman opposite had spoken of two banks that had been well conducted. But could the regulations observed by those two banks be enforced on others? Look at the report of last year, and let any man say whether he could place implicit confidence in the sagacity of Joint-stock Banks. It appeared that the managers of one of them stated that every year they had large dividends, they had great profits, but though they had bad debts to the amount of 20,000*l.* or 30,000*l.* they never took any account of them, and their shares were at a premium of ten per cent. How did that state of things arise? By the power which Parliament had conferred upon the parties. The difficulty which private banks felt in conducting their business proved that fact. He would not say anything of the wisdom of that course, but having given such a power virtually or directly, legally or practically, they ought to inquire into the operation of it. Then, another hon. Gentleman had gone to the other extreme; he had said that all inquiries were good, and, so far from denying to Parliament the right of inquiry, he was for carrying it to the fullest extent. While one hon. Gentleman deprecated all inquiry, the other wished to have an inquiry into everything, not excluding the

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affairs of the Bank of England itself. Now, with regard to the conduct of the Bank of England, as far as its relations to the Government were concerned, that had been recently the subject of two inquiries. He recollected sitting on a Committee, three years since, day after day, which was appointed for the purpose of inquiring into the whole of the transactions of the Bank of England as far as they related to the Government, and, in consequence of that inquiry, the Bank charter was extended, and he apprehended that no man intended to propose to revise the Bank charter. But they had a right to ascertain in what manner it would be affected by the subject of inquiry. Even then, there would be no necessity, he would venture to say, to go into that part of the operations of the Bank of England which related to the Government, or any of its operations, only so far as Joint-stock Banks were concerned. If, in the course of investigation, it should be stated, that the Bank of England, and not the Joint-stock Banks, had caused certain evils, then it would be difficult for the Bank of England to resist any further inquiry as to the truth of that statement. The permission to Joint-stock Banks to pay in Bank of England paper instead of gold might be very proper and profitable or not, but, as far as the inquiry had gone, that question did not appear to have been put. That might be because the Committee had not sufficiently performed its duty, or had not thought it necessary to inquire. [Mr. Hume had himself put the question to a witness, who had objected to it.] If such a question were put and objected to, nobody could deny the power of the Committee to enforce an inquiry into the subject. The question was not whether the power given to Joint-stock Banks to pay in Bank of England paper diminished or extended credit, but whether it had not a tendency to increase the danger to credit, and whether the evil concomitant with making fluctuations in the value of money was not a greater evil than the facility of doing it could be beneficial? Although he must contend that every relation of the Bank of England with Joint-stock Banks must be, as far as necessity required, intruded upon, he should vote for the original motion, dissenting, as he did, from both amendments. The hon. and learned Member for Kilkenny re-opened the whole question, but the Bill of 1819 had been so often

discussed, that he should decline entering upon it on this occasion. He should only refer to one position which the hon. and learned Gentleman had taken up, namely, that it was very wise in times of prosperity to look forward to times of difficulty and danger. He would just remark that the evils, if evils had arisen, were not to be attributed to the Bill of 1819. If they chose to have a large quantity of convertible paper, and then to have a metallic standard, whether gold or silver, or both conjointly, they could not have a large mass of paper converted into a metallic standard without the risk of a reaction. But the reaction that followed the Bill of 1819 was not the effect of that Bill, but of the foreign exchanges, and, whatever might be the present prosperity, or the future adversity, they were bound to look at the foreign exchanges; and if they did, they could not help looking out for the time of possible danger. If the hon. Gentleman meant to have a paper currency to an indefinite extent, and not to have it convertible at all, then, perhaps, there would be no necessity for his looking out for times of danger. But even then his hope of eternal prosperity would be very delusive, for there would be a progressive rise in prices, and a progressive decrease of trade, so that not looking out for danger would not be the way to avoid it. With regard to the evils of the Bill of 1819, he never denied the extent of individual distress occasioned by it, and he had never contemplated that distress without regretting the serious injuries that ensued; but he thought the system which rendered that Bill necessary, and not the Bill itself, ought to be made responsible for those evils. He did not believe any measure was ever proposed which was so conducive to the comfort of the labouring classes as that which compelled those who employed them to pay them their wages according to a certain fixed standard.

Mr. Wakley maintained that all who voted for inquiry limited to Joint-stock Banks implied at least, if they did not directly aim, an attack on the character of those institutions. There might be defects in their constitution, but they were parts of the old system of banking, and the Joint-stock establishments had gone far to remedy the evils formerly complained of. If the present inquiry were restricted to the Joint-stock Banks, Parliament would, in his opinion, act most unfairly by them; why

should they victimise those institutions while it was notorious to every man of common sense and memory that the old system which they had tended so materially to alleviate led to calamities to which, under the new state of things, they could find no parallel? The hon. Member for Bridport had taken a very singular view of this question, deprecating as he did all inquiry into the state and management of the Bank of England, although he admitted that great evils existed, and that the time might come soon when a searching inquiry should be instituted. That hon. Gentleman, he believed, was a profound senator, and also learned in medicine. He would put this question to him—suppose he had some disease originating in the defective state of his circulation, spreading funguses and excrescences over his whole system, what would be thought if he said to his medical adviser, “I have a radical defect in my circulating medium; I desire you will cure me speedily and effectually, but I positively interdict you from going to the heart, the fountain of all circulation; there may be a disease of the heart; it may be proper to institute inquiry at some future time, but for the present, and for reasons best known to myself, I positively prohibit you from extending your observation into the source of all the disease, the fountain of my existence and energy?” He maintained that the seat of all the evils at present felt was to be found in the defective state of the Bank of England. If there were no derangement at that great fountain of our circulation, it would be utterly impossible for the monetary concerns of the country to be so much distracted. He called upon the House, looking at all the interests involved in this question, to proceed boldly and fearlessly, not upon any miserable, piddling, patchwork system, but generally and practically with a view to the discovery and successful application of the best remedy that could be found for the acknowledged evils of the present system. He for one should cordially support his hon. Friend, the Member for Middlesex, in the amendment he had moved.

Mr. Pease disclaimed everything savouring of hostility towards Joint-stock Banks. Of their value, no one in his opinion could entertain a doubt, provided they were properly conducted. Those, therefore, which were conducted upon a sound and prudent system had everything

to hope from the proposed inquiry, while, on the other hand, the public should be put on its guard against such as were established upon another footing. The hon. and learned Member for Kilkenny (Mr. O’Connell) deprecated the carrying out of principles which might be attended with great private injury. But if it were maintained that ground for inquiry into the conduct of the Bank of England arose out of the circumstance of their having recently assisted the Northern and Central Bank, would the Bank parlour not thereby be put upon its guard as to the principles and conditions on which they would grant similar relief to other important interests; and might there not be thus produced a deluge of misery in Ireland which he would shrink from combating? He for one was at a loss to know what object could be gained by extending this inquiry to the Bank of England. They had already all the elements of the information required. They knew the amount of deposits, the amount of circulation, of bullion, of securities, and they all knew the rate of interest. The Joint-stock Banks had recently grown up; the state of their affairs called for investigation, in order that the country might know whether the sound principles on which they were instituted had not been departed from; and as the present Committee would have quite enough to do, the inquiry being restricted as the right hon. Gentleman proposed, he protested against its being extended generally into the banking system of the country, and particularly to include the recent conduct of the Bank of England.

The *Chancellor of the Exchequer* said, in reply, that he did not see any reason from the statements which had been made, and the arguments which had been adduced in the course of the discussion, to induce him to alter the course he had taken the liberty of suggesting at the outset—that the inquiry should not extend to the Bank of England, and its proceedings, save and except where the Bank of England connected itself with the Joint-stock Banks; for, undoubtedly, wherever its proceedings told upon or influenced their proceedings, both must be connected together; in fact, it was impossible to separate the one from the other. But, although he was not prepared to recommend an inquiry into the conduct of the Bank of England before a Select Committee, although he did not think it neces-

very to enter into a vindication of the proceedings of the Bank upon the present occasion, yet he must be allowed, in common justice, to say, that the Bank of England had not been fairly treated by some hon. Gentlemen who had spoken in the debate. The very contradiction of the charges brought against the Bank of England was, if not a complete defence of the course taken by the Bank, at least in some degree an answer to the objections which had been urged. It had been suggested, that the Bank had acted wrongly in the assistance they had afforded, at a time of great emergency, to the Northern and Central Bank; he should like to know how the argument would have stood if the Bank had not come forward, not for the sake of that establishment—not for the sake of an establishment which had mis-conducted its own proceedings, but for the sake of the public interests that must have been involved? Would it not have been said, that the Bank of England, jealous of the Joint-stock Banks, seized the first opportunity—not doubting its solvency—without any fear as to their realizing the amount of their advances—the Bank of England seized the first opportunity to crush a rival establishment, and compel Parliament to look at the whole question of Joint-stock Banks under a new and more formidable aspect? Suppose that Bank, with forty branches, had failed, by reason of the inertness or disinclination of the Bank of England to afford it any assistance—suppose that failure had been followed by that of other Banks, would they have heard so much as they had during this discussion, in defence of the system of Joint-stock Banks? Justice ought to be done to the Bank of England in a case of this description, and the principles on which it had acted should not be entirely overlooked. Observations had been made with regard to the extension of the operations of the Bank of England in the provinces, by the establishment of branch banks. But if there were anything wrong in that, the Government of the present day, and their predecessors in office, were equally to blame with the Bank. The establishment of those branches in the provinces originated with Lord Liverpool's Administration, when the Bank of England was not only invited, but induced by various considerations, to follow that plan; and yet they were now taunted, because they had adopted the course recommended

by the Legislature. Was that acting justly by the Bank of England? With reference to the observation which had been thrown out by the hon. Member for Yarmouth (whose opinion he was always disposed to treat with profound respect), he had taunted him (the Chancellor of the Exchequer) with having met this subject last year in the language of caution, but that he should have been more precise in the language he had used. On the occasions to which reference had been made, namely, on the 6th and 12th of May last; now what were his (the Chancellor of the Exchequer's) words? Why, on the 6th May, on making his speech on the budget, he had said—"I cannot sit down without again stating, that, whilst we have the greatest reason to be grateful for our present state of prosperity, at the same time, there are indications, at the present moment, which call for every hon. Gentleman's close inspection. The House must see, in the great extent of speculation which prevails, in the number of Banks which are rising up in all directions, grounds for the exercise of vigilance, caution, and prudence." Then, on the 12th May, on the occasion of the discussion upon the motion of the hon. Member for the Tower Hamlets (Mr. Clay), his remarks were to this effect—"The House is aware, that a general spirit of speculation is abroad; that Joint-stock Companies are formed for all kinds of purposes, some for purposes to which such co-operations are by no means applicable; and the House will feel that this rage for speculation will hardly fail to extend itself to the banking business as well as others. * * * In proportion, then, as we allow the application of the Joint-stock principle to sound and legitimate objects, we are bound to see that, under the colour of Joint-stock Banks, the country is not imposed upon by a number of bubble companies, representing no property, and incapable of affording the smallest security." He was, therefore, at a loss to conceive how any caution could, by possibility, have been given in more direct terms. But he must beg more particularly to call the attention of the House to the declarations made by the hon. Member for Middlesex, on the 6th day of May last. On that occasion, the hon. Gentleman, in addressing the House, said—"On the whole, I think we ought to be gratified with the real state of the industry and commerce of the country. The right hon.

Gentleman seems to anticipate some great and unfortunate crisis from the extensive spirit of speculation which now pervades the country. I confess that I have no fears upon that score. As long as the Bank of England continues to be conducted upon the principles upon which it now is governed, there need be no apprehension of a crisis, or of a panic." There were several other topics, particularly in regard to Exchequer Bills, to which he wished to advert, but at that advanced hour he was unwilling longer to detain the House. He could not, however, sit down, without deprecating most earnestly the tone of the observations made by the hon. Member for Coventry (Mr. Williams), which were at once unjust, impolitic, and capable of great misrepresentation out of doors. Comparing the engagements of the Bank with the present extent of bullion, the hon. Member drew the inference, that the Bank could only pay 7s. 6d. in the pound. Such a statement going forth to the world, without contradiction, was liable to great misconception among the vulgar. It was quite unjust; it proceeded upon a mistaken view of the case—as if bullion were the only assets which the Bank had to meet the liabilities. It had been said that every one who voted for the restricted inquiry, indicated distrust of the Joint-stock Banks. He, for one, repudiated that principle. If he were asked, whether he had confidence in all Joint-stock Banks, undoubtedly that would be a confession of faith, too unbounded for him to make; but he was anxious to see whether they required amendment, and how it could be best applied. Before he sat down, he was anxious to call the attention of the House to a very interesting document which he held in his hand. It had been published to the world, in the shape of a commentary on the report of the Committee which sat upon this subject last Session. It stated in terms, that the Northern and Central Bank of England had 1,200 partners, whose whole property was liable to the debts of the concern; that the paid-up capital amounted to 700,000*l.*; that it was, in fact, safer therefore than the Bank of England; that its chief dealings being with its own partners, and their connexions, added to the probability, that in the event of a panic, the run would be, not to take money out, but to put money into it for security. Such was the description which had been given after the publication of the evidence;

they were told, that the only danger was the intense anxiety on the part of the public to rush to it with deposits and overwhelm it, like Tarpeia of old, with bucklers of gold. He repeated that, in his opinion, there was no necessity for any inquiry into the concerns of the Bank of England, an investigation having lately taken place upon that subject. A great distinction existed between Joint-stock and private Banks. In the latter instance, individuals were using their own capital for their own purposes, without any aid of law; but the former were the mere offspring and creatures of the law, and it behoved Parliament to see that they were properly and judiciously regulated.

The House divided on the original motion:—Ayes 121; Noes 42: Majority 79.

List of the AYES.

Adam, Sir C.	Gordon, hon. W.
Agnew, Sir A.	Grattan, H.
Alsager, Captain	Grote, G.
Angerstein, J.	Hamilton, G. A.
Bagshaw, J.	Hamilton, Lord C.
Baines, E.	Hawes, Benjamin
Bannerman, A.	Hector, C. J.
Barclay, D.	Hinde, J. H.
Baring, W. B.	Hogg, J. W.
Baring, T.	Horsman, E.
Barnard, E. G.	Houstoun, R.
Bellew, R. M.	Howard, R.
Berkeley, hon. C.	Howick, Viscount
Biddulph, R.	Hutt, W.
Bish, T.	James, W.
Bowes, J.	Jephson, C. D. O.
Bramston, T. W.	Ingham, R.
Brocklehurst, J.	Irton, S.
Brownrigg, S.	Labouchere, rt. hn. H.
Chalmers, P.	Lawson, A.
Chichester, J. P. B.	Lefroy, right hon. T.
Clay, W.	Lennox, Lord G.
Clive, Lord Viscount	Loch, J.
Clive, hon. R. H.	Longfield, R.
Cooper, E. J.	Lowther, J. H.
Cowper, hon. W. F.	Lucas, E.
Crawford, W.	Maclean, D.
Dalmeny, Lord	Marjoribanks, S.
Davenport, J.	Maule, hon. F.
Dick, Q.	Morpeth, Viscount
Donkin, Sir R.	Murray, rt. hon. J. A.
Dundas, J. D.	O'Connor, Don
Eaton, R. J.	O'Ferrall, R. M.
Elley, Sir J.	Ossulston, Lord
Ellice, right hon. E.	Oswald, J.
Fector, J. M.	Packe, C. W.
Fergus, J.	Parker, J.
Fergusson, rt. hon. R.	Parrott, J.
Fort, J.	Pattison, J.
Fremantle, Sir T.	Pease, J.
Freshfield, J.	Peel, right hon. Sir R.
Gaskell, D.	Pereval, Colonel
Gladstone, W. E.	Philips, M.
Gordon, R.	Poulter, J. S.

facility effaced; and mis-statements are so hastily put forward and laboriously propagated, that I am certainly much afraid, lest I should not be able to make others enter into my sincere convictions upon this subject, while, at the same time, I am confident, that if I were able to state forcibly, as I feel strongly, the considerations which I have to present to the House, they could not fail of meeting approval and concurrence. The Bill which I propose this night to introduce, requires no long defence or explanation from me. It is a Bill to remedy the abuses, and to provide for the reform of the Irish corporations. Those abuses have not been denied. They have even been stated to be greater and more notorious than the abuses which prevailed in the corporations of Scotland or England. Neither is the remedy stated to be an unfit or insufficient remedy. On the contrary, you have admitted—Parliament has admitted—that the remedy which has been proposed, is a remedy fit for the occasion, fit to be applied to the corporations of Scotland and of England. The whole question, therefore, lies in this—whether, the abuses being notorious, and the remedy a sufficient remedy, you will apply to Ireland that which you have applied to Scotland and to England. In fact, the whole statement made in opposition to this Bill is little more than this: that whereas Scotland is inhabited by Scotchmen, and England by Englishmen, yet, because Ireland is inhabited by Irishmen you will refuse them the same measure of relief that you have applied to Scotland and to England. With respect to the particular provisions of the Bill which I propose to introduce, they vary very little indeed from those contained in the Bill which passed this House last year, and that Bill was not different in its principle from the Bill which passed the year before, relating to the English corporations. There were one or two points, as the House knows, in which the English Bill differed from the Bill which had been previously applied to Scotland, and others in which the Irish Bill differed from the English Bill. One of these alterations was with regard to the franchise. Ireland not having the same description of rate-payers which we have in this country, the 10*l*. and the 5*l*. franchises were taken, the former for the large towns and the latter for the small. Another difference which was made in the Bill of last year, though not when it was originally introduced, but after it came into

the House, was a provision that the appointment of the sheriffs in Ireland should be in the Crown. Upon this subject, I shall state, that it is my opinion generally, that in the appointment to offices connected with the administration of justice, the Crown ought to have a paramount authority. Our legislation has proceeded in this direction. By the Act for Scotland, the selection of the magistrates is in the town-councils; by the English Act, the magistrates are appointed by the Crown. It was proposed in this House, that the council should have a right of recommendation, which, however, was afterwards taken away, and the power is now in the Crown, although the advisers of the Crown have made it a rule to take into consideration the recommendations of the town councils. In the Irish Bill, after it was brought in, we took another step, and we proposed, that in those towns which were towns and counties in themselves, the right of appointment of sheriffs should be in the Crown. Now, I have somewhat altered this provision in the present Bill. The provision which I now propose to introduce, is, that the town-council shall nominate three persons to the Lord-Lieutenant, of whom the Lord-Lieutenant may refuse any one, or reject all three; that upon that rejection the council may propose three others; the Lord-Lieutenant may choose one of these, or he may set aside the second three; that is he may set aside the whole six, and appoint a sheriff solely by his own authority. I think this right, because I consider it will tend to make the administration of justice in Ireland more satisfactory, if there be a recommendation from the council; but I also think, that where the power of the Crown is introduced, and is to be exercised mutually with any other power, it should be the paramount power. For instance, in the year before last, I strongly objected to the powers given to the revising barristers, to set out the boundaries of the wards in the corporate towns, the King in Council having a right to disapprove of their decision; but not to alter or set it aside. I objected to that provision, because I thought it derogatory to the dignity of the Crown. I have since been confirmed in that opinion; the King in Council, conceiving the divisions to be in some cases inconvenient, has disapproved of them; but, on being sent to the revising barristers, what has been the result? They have taken no notice of the disallowance, the authority of the King in Council has

been set at naught, and the decision of the revising barristers has been adhered to. I think, therefore, where the authority of the Crown is introduced at all—and I think it should be introduced in a matter of this importance—that in the event of the town-council not recommending any proper person, the Lord-Lieutenant should have an ultimate power to appoint that person whom he should judge fit. It is not very likely that this power will often be exercised, as it is not probable that six persons recommended by the council will be rejected, unless from some particular circumstance, there should be an obvious unfitness in all those nominated for the appointment, and in that case, I entertain no doubt that the power vested in the Lord-Lieutenant will be properly exercised. These are the main alterations in the Bill I now propose to introduce, from the Bill of last year. They are not of great importance; they are such alterations as might be expected to take place, when we have to adapt a Bill to another part of the empire, after we have had the experience of the working of an Act having the same object, which has been already called into operation, and I do not expect that the Bill will meet with any opposition in this stage, nor shall I enter further into its provisions. But there are considerations connected with this subject, to which I think it necessary now to proceed, and upon which Parliament will have ultimately to decide. We propose this Bill as a remedy for a civil grievance, suffered by the people of Ireland with respect to corporations; which in point of principle meets no objection, and which is only opposed, because, as I have stated before, in spite of the Act of Union, and in spite of the Act of Emancipation, Irishmen and Roman Catholics are still to be treated upon a different footing from their fellow subjects in the two other portions of the empire. I feel it necessary upon this occasion, especially after some statements that have been made, and some resolutions that have been recently entered into at a certain meeting in Ireland, to state the grounds on which the Government of Ireland has proceeded as an executive, and the grounds on which we have proceeded in recommending to the Legislature to act in conformity with the proceedings of that executive authority. I think it right also to state, that I consider this is a vital question to the present Administration. I am fully sensible of the evil of bringing forward bills year after year, and suf-

fering them to be defeated and lost, without taking any further step upon the subject. His Majesty's Government consider it right, that Parliament and the country should have full time to consider the mode in which Government has been carried on in Ireland, and to consider the measure and propositions that we have to make; but I do not think that we could permanently go on, or that we could be fairly entitled to ask for the confidence of this House, which hitherto has never been withheld from us, if we, continuing an Administration, suffered principles to be applied, with regard to the Government of Ireland, against which we decidedly and positively protest. It seems to me that there can be no question more simple, that there can be no question more direct to bring this argument of English policy towards Ireland to the test, than the Bill which I shall this night propose. It is a question not properly interfering with any religious prejudice, not capable of being twisted or involved by a curious display of figures. It is a plain question of justice, whether the Irish people are fit to enjoy those rights which you have declared are conformable to the constitution of this country, or whether you will proscribe them as unfit to enjoy the same rights as Englishmen, and proclaim them to be an inferior race of beings. Now, before I enter into the question of what the executive of Ireland has done, and the nature of the proposition that we now make, as bearing upon the conduct of that executive. I will take leave to quote the principle of our conduct from the recorded words of a very great man. I must say, that whenever I have to look for a great authority upon the constitution—whenever I wish to look for enlarged principles with respect to the manner in which the Government of this country should be carried on—I do not refer to the theories of Locke, or to the legal statements of Blackstone; but I refer, whenever I can, to the authority, the precepts, and the maxims of Mr. Fox. Mr. Fox stated in a very eloquent speech which he delivered in 1797, the principles upon which he conceived the Government of Ireland should be conducted. He stated in his usual frank, it might be said incautious, manner, that he conceived that concession should be made to the people of Ireland;—he said, if he found he had not conceded enough he would concede more;—he said that he thought the only way of governing Ireland, was to please the people of Ireland—that

he knew no better source of strength to this country—and he declared in one sentence, which I will read to the House, his wish with respect to the Government of Ireland “My wish is” (said Mr. Fox) “that the whole people of Ireland should have the same principles, the same system, the same operation of Government; and, though it may be a subordinate consideration that all classes should have an equal chance of emolument; in other words, I would have the whole Irish Government regulated by Irish notions and Irish prejudices; and I firmly believe, according to another Irish expression, the more she is under the Irish Government, the more will she be bound to English interests.” So deeply did Mr. Fox feel the injustice of treating one class of the people of this country different from another, that when in 1805, towards the end of his life, he undertook to bring forward in this House the question of Catholic Emancipation, and when he was told by Mr. Sheridan, that a person of very high station, his late Majesty George the 4th, was anxious that that question should be postponed, he answered at once, not only that he was determined to bring forward the question, but that he had already fixed the day; the words of his letter show his earnestness upon this question, “I did on Thursday consent to be the presenter of the Catholic petition. Now, therefore, any discussion on this part of the subject would be too late; but I will fairly own that if it were not I could not be dissuaded from doing the public act which, of all others, it will give me the greatest satisfaction and pride to perform. No past event in my political life ever did, and no future one ever can, give me such pleasure.” This was the way in which Mr. Fox answered when he was entreated to postpone bringing forward the question of Catholic Emancipation; and, by the former extract which I have read, I think you will see that he intended, not that it should be an Act placed on the statute book and left there inoperative, but that it should be a living Act of Parliament—that it should be the rule and guide for the conduct of the Government of this country—that it should be really an union of equality between the two countries, so that by that means, as he said, you might bind the people of Ireland firmly and for ever to English interests. Now, Sir, I maintain that Lord Mulgrave has acted upon these principles laid down by Mr. Fox. He has endeavoured to do that which, I must say, has not been fully

done before, in all the details of official and legal business, which is still not done in our legislation, to carry into every part of the Irish Government the spirit of impartial justice. When I say it has not been done before, much as I admire the character of Lord Mulgrave, I am not going to place him, nor place those who sit here, above any Governor or above any Ministers who have governed Ireland before, but I will say, that while Lord Mulgrave has governed Ireland with the most upright, with the most impartial, and with the most generous intentions, he has had this advantage that his Government has been one and united. He has had the advantage of having a Chief Secretary, an Attorney, and Solicitor General, all acting in complete accordance with himself; and I will venture to say, that although the office of Attorney-General has been placed in the hands of three different persons since Lord Mulgrave has assumed the Government of Ireland, if Lord Haddington had at any time succeeded him at the Castle, not one of those Gentlemen would have remained to Act under a Tory Government. This, Sir, is a question of considerable importance, because there is so much in the Government of Ireland which depends upon the detail that is to be carried on in the different offices of Government, that any Lord-Lieutenant, with the best and fairest possible intentions, may not be aware of what the precise evil is, and what is the actual remedy that ought to be applied to it. I will illustrate this with reference to the conduct which was pursued by the present Master of the Rolls, when Attorney-General for Ireland. He found it was then the case, that when juries were appointed, it was the custom to put aside men, not because they had a particular prejudice in the case to be tried, not because they were known to be connected with, or favourable to the accused person, but because they were persons of the Roman Catholic religion, or, being Protestants, were persons of liberal political opinions. But of that practice Mr. O’Loghlen entirely disapproved, and he completely altered it. I have a letter here in which he states the satisfaction which it gave him that it had been found that in consequence of that change no fewer convictions had been obtained, and that a general impression of the administration of impartial justice had begun to prevail throughout the country. I think this is a question of the very greatest importance because when we consider the want of confidence that has existed, I will not say for

years, I might say for centuries, in the administration of justice in Ireland, one cannot think that when men attended the courts of justice, and saw persons of respectable character set aside only on account of their religion or their opinions in politics, it was natural for them to infer that they would not be justly treated, and that the verdict would not be the verdict of twelve honest men, but the verdict of twelve selected partisans. Mr. O'Loughlen, therefore, did a very great service to the administration of justice by the rule which he laid down, that such practice was not to be persevered in, and that it was only on account of the person being connected with the case to be tried, or being in some way prejudiced with respect to it, that the right of the Crown should be exercised. There was another innovation introduced by Mr. O'Loughlen, which was of the greatest importance as affecting the police of the country. Every one has heard of the faction fights that have prevailed in Ireland, of the blood spilt at fairs, and the fierce and desperate battles which took place between one faction and the other. It is represented, and I believe with truth, that there was a great indifference with respect to the prosecution of those offences. There were magistrates who, acting upon the old and detestable maxim of *divide et impera*, thought it was better to allow the people to assuage their bloody dispositions upon those occasions, than to put a stop to them and use the power of the law for their prevention. Sir, I must say that, in my view, nothing is more mistaken. There is nothing more dreadful—setting aside the iniquity of it—than to allow these bloody and murderous deeds to go on. But there is also nothing more likely to lead to the subversion of morality in that country, than to foster habits which encourage the effusion of blood. It was an observation made by Machiavel in the history of the Florentine Republic, with respect to the attempted assassination of Lorenzo de Medici, that the assassination failed because the person who was appointed to do the work was a priest, who had not been used to scenes of that kind, instead of a soldier, one of the persons in the conspiracy, and who for another reason was not employed to commit the assassination. There is, no doubt, a great deal of truth in such a remark. When men are accustomed, without much provocation, and in the prosecution of some hereditary feud, to attack one another murderously, and to assist continually in the shedding of blood, they are

much more likely, when they have a person whom they consider their enemy before them, against whom they have some spite, or from whom they think they have suffered some oppression, to commit homicide and murder, than men in whom those habits have been subdued by the timely interference of the law. It was, therefore, Mr. O'Loughlen's care to recommend and to direct that there should be a solicitor employed at every quarter sessions, and who should send to him an account of all the cases of this kind, and institute a prosecution by the Crown in all those in which he thought it likely to obtain a conviction. The effect of that proceeding has, I believe, been most beneficial. It has been seen by the people that crimes of this kind are not suffered to pass with impunity, and there is some hope that the inveterate habits of the people will be subdued. Another measure to which I will direct the attention of the House, though it was taken, not by Mr. O'Loughlen, but by the Government of Ireland, after an Act had passed the Legislature, was to establish uniformity of system in the police force. That force is, no doubt, a very useful one, but it had come to be considered as a force not acting solely in behalf of the law and of order, but as connected rather with one party than with the other. It has been the anxious care of the Irish Government, and I am sure they will be seconded in it by the gallant person who is now at the head of the police force, to endeavour to make that force such as will both strictly and fairly enforce the observance of the law, while at the same time it shall be a force in which the people in general shall have full confidence. In addition to this, it has been Lord Mulgrave's care on every occasion to tell the people it was their duty to refrain from those crimes of outrage and disturbance which have hitherto afflicted the country; and I am happy in being able to say, that such advice has not been without useful and beneficial effect; so much so, that in many parts of the country societies have been established, and more especially in those districts where these crimes most extensively prevailed, for the purpose of preventing these outrages and disturbances, and for securing the peace of the country and the observance of the law; and I am most happy to say, that those lessons have not been without their use towards obtaining a better observance of the law, and the establishment of greater tranquillity. I will now proceed to state to the House some of

the results with respect to the amount and state of crime. I know that it has been stated that crime has not in fact diminished; but I conceive that it is necessary we should, in the face of the evidence we possess on the subject, have a little better ground for the assertion, than merely the fact that from time to time a crime of great horror and atrocity has been committed in the country. If we were to rely upon such a statement for the inference I have referred to, I could furnish instances in the counties of Middlesex, Surrey, and of Hertford, of the commission of dreadful crime, and yet it cannot be denied that they occurred amongst a people to whom such crimes are of rare occurrence. I will now proceed to state the testimony of some of the judges, given at the last summer assizes, as to the state of crime in Ireland:—The first case is that of Kilkenny. Its condition, under the dispensation of Lord Mulgrave, we may learn from the mouth of Baron Pennefather—he addressed the Grand Jury briefly, and said, there was “no offence in the calendar requiring particular observation from him.” Chief Justice Doherty used similar language to the Grand Jury of the city—“He had nothing more to say, than to congratulate them upon the state of the calendar, which contained only four, he might rather say three and a half, cases for trial.” Baron Pennefather again, in Wexford, gave this testimony:—“If the calendar faithfully represented the state of the county, it afforded him matter of congratulation, for it was really surprising to see a county of such extent so free from crime.” Judge Johnson, at the assizes of Kildare, said,—“The light state of your calendar scarcely requires an observation from me, with the exception of one or two cases, which particularly call for attention and accuracy in the investigation.” At Maryborough assizes (Queen’s County), the same judge observed—“He had cast his eye over the calendar, and had to congratulate them on its exceeding lightness.” Judge Burton said, at Sligo,—“He congratulated the Grand Jury on the tranquil state of the county, as shown by the lightness of the calendar. In amount, the offences were not more than might have been reasonably expected in a county of such extent; and with respect to quality, he was glad to find there was not a single case of murder.” Baron Foster, in Clare, observed,—“I am happy to congratulate you upon the great diminution of crime which has taken place in this county, compared with former periods. The total

number on the calendar is thirty-seven. The number is inconsiderable; and though there are crimes of some enormity on it, still not one appears to partake of an insurrectionary character. There are some cases of homicide; the other crimes are incidental to every state of society.” The same Judge said to the Grand Jury of the city of Limerick—“I am happy to inform you, the calendar is exceedingly light. The crimes for trial are only of such a nature as may be found in every, even the best regulated stages of society, and particularly amid the population of a densely-inhabited city.” Judge Perrin congratulated the Grand Jury of the county of Limerick—“on the reduced state of the calendar, which was evidence of the peaceable state of their county. There was no case on the calendar demanding particular remark from him.” Baron Sir W. Smith to the Grand Jury of the county of Carlow—“As for the part of the calendar with which you will have to deal, it cannot be called numerous, and I hope will not prove heavy. On the contrary, I congratulate you on the prospect of its being light.” At Louth assizes, the Chief Baron said—“It gave him great satisfaction to observe, that the calendar was so very small when compared with former years, the number of indictments being but twenty-three; and, with the exception of two of these, the crimes were not of that lawless character which tended to the disturbance of the peace of the county.” At the Down assizes, Chief Justice Bushe—“congratulated the Grand Jury on the extreme lightness of the calendar; which presented a subject of lively congratulation to all lovers of peace and good order.” I consider this to be testimony which cannot be contradicted. It is taken from public documents; it is furnished by the several Judges in their charges to the various Grand Juries in the counties in which they judicially presided, and which bodies they had to address relative to the state of crime in the country. Will any one, then, presume to tell me, that the country is in a singular state of disturbance, and that Lord Mulgrave has connived at, and concealed the state of crime, with such evidence before me of the lightness of the calendars. I have said nothing as to any political bias that there may be supposed to exist on the part of the Judges, and I do not suppose that they have any to any great extent; but I rely upon their doing their duty to the country impartially, and I am satisfied that if the facts were otherwise than I find them

described, that they would not have been thus mentioned. In addition to this evidence, I have also got returns which have lately been made out as to the state of crime. The return which I hold in my hand, is one which has been completed during the last few days, with as much accuracy as possible. At the same time it is right for me to say, that there is some difference between this and former returns, a new manner of classifying and defining crimes having been adopted since the Police Act of last year came into operation. On this ground it is a somewhat difficult matter to make a comparison with former years. Some crimes, however, are of such a nature, that they show very evidently what is the state of the country. I believe that the totals of these returns may be depended on; and above all, in crimes of a more serious nature, and certainly with respect to those of an insurrectionary character. The total of the principal classes of outrages for the last three months of 1832 was 3,365; but this, I must remind the House, was the year before the Coercion Act was brought forward, when there was, undoubtedly, a great increase of crime. The average of totals for the last three months of the years 1833, 1834, and 1835, was 2,377, while the totals for the last three months of 1836 amounted only to 1,401. With respect to the whole year, the totals of principal classes of outrage were—for 1832, 11,259; for 1833, 1834, and 1835, on the average, 9,919; and for 1836, 7,827, being a diminution of 2,092 from the average of the three preceding years. Again, from October 1832, to March 1833, the totals of principal classes of outrage were 6,894; from July to December, 1836, they were 3,008, being a decrease of 3,886 in the amount of crime committed within six months at those two different periods. I will now proceed to take three or four classes of crimes of great atrocity, which are generally connected with outrage and violence. In the three last months of 1832 the number of burnings was 136—the average of the three last months of 1833, 1834, and 1835, was 124—the number of burnings in the three last months of 1836 was fifty-seven. In the three last months of 1832, the number of burglaries was 142; the average of 1833, 1834, and 1835, was sixty-one; of 1836, forty. In the three last months of 1832, the number of attacks on and firing into houses was 553; the average of 1833, 1834, and 1835 was 226; whilst the number in 1836, was sixty-eight. In the three last months of

1832, the number of demands for, or robberies of arms, was 288; the average of 1833, 1834, and 1835, was sixty, whilst the number in 1836 was thirty. I will next give the amount of these different classes of outrage for the whole year. In 1832, the number of burnings was 671; the average number for 1833, 1834, and 1835 was 535; while the number for 1836 was 565. In 1832, the number of burglaries was 464; the average for the three years 1833, 1834, and 1835 was 434; while the number of 1836 was 193. In 1832, the number of attacks on, and firing into houses, was 2,125: the average of the three years 1833, 1834, and 1835 was 1,602; while the number for 1836 was 518. In 1832, the number of robberies of arms was 673. The average of the three years 1833, 1834, and 1835, was 269, while the number for 1836 was 147. I have many other returns of a similar nature, and, more especially, returns showing the state of crime in the counties of Kilkenny and Tipperary. And here it is proper for me to observe, that the restored peace of the latter county is materially owing to the excellent conduct of a most exemplary magistrate, namely, Mr. Howley. With reference to several species of crime in this county, including riots and assaults, the number of persons indicted in 1835 was 795, and, by returns made up to January 1837, I find the number indicted for the same offences in 1836, was 344. I am happy in being able to make a statement of this kind, because it goes far to prove what is the result of a fair and impartial administration of the laws, and the government of the country. I now proceed to another subject, on which I do not intend to dwell at any length. It is a subject that was brought before the House last year, and which occupied much of our attention—I mean the subject of Orange associations in Ireland. It will be in the recollection of the House, that it was agreed to generally by hon. Members, that those secret societies, composed exclusively of persons of one religion, and holding and having secret signs and symbols, should not longer be allowed to exist. It will also be remembered, that the members of the Orange society in this House declared, at once and unanimously, and I sincerely believe, that they have faithfully performed the promise they then made, that they would abstain from attending, and would cease to belong to them. I consider myself bound to observe, that the conduct they pursued did them the highest honour. They felt what

was due to the feelings of the House, and knew what course was proper to be pursued when the opinion of the Crown became known, and therefore yielded at once, and abstained from belonging any longer to these societies. They took away one of the chief supports to this society by the manner in which they then acted: they took away from the inferior members of these Orange societies, whom they were in the habit of meeting, the powers of their influence; they withdrew, in a manner, the belief from the inferior members of these societies that they would be protected in their illegal acts by persons of high station and influence, and were authorised to join in processions and other breaches of the law. The Lord-Lieutenant of Ireland, upon receiving the address of the House, and the answer of his Majesty thereto, immediately issued a proclamation, and ordered a circular letter to be written to the crown solicitors at the different assizes, directing that there should, at the ensuing assizes, be no prosecutions for persons who had joined in Orange processions; the consequence of which was, that many persons who would otherwise have been prosecuted were discharged. Although the persons holding superior stations, and having high authority in the Orange lodges did their duty, and although the Lord-Lieutenant declared that he was willing to forget the past, it does not appear that the mass of the persons composing the Orange associations refrained from these processions: on the contrary, I am informed, that on the 12th of July, preparations for processions were made much more extensively, and on a larger scale, than had ever been known before. In consequence of communications having been made to him on this subject, the Lord-Lieutenant acted promptly: he issued orders to the magistrates of the districts where these processions were expected to take place, in order to put them down at every point; he then ordered prosecutions to be instituted against the leaders of these proceedings; the consequence was, that sixty-eight persons were convicted for having joined these processions, and 428 were ordered to take their trials. The Lord-Lieutenant thought it necessary, especially after the indulgence he had shown to those who had formerly taken part in them, to show a determination to put down these illegal processions. No one, I think, can censure the conduct of the Lord-Lieutenant on this point, or say, that, in the course he pursued, he did not act rightly. The re-

sult, I think, shows, that the steps taken will be effectual, for no attempt has been made to form such processions since these steps were taken by the Government to suppress them. I trust, therefore, that the suppression of the illegal societies to which I allude may be fairly placed among the benefits resulting from the existing Government in Ireland, and that those secret associations, which have been found, by evidence before the House, to be of such an unconstitutional character, and to be so injurious to the peace of the empire, and which are capable of being perverted to such mischievous purposes, will be effectually put down and altogether suppressed. There is another point, with respect to the distribution of patronage, regarding which much observation has been made. The House will observe, that in the opinion of Mr. Fox, which I have already quoted, one of the objects which he wished to see effected in the Government of Ireland was, that there should be a fair distribution of emoluments among all classes of her people. That this took place before the arrival of Lord Mulgrave in Ireland, can hardly be asserted. I hold in my hand the list of the stipendiary magistrates appointed by former Governments previous to Lord Mulgrave's arrival in 1835, which specifies the religion of each; and although the number of such appointments is considerable, yet I find the name of only one person professing the Roman Catholic religion. I have also a list of the stipendiary magistrates appointed since Lord Mulgrave assumed the government of Ireland, and it appears that out of the fifteen appointments that have taken place, six have been conferred upon Roman Catholics, and nine upon Protestants, no very unfair distribution, and certainly showing no wish to promote Roman Catholics in preference to Protestants, but showing that which I think it right to show, that a man because he is a Roman Catholic is not to be excluded from those offices to which by a solemn Act of the Legislature, and which this House has repeatedly sanctioned, he is declared entitled to aspire. I have also here a list of other appointments made by Lord Mulgrave and stating the religion of the different persons so appointed, but I decline going into it, because I think on the whole, that unless the question is raised it is one which it is not desirable to enter upon. The right hon. Gentleman cheers, but I beg him to recollect, that this is one of the charges brought against Lord Mulgrave's

Government. It is one of those charges which are put forth before the public, and which are resorted to with the view of poisoning the public mind. At the same time it is one of those charges, and there are many, which are not brought forward on any occasion in either House of Parliament. Now, having stated generally the conduct of Lord Mulgrave's Government—having stated the appointments he has made, the measures he has taken—and having stated also some of the general results with regard to the prevention of crime, I come now to state, as I think that I am bound to state, as no notice up to this time has been given on the subject—I come now to make some observations on some charges made against him in certain resolutions. When Mr. Fox stated what concessions he wished to be made to Ireland—which included equal rights and an equal division and participation of emoluments—he said that these concessions would not give satisfaction to all. "Who, then," he asked, "would be dissatisfied by such concessions? Not the aristocracy; for I will not call it by so respectable a name. And is that miserable monopolising minority to be put in the balance with the preservation of the empire and the happiness of a whole people?" Now, it is this miserable monopolising minority, to which the name was so justly affixed by Mr. Fox—it is the same miserable minority, which has not dared to bring forward any charge in Parliament against the present Administration in Ireland, but which has met, and passed certain resolutions containing charges highly criminatory of Lord Mulgrave—charges which, if true, should ensure that noble Lord's instant dismissal; and although Parliament has been met a week, and although Members of both Houses of Parliament were present at the meeting at which these resolutions were passed, not one of them has ventured to give any notice that he will bring before Parliament these high crimes and misdemeanours. With all strangers carefully excluded, and all opposition rigidly shut out, with Orange flags streaming in the air, they put and carried these resolutions, amid the shouts and applause of the multitude around them. It may be said, although it would be a weak and miserable argument, that no one is willing to bring forward the subject, as he would not venture to encounter the strength of the support which his Majesty's Government had received from the majority in that House. This, I say, is a miserable argument, because

those who have conducted an opposition in this country, have known and felt, that when they had a right and a strong cause, though they might have only sixty, or fifty, or forty, or even thirty, yet with such support they felt bound to bring forward their measures; and by how many Members was Mr. Fox supported, when he made that speech from which I have already made more than one quotation? By eighty against 250. This, therefore, is not a valid argument. But is there not another House of Parliament where this subject could be safely brought forward? What is their power in that other House of Parliament? I have got here a pamphlet, which purports to be the twenty-eighth edition of a speech delivered by a noble Lord, in the other House of Parliament, at the close of the last Session—a noble Lord of great ability, and of no less authority in that assembly. I do not know whether the noble and learned Lord actually delivered the speech thus attributed to him; but I find it stated in the pamphlet to which I have just alluded, that "in the House of Lords Ministers were powerless, and could effect nothing." If this were really the case, why did noble Lords at the meeting of Dublin shrink from going with their complaints to that assembly? They have brought forward matters impeaching the conduct, and maligning the character of the Lord-Lieutenant of Ireland, and yet they dare not bring his conduct before Parliament. It may be, after all, they feel that whatever their majority may be in the other House of Parliament, it is not a majority for such purposes; it may be, that they feel that however much they may gain the applause of such packed meetings as I have alluded to, a majority of the other House of Parliament will not sanction such accusations: but they should, at least, have the frankness and candour to let this be known. I am inclined to think that this is the case from one of their own resolutions. I shall not take the trouble to read many of them, but I will refer to one of them. It alludes to the nomination of high sheriffs, and complains that the Government neglected the recommendation of the Judges; except in the cases of persons who have excused themselves from taking the office, this has been very seldom the case during the present year. Last year, however, several cases of that kind occurred, and I will call the attention of the House to what has happened in consequence. Last year, Lord Mulgrave came over to England: he

with their dismal tale of imaginary malady. Nothing can give them consolation—despair is their only joy—evil their only good—tears their only recreation—the loss of exclusive power made them determine, that come what may, they will, for the present, at least, in spite of every recommendation to the contrary, be extremely sad. Their lugubrious complaints remind me of the lines of an illustrious living poet :—

“ Call it madness, call it folly,
You shall not chase my grief away;
There’s such a charm in melancholy,
I would not, if I could, be gay.”

Sir, in some of the resolutions passed at this meeting of melancholy mourners, there are charges made, which, if they proceeded from anything but the malignity of a packed meeting, if they were in the slightest degree founded upon truth, would call for the fullest inquiry on the part of the House. As it is, however, the House will be readily convinced of the justice of my declaration, that there exists not a shadow of foundation for any one of the allegations there made. Following up the utterly unfounded charge against Lord Mulgrave, in reference to the sheriffs, the thirteenth resolution declares, “ That the patronage of the Irish Government, and its prerogative of mercy, have been abused in the furtherance of purposes injurious to the peace of the country, the administration of its laws, and the stability of British connexion; that partisans have been placed in office as assistant-barristers, as magistrates, as officers in the constabulary and police, whose recommendation in some instances has been their unscrupulous attachment to a faction; and that appointments made in this spirit have been introductory to the creation of fictitious voters, and have greatly prejudiced, in public opinion, the administration of justice.” Sir, I utterly deny this. I deny that the prerogative of mercy has ever been abused. I say that the prerogative of mercy has always been used for the purpose of giving the people of Ireland confidence in the law, and until some proofs are adduced to the contrary, I shall content myself with this general denial. They then made a lamentation about partisans being placed in office, and they protested against giving office to their opponents. Such a charge comes with a very bad grace from these parties. Language so extravagant makes one feel that if Juvenal had lived in these times, instead of the Gracchi complaining of sedition, he would have found a far stronger illustration of his meaning in this monopolising body, com-

plaining of the promotion of partisans. It is, indeed, astounding to find such a complaint in the mouths of those who, year after year, and century after century, had considered partisanship as the only ground of qualification for, and promotion to office. It is really more than one could have expected to see or hear; and I cannot but think if the Dublin meeting would have but allowed any one stranger to appear among them, and would have but listened to him while he stated what they had themselves done in respect to partisanship, he must have called a blush into their cheeks, and compelled them to rescind this resolution. They could not by any possibility have gravely asserted that “ partisans had been placed in office as assistant-barristers, as magistrates, as officers in the constabulary and police, whose recommendation, in some instances, had been their unscrupulous attachment to a faction, that appointments made in this spirit had been subsidiary to the creation of fictitious voters, and had greatly prejudiced, in public opinion, the administration of justice.” But, Sir, this last is a very serious charge against Lord Mulgrave. It is a charge, which, if true, ought to be formally made, it would form ground of impeachment against Lord Mulgrave. If it can be shown that Lord Mulgrave has knowingly appointed to the office of magistrate and assistant-barrister men of such unscrupulous characters, as to be ready to violate their oaths for the purpose of registering votes purposely and designedly fictitious—if it can be shown that my noble Friend has placed individuals in office with the view of promoting such factious and illegal objects, a grave offence has been committed, and a graver charge cannot be preferred against any individual. I deny, however, that there is the slightest ground for such an imputation upon the honour and character of Lord Mulgrave. One charge, brought against an assistant-barrister appointed by Lord Mulgrave, occurs to me, and I know something of that case, from having had a copy of the assistant-barrister’s notes submitted to my consideration. An individual claiming a vote swore that his tenement was worth 10*l.* a-year. The owner swore this himself, and produced another man, who swore that the tenement in question was worth 10*l.* a-year, and that he had actually offered that sum for it. A gentleman came forward on the other side, and swore that the tenement in question was not worth 10*l.* a-year. The assistant-barrister asked the gentleman

year before contumeliously refused. This, consequently, had not even the appearance of saying, "These Roman Catholics are good and loyal subjects;—let us admit them to the privileges they seek;" but it clearly expressed, "We cannot afford to be unjust any longer; we cannot safely keep the Irish people depressed as before, and so we will conciliate them as far as we may find it expedient." And now, Sir, with respect to the concession of 1829, I will read a passage which contains both the sentiments of an eminent person in the other House, and also the declaration made at that time by a Member of this House. In 1828, I find Lord Lyndhurst using the following expressions:—"Out of a number of those published documents, it is sufficient to mention one, wherein the writer, Mr. O'Connell, alluding distinctly to an unqualified, unconditional concession, as the only one worthy of the Irish acceptance, adds—'In our humbler fortunes, and in days happily now gone by, we were on the point of yielding in despair to the principle of securities; and it was the opinion of some of our best friends in and out of Parliament, that we ought to yield it; but a total alteration has since then taken place in the posture of our affairs. To what is this to be attributed? Is it to the tone of moderation we have preserved in our debates and published appeals? Or rather, is not this alteration in our position owing to the threat which has been held out, and the strong language used of late, and which I feel justified in saying, has at length placed us on the vantage ground?' Can they (resumed the Lord Chancellor) more distinctly tell us they feel themselves placed in a situation to extort from the Legislature, by dint of intimidation and threats, that which has so long been withheld? It is true the sword is not drawn openly; but are your Lordships disposed in the face of a power, of this alarming and anomalous nature, to admit the Catholic body, thus marshalled and organised, within the pale of the Constitution?" Such, Sir, was the declaration of this proud and eminent statesman to the House of Lords. He said, "You must not yield to threats; you must not yield to intimidation." Well, the intimidation was made more plain; the threat was made a little more; and what was then the conduct of those who had said they would not

yield to intimidation? Why, that very unqualified, unconditional, submission, which they said the threat of the year before had induced them not to yield. If that Minister had been in the situation of the traveller of the fable, and the wind had not succeeded in taking off his cloak with its first gusts, it would have been found that it had only to increase in its rudeness, and its strength, to deprive him of his cloak; nor would it have been left to the sun to gain the victory, it is fabled to have obtained. Well, Sir, but what is the lesson taught by this fact? What is the lesson which has been taught to the people of Ireland? Are these things without mark? What happened in the course of last year, and the year before? We have heard lately of the formation of the General Association. As long as this Municipal Corporation Bill, which I intend to move to-night, was passing through the House of Commons, the people of Ireland confided in the justice of the Legislature. There was no attempt to intimidate, there were no national associations formed by his Majesty's subjects there. It was after the measure had been lost, it was after their prayers had been rejected, and rejected not only with calm reasoning, but with insult; it was after they had been rejected, I say, with insult, that this Association was formed, and its meetings held. Can we wonder at such things? Can we wonder that that which had been found successful on former occasions was resorted to on this? Your oppression taught them to hate; your concessions to brave you—you exhibited to them how scanty was the stream of your bounty; and how full the tribute of your fear. Such, then, is the creation of your own narrow policy. The Association is before you. And can I suggest a remedy? Would it be, think you, that this Association, composed of several Peers of Parliament; composed of many of the Members of the House of Commons; composed, I have heard, one-fourth, an hon. Gentleman says one-third, of Protestants—would it be that this Association, so composed, should be suppressed? Would that be the remedy? No, Sir, the remedy is to treat Ireland as you treat England, and as you treat Scotland. As you have no association in London, as you have no association in Edinburgh, depend on it that when the fair principle of equality is found to be your rule, the

people of Ireland will rely with confidence on the justice of the supreme Legislature, and they will take no other method of redressing their wrongs. While, then, Sir,—while I regret the existence of that Association, I cannot say there has not been a plausible motive for its formation, nor can I say that there is not an easy way for its suppression. It is that easy way which I ask you now to take. I tell you not, I should deceive you if I did, that this Corporation Bill is to be all in all, the panacea, to use an affected word, for the evils of Ireland; many and manifold are those evils, and many and manifold must be the remedies which the Legislature, which the executive, which the magistracy, which persons of property in that country must apply to them; but I tell you this, that if you pass this Bill largely and liberally, it will be taken as an evidence of the spirit in which you are disposed to legislate, and you will have no repugnance to your future legislation. It is a measure of which the principles are known; it would apply a remedy which has been already tried; it would give rights to men whom you have no pretence for distrusting. I think, Sir, it was said of a great character of antiquity, “That which Themistocles has proposed would be very profitable to Athens, but it would be very unjust.” Now, I propose to you a measure which will be eminently profitable. It will be profitable in giving to you the hearts and affections of the people of Ireland; it will be profitable to you in promoting the riches and welfare of her towns; it will be profitable to you as tending to produce greater order, a better administration of the law, and a more general confidence in your Government. But, while it has all these advantages of profit, while it has all these motives of expediency, I especially recommend it to the House—I especially recommend it to Parliament—on this ground, that I believe it to be just.

Mr. Sergeant Jackson said, he rose not certainly for the purpose of opposing the motion of the noble Lord, but he felt it to be his duty, as one of the persons who had been particularly alluded to by the noble Lord, to justify the part which he had taken, in common with his brother Protestants in Ireland, on the occasion to which the noble Lord referred. But before he proceeded to that part of the subject which consisted in a justification of that great meeting, he thought it right not to

pass by altogether two or three topics which the noble Lord had introduced into his speech. The noble Lord had taken an entirely new ground that night. In the various discussions which the question had undergone, there and elsewhere, he believed it had not occurred to any speaker, in this or the other House of Parliament, to put forward the ground of argument on which the noble Lord insisted that this measure should be adopted by the House. The noble Lord stated, that the withholding of corporate reform was an infraction of the Act of Union, and a breach of Catholic Emancipation. He denied both those positions of the noble Lord; and he thought it could be made plain, that neither the one nor the other could afford the noble Lord the slightest ground of argument. Did the noble Lord mean to say that according to the fundamental principle of the Act of Union there was to be no difference between the two countries in point of law? Had the noble Lord referred to that Act? Had he read the 8th article, and did he not there find a special provision that the laws of Ireland should continue in all respects where they differed from those of England, till Parliament should otherwise decide? Had there not actually been a marked difference between the laws of the two countries? He would take one example; he might adduce many. Let the noble Lord remember the whiteboy code, which was not repealed till the 1st or 2nd of the reign of his present Majesty. Could it be said to be an infraction of the Act of Union, that there should be a difference between the laws and institutions of the two countries? As little ground was there for the argument on the Catholic Relief Bill. Would the noble Lord put his finger on a single clause in that Act which made it obligatory on the legislature to extend to Ireland the same institutions as were established for England? The noble Lord could not. But perhaps the noble Lord would say it was the spirit of the Emancipation Act, and not the letter of it that was violated. Now with the greatest respect he (Mr. Sergeant Jackson) conceived that the spirit of that measure led directly to the opposite inference. What was the principle of that measure? That all his Majesty's subjects in Ireland should be put on the same footing with respect to civil privileges, whether Protestant or Catholic. What was the noble Lord now about to do? It was the charge against

the municipalities of Ireland, that they were as at present constituted exclusively in the hands of the Protestants. The noble Lord now called on the House not to destroy monopolies (which was the effect of the measure as passed last Session by the other House), but to transfer the monopoly from the hands of the Protestants to the Catholics. He submitted, therefore, that the noble Lord could find no solid ground of argument in one or the other of the positions which he had laid down. He would notice, before he proceeded to vindicate the great Protestant meeting of Dublin, one or two more of the topics which the noble Lord had introduced. The noble Lord had dwelt upon the earnest desire of his Excellency Lord Mulgrave to administer impartial justice in Ireland; and he mentioned a variety of "innovations," as he called them, which had been introduced into the administration of the laws in that country. He adverted particularly to the fact that there had been three successive Attorney-Generals for Ireland since Lord Mulgrave's accession to power, and that not one of them would have remained in office under a Tory government. He did not like to enter into personal observations, but this he would say, that there did not exist in the profession men more eminent or more deserving of every possible respect than his learned Friends Mr. Blackburne and Mr. E. Pennefather.

Lord John Russell explained. He did not mean to say but that those Gentlemen were eminent and respectable. He had merely used the argument that there ought to be unity in an administration—that it ought to be animated by the same views of policy.

Mr. Sergeant Jackson had not at all misapprehended the argument of the noble Lord. He did not suppose—indeed it was impossible that the noble Lord could have meant to say anything disparaging to either of the learned Gentlemen. But what did the noble Lord mean by saying that neither of the three successive Attorney-Generals for Ireland, who had come into office under Lord Mulgrave, would have continued in office under a Tory government? Did the noble Lord think that either Mr. Blackburne or Mr. Pennefather would remain one moment in office under such a government as that of Lord Mulgrave? It was impossible that men animated by their feelings could re-

main for one single hour in the service of a government so degraded and disgraced. He would now notice some of the "innovations" in the administration of the law in Ireland, for which the noble Lord took credit to the Government, and he could assure the noble Lord that he would not shrink from the condemnation of any of them. First the noble Lord had alluded to the "innovation" introduced by Baron O'Loughlen, when Attorney-General, in regard to the challenging of jurors by the Crown; the noble Lord panegyricised it. He could tell the noble Lord, that this "innovation" had already produced consequences the most disastrous. He would tell the noble Lord the practical fruits of this innovation, and leave it to the sound sense and judgement of the House to say whether it was an improvement. A privilege or power had long been exercised by the Crown, of challenging, or as it was technically called, "putting by" jurors, without assigning any reason. This privilege the late Attorney-General had magnanimously foregone. Men might be unfit to be put upon juries, against whom, probably, no strictly legal objection could be sustained. Now, he (Mr. Sergeant Jackson) held it to be a gross calumny on any Attorney-General, or any persons connected with the administration of law in Ireland, to say that they had been influenced in putting by jurors merely by difference of religious persuasion. He utterly denied it. Neither could he believe that it had been the practice at any period in Ireland to set a side jurors on account of their political opinions. But he would mention one case to the noble Lord for there was nothing like fact; and let England hear this case, and see the frightful state of things to which Ireland was now brought. It was the case of a Protestant family named Carter, resident in the Queen's County; they were tenants of Lord Maryborough, and, at the time to which he referred, were in possession of a piece of land for which they paid rent and to which they were justly entitled. They proceeded to fence it in. An attack was made upon them; one of these poor men was so severely beaten, that he lost his senses and, he believed, was at present the inmate of a lunatic asylum; and the elder Carter was beaten to death. The parties were indicted for the murder (which was perpetrated at noon-day); they were arrested and put upon their

trial. A person who had assisted the prisoners in challenging the jurors, was put on the jury. There was no verdict. Another assizes came round—the parties were again put on their trial. Who was placed in the jury-box?—Strict orders had been issued that the Crown should, in no case, exercise its privilege of challenging. Who was sworn upon the jury?—why, a convict—a man who had been tried, convicted and punished for an atrocious offence. Could any man expect a verdict of guilty? The foreman said that the jury did not agree—the majority were for the conviction (though the majority were Roman Catholics)—the prisoners were discharged, and went in triumph through the town; the judge took the jury to the bounds of the country, and said—“Gentlemen, I am sorry that neither life nor property can be enjoyed in safety.” A third time did the case come on; another abortive trial—and at length the prisoners were liberated—some on bail, others on nominal recognizances; justice was completely baffled, his Majesty’s subjects unprotected, the laws of the land not vindicated, and one of the prisoners, liberated by the order of Government, afterwards engaged in levelling the fences of the family of this poor man Carter. Here let the noble Lord see the consequences of his innovation. Was not this a terrible, a frightful case? and was such a state of things to be allowed to continue? He could give the noble Lord many other cases of the same kind on different circuits, but would not now trouble the House with them. But let the noble Lord indulge him with a Committee, which he invited the noble Lord to do and he would pledge himself on the part of his Friends and himself not to “shrink,” as the noble Lord called it, from the proof. The noble Lord told the House of the wonders, forsooth, wrought by Lord Mulgrave; the Government of that noble Earl had put a total end to feuds—it had established perfect peace and tranquillity in Ireland, a miracle had been wrought, and all this had been done by sending down persons to the different quarter sessions to represent his Majesty’s Attorney-General, and to prosecute men guilty of beating one another to death. The noble Lord was mistaken if he supposed the feuds to arise from difference of religious feeling. No such thing. Roman Catholics fought with Roman Catholics, and beat one another’s brains out. And he knew

not what the noble Lord meant by saying that the policy of those in power in by-gone days had been, with reference to the feuds, to act on the maxim *divide et impera*. The noble Lord had edified the House by reading catalogues of crimes from the judges’ calendars for different years. But the most frightful chapter in several of the county calendars of crime, throughout the whole of Ireland, was the chapter including the faction feuds and savage fights resulting from that source, and most of the cases of outrage to which the noble Lord had especially referred were now disposed of at quarter sessions, and not at the assizes, and therefore the argument deduced from the state of the calendars, as pronounced upon by the judges, was destitute of force. Let not the noble Lord suppose that this wonderful change in the state of Ireland was brought about, as he imagined, through the exclusive efforts of a wonder working Lord Lieutenant. Every one knew the influence which was exerted in the sister country by the Roman Catholic hierarchy and priest-hood. Individual laymen could also say a good deal and do a good deal, and exercise a paramount influence over the minds of the people. It was quite enough that it should have been devised, for certain purposes, to produce a temporary calm; the calm would be produced. Oh! it was a beautiful argument—it was quite unanswerable. “Look at the calendar!” such was its burden; “Observe how crime has decreased in Ireland. Think what a crime it would be to disturb this invaluable administration.” But he would ask the House if they did not believe that the same influences which thus checked, could, at the proper season, let loose the spirit of lawless outrage? Had there not been instances in abundance of the exercise of this power? Had they not heard threats issued that, if certain events did not take place, Ireland, from one end to the other, would be convulsed, and plunged perps, in a bloody rebellion? The noble Lord appeared to rejoice exceedingly at the suppression of the Orange society. He was astonished to hear the terms in which the noble Lord had spoken upon that subject. The topic was one at which he should not have even glanced. For what were the facts? If there was one subject which more than another tended to aggravate the conduct of his Majesty’s Government in Ireland in relation to the Protestant

population of that country, it was that part of their conduct which had reference to the Orange institution. The noble Lord had said that the conduct of the leaders of the Orange society had covered them with honour. This was a sentiment from which no one could dissent. Their conduct had been honourable in the extreme and most useful and beneficial to their country, and the least that they could have expected from the Government—the complaint against them being, not that they were illegal, but that they hampered the Government, and that it was inexpedient that they should exist—the least they could expect from the Government was even-handed justice—that that seditious body, the National Association, that *imperium in imperio*, should not be suffered to meet publicly, almost immediately after the voluntary dissociation of the Orange body, upon the simple intimation that it was the desire of the Sovereign. Under the very eye of his Majesty's Government in Dublin, that new Roman Catholic Association, he would call it—it was not, to be sure, an exclusively Roman Catholic Association, for there were some Protestants in it, and more shame for them; it was virtually the former Catholic Association resuscitated. Was not the chair of the old Association brought in by the learned Gentleman opposite in triumph? Were not the books and papers which had belonged to the old body brought into the room in which the meetings of the new were held? He distinctly recollected that a resolution had been passed for bringing them in. But would the hon. and learned Gentleman have the hardihood to deny that the chair had been brought in by him to the new Association, and that it remained there to the present moment? He again would say, that looking at the Gentlemen who were taking the most active part in the proceedings of the General Association—looking at their professions, their expressed opinions, and their acts, it was virtually the old Roman Catholic Association. The mere name was nothing. The same body, similarly organised, and having similar purposes, had shifted its name repeatedly. At one period it was a Registry Association; at another it was an Association of Volunteers; but the body of men of whom all those Associations consisted, the tendency of their acts, and the objects which they really proposed to themselves to accom-

plish, were all identically the same, and these were essentially Roman Catholic. Could it be denied that the operations of this Roman Catholic Association were calculated at least as much to interrupt good government and social order as had been the operation of the Orange society? Politicians, as well as private individuals, were disposed to look with a jaundiced eye upon the proceedings of others, and with special favour upon their own. They could bring themselves to see with exactitude what injuries the proceedings of others inflicted on themselves, but they could not see with an equal degree of clearness what they did to injure others. What, he would ask, was the nature and tendency of this Association's proceedings? For his part, he did not hesitate, as a lawyer, to pronounce it illegal; and there were many other lawyers of his acquaintance who entertained a similar opinion. Some were strongly disposed to believe that it came within the scope of the Act of 1793, when the old Catholic Association was put down. In the opinion of many distinguished men, that Act was merely an affirmation of the common law, which was hostile to every Association of the description. Mr. Wolfe, an eminent lawyer (afterwards Lord Kilwarden) Sir Michael Smith, another eminent lawyer (afterwards Master of the Rolls), and Mr. Chamberlayne, upon whose opinion an equal value was set by his contemporaries, all of whom were in Parliament at the time, expressed this opinion. But whether or not the Association came within the law as it stood, he considered that it was the duty of his Majesty's Government to bring in an Act to suppress a nuisance of this description. If they were to judge of it by its acts, they could consider it in no other light than that of a standing and permanent conspiracy, leagued in open hostility to the laws of the land, as well as to the rights of his Majesty's Government, more especially the clergy of Ireland. This was a proposition which he (Mr. Jackson) could, without difficulty, demonstrate. The Association met from day to day, discussed political affairs, prescribed measures, and was in the constant habit of overhauling the Government itself; dictated the appointment of such and such persons; attacked the Chancellor, and, without hesitation, arraigned that high functionary at their bar, because he was not sufficiently accommodating to appoint this

magistrate or the other. What more did the Association do? It had the audacity to levy from his Majesty's subjects contributions, which, by their extent, absolutely amounted to taxation. But they were assured that these contributions were all perfectly voluntary. They all knew what voluntary political payments meant in Ireland. And when a levy was resorted to, and its payment recommended to a particular individual, they all knew to what inconvenient results a refusal would lead. They were not quite aware of the precise quantum of volition which accompanied those contributions. What were the objects proposed by the Association—what the destination of the contribution? First, a Municipal Corporation Bill for Ireland, such as they prescribe—secondly, a Bill, not with an appropriation clause—not for lopping off those redundancies in the establishment which were alleged to be unnecessary for its legitimate purposes—but a Bill for the total abolition of tithes. The learned Gentleman who had launched this Association into existence on the 4th July last—the father of the Association—the learned Gentleman who might rather be described as the grandfather than as the father of that Association, for he had enrolled his grandchildren among its members—that learned Gentleman had told them in plain terms that he never would remain content so long as the slightest inequality existed between the members of the established and of the other religious persuasions in Ireland. "Ought Ireland," proceeded in substance the learned Gentleman, the Member for Kilkenny, "ought Ireland to remain tranquil whilst tithes continue to be paid? It ought not to do so; and it never shall, while any individual in the shape of a clergyman receives anything from any person who differs from him in religious persuasion—until, in a word, a perfectly voluntary system shall have been established. Until this glorious system is consummated, I never will be tranquil—I never will cease to agitate." What more? They must have an organic change introduced into the constitution of the House of Lords. They must have Parliaments shortened in their duration, and they cannot bring themselves to rest contented without the concession of vote by ballot. And yet, "Oh (said the noble Lord) pass this Corporation Bill, and it will bring peace and tranquillity to Ireland." He (Mr. Sergeant Jackson)

wished the noble Lord had given a distinct answer to the question which in a former evening had been put with regard to this Association, by a learned Gentleman on that side of the House (Mr. Sergeant Goulburn). The noble Lord had taken time for preparation of his answer, and it now appeared that he was not altogether disposed to differ from the sentiment to which another noble Lord had given utterance in another place; nor was he altogether disposed to assent to it. To assent to it wholly might not be convenient. The majority by which the noble Lord was sustained in that House might be somewhat endangered if the noble Lord were to express his perfect concurrence. The noble Lord approached the expression of that distinguished Peer with gingerly caution, and took it up as they take up the Bible in Ireland—with the tongs. The noble Lord said, "if such an Association existed in Edinburgh," he "should regret it," he "should feel concern" about it. Why that was just the language of the Premier in the House of Lords with regard to the Association as actually existing in Ireland. That noble Peer had lately said, "it was with great regret and concern that he saw the existence of this Association, and he decidedly did not think there was sufficient ground for its establishment." The noble Lord had favoured the House with a reading from Hume's "History of England," he had passed from the reign of Queen Elizabeth to the viceregal career of the Duke of Bedford, who was an Irish Lord-Lieutenant during the last century. And the noble Lord had then gone on to say, that the formation of this Association in Dublin was a very different thing from the establishment of one of a similar kind in Edinburgh. Granting, for a moment, that all these things afforded a sufficient vindication of the Association existing in Dublin, how would they serve to defend the encouragement, the absolute fostering protection, which had been extended by the Irish Government to this Association? Of this he would presently exhibit abundant proof. Was the noble Lord serious when he spoke in palliation of this body's original formation? Did he really conceive that by-gone events had afforded the slightest grounds for this revival of the Catholic Association? For his part he could not see how any reasoning man could come to such a conclusion. Were

they not told, upon the concession of Catholic Emancipation in 1829, that there was at once and for ever an end to agitation? Were they not told by the Roman Catholic prelates that they had formed the determination to retire without reservation from the arena of politics? Were they not, moreover, told by the hon. Gentleman himself, that he would withdraw himself from political discussion, and fall back upon the character of a sober special pleader, or of a laborious equity draughter? How, he would ask, had those promises been fulfilled? Was not every Roman Catholic Bishop in Ireland enrolled at the present moment as a member of the Association, and had not the hon. and learned Gentleman (the Member for Kilkenny) but just concluded a career of agitation, which even in his agitating life was unparalleled? He had stated the objects for which a large portion of the Roman Catholic population of Ireland had been laid under contribution. The first of these was the total abolition of tithes. They must be done away with entirely, such was the avowed object of the Association. How did they set about this work? Why, a portion of the funds of the Association had been applied to the purpose of enabling persons litigiously disposed to resist the claims preferred of necessity by the Irish clergy in the courts of law for the establishment of their violated rights. Of those persons who withheld payment of their tithes some held out under process of contempt, until by the operation of Sir Edward Sugden's act they were taken into custody and brought up to Dublin, and there defended at the expense of the funds so set apart, or prompted to come forward in court, and there assert that they were not rich enough to defend themselves. A case occurred to his recollection which would satisfactorily illustrate the system. It was the case of an individual named Curboy, who made this statement of poverty to the court, and had the matter referred to the Chief Remembrancer for investigation. He was accordingly examined by Mr. Acheson Lyle, the second remembrancer, who entered fully into the circumstances of the case. From this investigation it resulted that the man had been regaled during his residence in prison with beef and mutton, in a mode which afforded him the utmost gratification; and, after all, the fact transpired of the

man's perfect ability to pay. There was a Gentleman named Terence Dolan, an attorney, and a member of the Association, who had engaged to put in answers to all the bills preferred against tithe recusants. This he had absolutely done in many cases without the knowledge of the defending parties. There was one such case which had come under his immediate observation. An individual was proceeded against for an arrear of tithes claimed by the dean and chapter of St. Finbar's church, in Cork. The matter was brought into the Court of Exchequer. The defendant did not personally appear, but came in with a motion through his attorney, Mr. Coppinger. An appearance, however, had been previously entered by Mr. Dolan, a circumstance of which he had obtained previous knowledge; he, therefore, insisted that the defendant did not possess a right to make any motion through Mr. Coppinger. That gentleman, who was acting from the beginning for the defendant, was quite astounded by this announcement; and the fact was elicited that Mr. Dolan had acted without in the slightest degree obtaining the sanction of the party. The evident object of the practice which was at present pursued was to disable the clergy, to break down their efforts to collect the tithe, by making the proceedings in the Court of Exchequer so onerous to them, that they must be compelled to retire from the field, in which they struggled for their just rights. The system pursued was to enter an appearance, or to put in an answer in each case, which was a mere echo of the bill. A case had occurred within his own knowledge, in which a clergyman could not take out a copy of one of these answers without incurring an expense of nearly 70*l*. To sustain this mischievously litigious system, it would be necessary for each injured clergyman to expend a large fortune. Such was the system which the lawyers of the Association had put in practice, and for the maintenance of which funds were supplied by this Roman Catholic Association. He said, therefore, that looking at the Association, and judging of it by its acts, it did appear to him to be perfectly illegal, and he thought no lawyer could otherwise decide, when it was manifest it promoted and fostered a conspiracy to deprive another of his just rights. If there were no other test by which to judge of the Association, this

alone was sufficient to prove that it was illegal; it was a standing, permanent conspiracy against the law of the land and the rights of the subject. Then what had they done more in that Association? There was an organisation throughout the country. The hon. and learned Member proposed the appointment of "pacificators." The hon. and learned Gentleman had them under the old system; under the old *regime* they were designated churchwardens, and they had certain functions to perform for the Catholic Association. Those persons were not churchwardens, such as they in that House might understand them to be, persons who had anything to do with churches or chapels: no; but they were to attend to the divers secular objects for which the prime mover appointed them. Now, however, instead of churchwardens, they were, forsooth, designated "pacificators." Now, let him remark, if there were that profound peace in Ireland, if there were so much of that boasted tranquillity, what use was there for "pacificators?" Now, what was the use of these pacificators? They were told it was to bring forward every man who could do so to register. Another thing they had to do was to raise a rent for the Association. And he could now tell some of the fruits of their exertions at registration. He had received a letter since he came to that House (and there was also a Member of Parliament to speak to the facts) as to what was the manner of effecting the registration of voters by these pacificators. He appealed to the hon. Member for Cavan, who could tell them what was the condition of his county. There were now armed parties going through the country, visiting houses, and examining the leases, to see whether those who held them could register—these persons fired shots, and threatened destruction to those who did not go forward and register. He had other letters describing the same facts, but he felt he should be trespassing to an unwarrantable length upon the House, if he were then to read those documents. But this he told the noble Lord, that if he would only favour him with a Committee of inquiry, he should undertake, in conjunction with his hon. and noble Friends who took part in the meeting referred to, to prove every one of the allegations which were then put forward. But then the noble Lord, forsooth, taunted them by saying, that

here they had let a whole week pass over, and they had not yet dared to bring forward one of the charges they had made elsewhere. Why, they were not in so great a hurry as the noble Lord was in bringing forward his Corporation Bill. He could tell the noble Lord it was not because they were afraid—it was not because they were shrinking—it was not because they had the slightest doubt of the accuracy of the charges they had made. He could tell the noble Lord, that there would be laid on the table of that House a petition as respectably and as numerous signed as any petition that had ever been presented to them. There would, too, be laid on the table of the other House a petition as numerous and as respectably signed as any petition ever yet presented to that House; and both these petitions would be found to complain distinctly of his Majesty's Government in Ireland, and they would also be prepared to prove every allegation that they made. The noble Lord knew pretty well the difficulty of getting up petitions respectably signed. This could not be done immediately when petitions were agreed to in Dublin, and signatures were to come from different parts. These signatures would to a very great number be affixed to these petitions. They would have them in a short period of time, and perhaps a little sooner than the noble Lord would be glad to see them. With respect to the Catholic Association, he considered that upon that subject the noble Lord had come to a very "lame and impotent conclusion." It was not in a negative way that his Majesty's Ministers were to be chargeable as encouraging it. He charged them in the most positive manner, he asserted distinctly, in giving to that Association their approbation and support. This appeared by the transferring of an hon. and learned Gentleman to the table of the Viceroy. It appeared to be a matter of course. At the same time the hon. Gentlemen opposite need not cheer—he would undertake to say, that if any noble Lord or hon. Gentleman in office at a former period had invited from an Orange lodge persons to dine, a general outcry would have been raised against them. He would now come to a much more grave matter. He asked the noble Lord opposite was it not the fact, that a learned friend of his, who was a member of the National Association, had, within a few days, received a high legal appointment? The individual

to whom he alluded was one he knew well, and of whom he could not personally permit himself for a moment to speak in terms which might be interpreted as derogatory. That individual was a Roman Catholic barrister, eminent in his legal, and highly respected in his private, character—sincere too, he firmly believed, as he was firm in the profession of his religious opinions. The individual to whom he alluded was Mr. Pigott, and Mr. Pigott was a member of the National Association. Would the noble Lord oppose allow him to ask whether or not Mr. Pigott had recently been appointed to the office of legal adviser to the Executive in the Castle of Dublin?

Viscount *Morpeth*: I will give the hon. and learned Sergeant's question an immediate answer. I do not know whether the appointment has yet actually taken place; but it is certainly intended.

Mr. Sergeant *Jackson* would not hesitate to say, that though he respected the individual in his private character, though he was a gentleman of high station in his profession, he would say, with the very greatest respect towards that individual, that it was utterly unbecoming—he was going to say indecent—but it was an improper, a most improper, proceeding on the part of his Majesty's Government in Ireland to appoint a member of the Roman Catholic Association to an office of this sort. He begged pardon of the House for trespassing on their attention. He would ask what was the nature of this situation to which Mr. Pigott had been appointed? Was it not perfectly well known that it was the most important office connected with the Irish executive government? It was one of the most important offices connected with the administration of the law, and with the peace of the country. It was the department through which the entire correspondence with the magistracy of Ireland passed. It was through the law adviser's office that every question passed that arose in Ireland. He was the individual whose opinion was taken upon the communications of the magistracy of the country, of the constabulary, and the police, as to the various difficulties that might arise in the execution of their duties. If a collision took place in the assertion of a tithe claim—if a call were made for the intervention of the constabulary—if a call were made for the military, he was the person to be consulted as to the pro-

priety of the interference of either the police or the military. Yes, they must consult this very individual, and he would ask the noble Lord, particularly when he recollected that there should be a perfect coincidence of opinion between Lord Mulgrave and Lord Morpeth, and the Attorney-General and the Solicitor-General, and lastly, the law adviser of the Crown—there should be a perfect coincidence of opinion—did the noble Lord think that Lord Mulgrave was of opinion that it was right and proper to obstruct the King's subjects, even though they were Protestant clergymen, in the recovery of their rights? Did the noble Lord think that Lord Mulgrave was of opinion that it was right and proper to establish a fund for the purpose of rendering litigation vexatious and intolerable to those who maintained their legal claims? Did the noble Lord himself concur in this opinion? He thought he had a right to say that these were the opinions of the learned gentleman who would be found to be the law adviser of the Government in all these cases. That gentleman had subscribed to the fund that went to the relief of Reilly, who was imprisoned for resisting the claims of the clergy. Yes, that learned gentleman had subscribed to the fund which was raised to support expensive proceedings in the courts of law against the just claims of the Protestant clergy; and he would ask was it decent that this person should be selected from the Roman Catholic Association? was it, he would repeat, commonly decent that such a man should be selected? Did the noble Lord think that the Protestants of Ireland were fools, or that they could imagine that they would have justice administered? Did he think they would imagine or expect justice when the very partisan who had combined to resist the legal claims of the church was *de facto* the most responsible minister of the Crown? And now how was he appointed? Many persons would recollect, when an attack was made on the learned gentleman (Mr. Pigott), the late Member for Dublin coming to the Association primed and loaded with the vindication of the learned gentleman's character, whom he pronounced to be the most useful, laborious, and efficient member of the Association—he was the very person that enabled the Association to carry on successfully their system of warfare against the just rights of the clergy.

The Government had selected for this place this very useful character—this very busy and useful Member of the Association. But was the vacancy caused by the ordinary course of proceedings? Did not the Government go out of the ordinary course for the very purpose of appointing this very Gentleman? Let not the noble Lord suppose that he was a candidate for the office. The world and its contents would not bribe him to take part in the administration of the affairs of Ireland under the present Government. He assured the House he had not the least desire that way. But there was a first sergeant—he was only the second—there was the first sergeant, a gentleman who had never been embroiled in politics, who was of the utmost eminence—he meant Mr. Richard Wilson Greene. There was not a better lawyer, or a man of more unexceptionable character—he had kept aloof from politics and had never been in Parliament. This man was passed over. There was then the third sergeant, on whom that rank had been bestowed by the present Government—he meant Mr. Sergeant Ball. He was naturally the person who might expect promotion, and if Mr. Greene were passed over, Mr. Ball, who was appointed sergeant by the present Government, was naturally the person who should be called to fill the office of Solicitor-General. Than Mr. Ball no man was more eminent in his profession; he was of the first rank, and of most unexceptionable character. He had never heard an allegation against him. He was likewise a Roman Catholic, so that there could be no objection to him on that ground. He would say solemnly and sincerely, “God forbid that a Roman Catholic who was fit for the office, and who was of a respectable character, should not be appointed to the office just as soon as a Protestant.” But he would again ask what was the ordinary course of promotion? He referred the question to the Solicitor-General; but the fact here was that Mr. Ball was passed over, and Mr. Maziere Brady, a gentleman, he would undertake to say, who had never addressed a jury as a leading counsel, was made Solicitor-General. And why was Mr. Brady passed over the heads of all the bar? It was to make this vacancy for this member of the Roman Catholic Association. Was this all? Did the appointment stop here? He would again ask the noble Lord had he not caused the com-

mission of the peace to be issued to members, and prominent members of the Association? They were told last Session what he supposed was now forgotten, that nothing of influence, no political views, should interfere with any appointment; that everything should be perfectly impartial. The impartiality, he was sorry to say, was all on one side; it was a sort of Irish impartiality. No Orangeman was to be appointed; there was a special clause disqualifying any person belonging to an Orange society. Was it no objection to a man that he belonged to this illegal Association? It appeared not, for they had magistrates appointed from the Association. A gentleman of the name of Cassidy had been appointed, and this against the remonstrance of the noble Lord who was the Lord-Lieutenant of the county in which the appointment was made. And why was this? Mr. Cassidy was a leading agitator. Mr. Cassidy had resisted the payment of his dues to the clergy; he had been absolutely convicted of resisting the officers who went to levy those dues. The Lord-Lieutenant of the Queen's County was aware of these facts. A more amiable and excellent man never adorned society than Lord de Vesey—there was not a more honourable, enlightened, and liberal man. Lord de Vesey was called upon to make this appointment; he was applied to by the liberal club of the county, forsooth, but he refused to make the appointment. From other and higher quarters more pressing influence was used to procure the appointment, but the Lord-Lieutenant still declined to recommend Mr. Cassidy; he stated distinctly his reasons for so doing—namely, that he did not consider him a fit and proper person to be appointed; that he was likely to disturb the peace of the country; and that he had been convicted of resistance to the claims of the clergy. He (Mr. Jackson) would ask if this were a man to be put on the bench to administer justice in cases of this description? Yet the opportunity was seized the moment the Lord-Lieutenant left for some temporary object; that moment was seized by the Irish executive, and this man was appointed to the magistracy. He would now ask whether the noble Lord thought that he would be able to support his Bill of indictment against the Government? He would undertake to show, as distinctly as any case was ever proved, the abuse of the patronage and prerogative of the Crown.

charged with the rest. He could assure the House that these persons were discharged without the formality of asking the judges whether they were fit and proper objects of mercy. In the county of Donegal ten were discharged; but this was done by the order of the Lord-Lieutenant, as conveyed in a letter from his private secretary. This letter was addressed to the governor of the gaol. [Viscount Morpeth: I believe that is not the case.] He could assure the noble Lord that if he inquired into it he would find it was the case—he would find the letter signed “C. Yorke,” and dated “28th August, 1836,” amongst the papers in his office. He would ask the noble Lord was this a proper way to administer the justice of the country? Was this the way to ensure the confidence of the country in the administration of the law? Did the noble Lord consider that, in every case of this nature, the people would reflect, and argue thus—“The judges who tried these cases are exceedingly unjust; they inflicted sentences far beyond what they ought to have inflicted, but this most wise and excellent Viceroy is determined to see justice done to the people.” Was, he would ask, the solemn adjudication of the country to be treated in this way—was it to be dispensed with and set aside by the *ore tenus* direction of Lord Mulgrave—was this the way to ensure respect for the judges—was this the way to enforce protection for the lives, and liberties, and properties of the King’s loyal and peaceful subjects? He could give the noble Lord a long list of counties where a similar course had been pursued. He himself could prove many of the facts he had stated, and he would beg of his Friends to come forward and state those facts that came within their knowledge, and to aid him in preparing his bill of indictment against the Irish executive Government for their conduct. Was it anything outrageous for the Protestant and loyal portion of the inhabitants of Ireland to meet and respectfully call the attention of his Majesty to proceedings which they considered a breach of the law, and endangering the safety and independence of his Majesty’s subjects? Such had the Protestants of Ireland done, and for so doing they were met by a protest signed by certain absentee Peers, denouncing their proceedings. Whether this protest was signed by the parties whose names were

attached to it was perhaps a matter of doubt. He did not know whether they had or had not signed it—he was willing to take it either way, he was willing to admit, that this document had been signed as it pretended to be, and then he would say to those noble Peers, with all due respect for their titles and their station in society, that he never knew a more unjustifiable proceeding than that with which they had mixed themselves up. Were not the Protestants of Ireland entitled to make themselves heard by petition, or by any other constitutional manner, as freely as any other class of his Majesty’s subjects? The hon. and learned Member opposite (Mr. O’Connell) was very much mistaken if he supposed that he would be deterred by anything the hon. Member could do or say, or any demeanour he might take upon himself to assume, either in that House or elsewhere, from making any statement which he might think proper. Was not the legislative Government of this country one of King and Parliament, consisting of Lords and Commons? And yet these noble Lords who signed this protest stood by and looked on at an Association rearing itself up into authoritative position, asserting this must not be, and we must have that, and sowing the seeds of misrule and rebellion in the country, and never objected to it, never said, “we must not have this; this is going too far.” But when the Protestants met to set forth their complaints in a strictly legal and peaceable manner there was a cry set up amongst them all that it was a most dangerous meeting. He could tell these noble Lords that they had better look sharp after their acres in Ireland—he would tell the Duke of Devonshire and Earl Fitzwilliam to take care lest, before two years had gone over their heads, their estates might be proclaimed. If they looked into past history they might find a series of events identically similar with those now passing before us; let them turn to the days of James the Second and they could find an alarming parallel to present times. The only difference was, that in those days it was the vote of a Tyrconnel and a Fitton, and now that of an O’Connell and a Woulfe. It was part of the language held by religious men, by priests, by learned men, at the new Association, that the estates of the Protestants had been purchased by blood, and the terms in which those Protestants themselves were libelled

there were of the very lowest description. One noble Lord, than whom no one was more highly or more justly respected, whom it was impossible to look on and not know him to be a nobleman, who had been present at the late meeting, was met in a strain of the lowest drivelry. He alluded to Lord Abercorn, and this was the language used with regard to him:—"Sacrilege and perjury were the foundation of his Scottish estates, and his Irish ones, like almost all the rest, were the consequence of plunder, robbery, and bloodshed." Perfectly true as the hon. Gentleman says. Pray has the hon. Gentleman himself any estates in Ireland, and are they, like the rest, the consequence of plunder, robbery, and bloodshed? But was this the way a serious subject of this kind should be treated? He repeated, that the events now passing in Ireland should be a solemn warning to all the landowners of Ireland to take heed to their tithes. If things went on as they now did, two years would not be over their heads before they were called in question. Look to the history of the last few years. When the question of the Repeal of the Union was first started, the man who stood up to advocate it would have been called a madman. When the hon. and learned Gentleman (the Member for Kilkenny) started this project for agitating and filling pockets, he did not succeed in getting a second man in Ireland to support him in it. Now the case was changed; look at his goodly host of supporters in the National Association. The noble Lord told them that the only argument against extending the principles of municipal reform to Ireland, as they had been to England and Scotland, was that England was inhabited by Englishmen, Scotland by Scotchmen, and Ireland by Irishmen. He should like to know where the noble Lord had heard that argument used. He was aware that a great stress had been laid upon certain expressions attributed to a noble individual in another place, and distorted for the purpose, in which something about "aliens" was said. It was a great pity, certainly, that they should be deprived of this valuable stock in trade, which had been the subject of so many brilliant harangues. "Torrents of blood should flow," said the hon. and learned Gentleman, "to atone for this insult." "He would rather see the rivers of his country stream with blood than that this stain

should not be wiped out." Now, who was the hon. and learned Gentleman who spoke thus, and what had he said about Englishmen? What language had he used towards the liberal and enlightened gentry of England? He had called them "Sassenachs," which, being interpreted into the vulgar tongue, meant Englishmen, Saxons, or strangers. He had called them "foreigners, enemies." He would, if it was not trespassing too much upon their patience, edify the House with a few specimens from a letter, one of a series, the whole of which were worth attentive perusal, dated from Derrynane-abbey. It began with a beautiful piece of poetry; it then went on to say, that the union had done nothing for Ireland; and then the hon. and learned Gentleman addressed himself solemnly to the Protestants of Ireland. [Mr. O'Connell: What is the date of the letter?] The date was, "Derrynane-abbey, September 27, 1830." Well, were the English people so changed since 1830? It seemed that these former Sassenachs and strangers were a very good sort of people now; they were all going on the right way. All he could say was, that he hoped they would not go on so long. He would now read the opening passage of this letter. It began to the following effect:—"Now, youths of Ireland, listen. Protestant young gentlemen from the walls of Trinity College, you call yourselves Irishmen. Does the love of your country, does the patriotic fire warm your bosoms—be ye indeed Irishmen, or be your feelings those of the stranger and the foe to liberty? Born during the conflict between prejudice and enlightened freedom, have you recovered from those prejudices?" The hon. and learned Gentleman then addressed himself to the Catholics of Ireland, but in what a different strain, in what a different view had he placed them. "Catholic youths of Ireland," he said, "who view this land as the country of your birth and your inheritance," &c. The Protestant youths were not Irishmen, in the hon. and learned Gentleman's sense of the word; it was not the land of their birth and inheritance, and this, be it remembered, after the passing of that great healing measure which it was promised and expected to lead to the perfect conciliation of that part of the empire. The hon. and learned Gentleman in other passages of his letter proceeded to address the Irish youths in such a strain

as the following:—"Survivors of the mountains, some men who sold themselves and their country to the dominion of foreigners." Now what did this amount to, what did all these repeated expressions mean, as distinct from the very term "alien," which had been attributed in a mistaken sense to a noble Lord in another place, who upon being made acquainted with the misconception to which I had given rise, hastened to apologise for it, and to assure the people of Ireland that he did not mean it in the sense attributed to him in the case of a clergyman, regardless of explanation, and in giving the mistaken and erroneous view as to the expression that it first been received, a motion was raised at the National Association, by the hon. and learned Gentleman opposite, to denounce the noble Lord in question.—[Mr. O'Connell: No; Mr. Boyce.] On, the hon. and learned Gentleman was glad to get a scape goat, was he? and in a Protestant Member of the Association? The hon. and learned Gentleman, however, prompted his doubts as to what he was to do—but he did a little more also: he moved the setting aside of a standing order for the purpose of bringing Mr. Boyce's motion forward at a time when it would not otherwise have been introduced. This motion denounced the noble Lord he referred to as "an enemy to the peace of Ireland—the stability of the Empire, and to the throne of England." Could any language be more vicious, and yet it was warmly applauded by opposition speakers. And anything had come to warrant that his holding up to censure that illustrious person? What, should he not call him an illustrious person, who, by his own merits and exertions, by his talents and talents, had raised himself to the highest and most honourable station in his country? A man in whom England might be truly proud, and of whom Ireland too had a right to be proud. And the noble Lord, I might say, he had done it all, which was speaking was nearly concluded by the Opposition benches, and the Single Franchise. Was it not singular that this should be done? held up to the view of the assembly? but what was the object to be achieved by the assembly? The noble Lord was called out to Ireland, they said, and he was called out by the noble Lord, who was called out with blood? It was necessary, I was

pleased that such language should be used. And what must be thought when the very man who used it was himself continually in the habit of using infinitely stronger language with respect to Englishmen? The expressions "Stranger," "Foreigner," "Englishmen," were continually in his mouth. How did these epithets differ from that of "alien," even if the noble Lord had used it in its most obnoxious sense which he had repeatedly denied?—I have trespassed long upon the attention of the House; concluded the learned Sergeant, and I have only to repeat that with which I set out—that as regards the impeachment of the Irish executive, I avow myself to have been a party to the resolutions of that great meeting to which the noble Lord referred. Let him give me a Committee, and I pledge myself to demonstrate before it, that the Irish Government has abused the prerogative of mercy, and most grossly misapplied the powers with which it was intrusted."

Mr. O'Connell said, Sir, I concur in the pleasure these cheers manifest to be entertained by the hon. Gentlemen at the other side at the speech we have just heard from the hon. and learned Sergeant. I must say I never heard any speech with more complete delight. As for the personal attack on myself, that is perfectly beneath my dignity to notice. It certainly does not move the satisfaction with which I listened to the rest of the discourse. I have not arrived at my present time of life without learning to value the abuse of some whose praise would be censure indeed. All I ask the hon. and learned Sergeant is never to waste me; let him do with me what else he pleases. The satisfaction which I derive from the speech of the hon. and learned Sergeant, is founded upon two grounds; firstly, that if he has any matter of political candour about him, he has taken up a course from which he cannot withdraw; and, secondly, that he has avowedly displayed himself as the organ for the opposition of his Majesty's Ministers. There is no disguise now, they have made him their champion; they will bound and abuse with him, and it is impossible that the right hon. Baronet should not be more explicit upon the course they propose to adopt than the learned Sergeant has been. The learned Sergeant that denounces now un-qualifiedly its features, when announce that there is to be no peace for Ireland but

in the extermination of its people. What will Irishmen have to expect whe the learned Sergeant is one of the law officers of the Crown, for he deserves it quite as well as the hon. and learned Gentleman sitting at his side, in some points; as in assurance and coolness of assertion he even exceeds him, and in his low jests he beats him hollow. It was a great joke with him that I set him right in a matter of fact; he asserting that I moved the resolution at the Association reflecting upon the conduct of Lord Lyndhurst; whilst I, without meaning any offence to the party, told him who really did do it. I supported the motion to be sure, which I do not pretend to deny. But the hon. and learned Sergeant, who talks so bitterly about assailing persons by name, has himself done so in many instances in the course of his speech to-night. He speaks with contempt of Mr. Tighe, one of the most rising gentlemen at the Irish Bar, and this "person," forsooth, is attacked by the learned Sergeant, who doubtless considers himself one of the aristocracy of the Bar. The learned Sergeant then went on to attack Mr. Pigott, one of the best and most rising men of the day either in Ireland or any where else, whose legal knowledge is of the very highest order, and the ingredients of whose mirth are so mixed up with the milk of human kindness that no one could take offence at it, unless indeed he were possessed of that species of heart close to the leather lungs of the hon. Sergeant.

The *Speaker* rose to order. He was understood to say, that although the hon. Member doubtless felt that he had received some provocation for what he was saying, he thought he would do well to express himself in more moderate words.

Mr. O'Connell: I have been assailed in the coarsest language; however I will not retaliate as far as relates to myself, but I certainly think I am entitled to speak about the contemptuous attack made on Mr. Pigott. Mr. Cassidy has also been alluded to by the learned Sergeant, who makes a great point about his having been refused to be certified as a proper person for a magistrate by a certain noble Lord. Now, I want to know whether Mr. Cassidy ever was a candidate against a son of the noble Lord in question, putting him to the expense of a contested election. If so, that is quite sufficient to account for the refusal of his certificate. Why did not

the learned Sergeant make these charges in Dublin? There was a good reason for it. He durst not make them there, because they would have been contradicted as amply and distinctly as they merited. He had not made them in Dublin, but in that House, knowing that the persons who could contradict them were elsewhere. These, however, are specimens of the manner in which the learned Sergeant would administer law to others. Now, let me ask if the learned Sergeant was not satisfied with the proscriptions already made in Ireland, that he must now come forward and proscribe ninety persons in the new Association? He calls it a Catholic and seditious Association. I have no words, no sufficiently strong terms, to reject such an imputation; and can only reply that the charge made by the learned Sergeant is unfounded. When the Irish Corporation Reform Bill was thrown out, it was stated, that one ground for this step was an assertion of mine that the new corporations would form normal schools for peaceful agitation. That was my statement, and it had been commented on in every possible manner, and urged again and again as a ground for rejecting the Bill. And what did I then predict? I predicted that agitation would increase and I have redeemed my pledge to the letter; and I am determined to persevere in the same course, because I know that the Association is constitutional, and because it has already been successful. The learned Sergeant said, the Association was a Catholic Association, and proceeded to demonstrate this in the strangest way. In what way? By exultingly proclaiming that the president's chair belonged to the Catholic Association, and that it was proved by the brass plate on the back of it. I admit the fact, I admit that the chair belonged to the Catholic Association; and yet this is the way in which the learned Sergeant occupies the time of a grave senate for two hours and a half, by exerting all his ingenuity to prove that the Association is Catholic because the chair belonged to the Catholic Association. Why the Association is not a Catholic Association, unless Catholic is understood in the true sense of the word, and means a universal Association—and it is universal, it is composed of men from the north to the south, from east to west, men combined from a sense of wrong, and imbued with the deepest feelings of indignation for the

injustice inflicted on them, and taunted at the same time for entertaining such feelings by those men who have lost their power, and who thus show what their conduct would be if they again recovered their dominion. Did not the learned Gentleman calumniate the Catholic clergy? Did we not hear him talk about reforming the Corporation of the Catholic Church? What has he to do with that hierarchy? Why is he put forward to calumniate them? If you support him I accuse you as accomplices. Why in the most outrageous periods of the agitation for Catholic Emancipation, in the angriest times and most violent contests between the parties, Orangemen spared them. Dr. Doyle, to be sure, was pointed out, the remainder were spared as men unimpeachable in their moral conduct. I hear another laugh from one of the party. I am glad of it. It proves that, now there is no concealment. The laugh is echoed and it is a symptom of what they would do if they had to reform the Catholic Church. They have tried that already. Their ancestors had recourse to the gibbet and scaffold, and the axe, by imprisonment and tortures, but they failed in doing it. Why, therefore, is the learned Sergeant put forward as the principal agent in pouring out violent abuse on their sacred and anointed heads? The Irish people will hear this, and they will also hear of the cheers which followed these announcements from the other side. They will learn what abuse has been heaped on the Irish clergy, and know how to estimate the intentions and policy of the party. There is now no disguise. The learned Sergeant has even gone so far as to charge the Catholic hierarchy with a wish to be connected with the State, and have the church property transferred to them. The Catholic Bishops have decided the point. Twenty-four of them met, and they declared by public advertisement that they would consent to no species of connection with the State. But the learned Sergeant must not attempt to get off by talking of a Committee. The party have made a charge against Lord Mulgrave, a charge which had never been brought against Orangemen, namely, that of excessive clemency. Yes! will it be believed, that it is imputed to the Lord-Lieutenant as a crime, that he has opened the prison doors. That is a proof of the way in which Lord Mulgrave is now assailed.

Did the party, he would not call them Protestants, for many Protestants were his dear friends, but call them by their old name—did they ever interfere and set at liberty the wretches in gaol? Now, these charges were not made under excitement, for the hon. Gentleman had come over here with his well-tied parcel of papers to enable him to retail those charges. The hon. Member charged the Lord-Lieutenant with having interfered between some Orangemen and some unfortunate wretches who were in gaol, but could he impute any motive to that interference? Why he believed if inquiry were made it would be found that the greater number of persons set at liberty by Lord Mulgrave were Protestants and Orangemen. But the learned Sergeant had assailed a lady and imputed to her a share of the blame. Now, had the learned Gentleman attacked him, — had he coupled his name with that of Lord Mulgrave he should not have complained, on the contrary, he should have been proud to be associated with one whom he called the saviour of his country. He was the first Lord-Lieutenant who had introduced impartial justice into Ireland, and on that account he called him the saviour of his country. Something of the same kind had been said by the learned Gentleman last night, and on that occasion he had taken the opportunity to make some facetious remarks. This case might be different from that, but if it were the same, it only proved the bad taste of the learned Gentleman in introducing the name of a lady on the same charge. The learned Gentleman proposes a Committee of Inquiry, but he knows it would be just as competent to propose a Committee of Inquiry for a common assault. If the charge was true, then Lord Mulgrave was guilty. The learned Gentleman said, he could prove three charges. If so, why not put himself in a train to prove them, and try the proof, but he durst not try. The learned Sergeant knew this too well; he had mentioned charges only to round sentences, but he did not dare to bring them forward. The learned Sergeant talked of the National Association being constituted for a variety of purposes. He would therefore tell him as he seemed not to know, what were the purposes of the Association. It had two objects; to obtain a proper Tithe Bill, and Municipal Reform, like that granted to England and Scotland.

These were the two points; for these it was instituted, and it was expressly declared that when these were obtained, the Association was to be immediately dissolved. It was said, that its object also was, to reform the House of Lords and obtain universal suffrage. Now though he believed these necessary for the salvation of the country, the Association had nothing to do with them. The party talked of improving Ireland, and obtaining their lost rights; but those who really aimed at these just and legitimate objects might judge what they meant by improvement and rights from their late conduct. A charge had been brought against the Association with regard to writs of rebellion issued by the Court of Exchequer. Now of whom was there the greatest reason to complain? The Lay Association had filed many Bills, and when answers were put in it was found that there was nothing to recover. The National Association had nothing to do with that. But something had been said about Mr. Tighe, and a charge had been made against the Association because a man of the name of Corboy, imprisoned in consequence of a rebellion writ, was actually fat, and comfortable, and well—and assisted by counsel and kept by the Association. Was that thought a crime? Did they never hear of James Dwyer, who was dying in gaol, who was mortally ill, and whom the physician of the Association said would certainly die, unless he were set at liberty. Under such circumstances, application was made to the plaintiff's counsel, and the prisoner was set at liberty. Oh, the learned Gentleman was sorry that Corboy had fared so well, but he should have followed up that case with the case of John Riley. Let the House only think of a man seized under a commission of rebellion, and so afflicted with disease that he was discharged by the horror of the court, after having been confined, for 10s. 6d. or 3s. 6d., a year. But what did the charge amount to?—That we were guilty of feeding and clothing a man who perished in gaol, and was carried to his lodging a corpse. The men who did that charged the Association with feeding Corboy in prison. But the learned Sergeant had brought a charge against Mr. O'Loughlen, who was no longer there to defend himself, but was now in a situation to which his talents and his virtue had deservedly raised him. A charge has been made against Mr. O'Loughlen, and the learned

Sergeant said he could prove it. He cannot prove it. The case referred to is the trial of a person for assisting a prisoner to escape; but who was the Attorney-General then? Not Mr. O'Loughlen, but Mr. Blackburne, whom the learned Gentleman had eulogised so much. What would Englishmen think of a man being put on his trial a second and a third time? and this was the second time that the learned Sergeant asserted that he had been proved by evidence to be guilty. The individual was still out on bail. Had Englishmen ever heard of anything like this in England? That was the way in which justice was administered in Ireland. A man was pronounced to be guilty, though he had been acquitted by three juries. Good God! what would become of the administration of justice, if such persons were to get power into their hands. These, however, were to be the judges in Ireland in case of the change of administration—men who declared a prisoner guilty though acquitted three times. The very judge said, if such a prisoner escaped neither life nor property would be safe. Why such a judge deserved to be impeached? The learned Gentleman denied that the asperity of religion or politics had been mixed up on such occasions. I protest against such an assertion, and I call on the learned Gentleman to come forward with a motion on which the question can be brought to issue, and I will second it. I can prove, that I have seen in the county fifty times, the Crown solicitor apologising for the course which he pursued, and stating, on being remonstrated with, that the prosecution had been taken out of his hands. I will pledge myself to prove, that such a case occurred in Limerick, when Mr. Barrington was solicitor for the Crown. But another charge made is, that the challenge by the Crown has been taken away by Mr. O'Loughlen. In former times the Crown was allowed to challenge to any extent, and when the number of jurors was exhausted the graver sages of the day allowed the sheriff to enlarge the panel. It has been stated, that Mr. O'Loughlen sent down an order to the assize courts to the effect that no person should be set aside by the Crown. Mr. O'Loughlen gave no such directions. The directions he gave were, that no man should be set aside on account of his religion. That system had been adopted in Queen's County and Carlow. In fact, the learned Gentleman wished to intro-

duce the English system; while the learned Sergeant regretted that the practice of packing juries was falling into disuse, and distinctly showed what would be done in Ireland when he and his party came into power. If such be not the case, I shall be ready to apologise; but the learned Gentleman has been put forward, though he was ready enough of his own accord; and if his party do not disavow such sentiments, they must be regarded as their own. I do not ask mercy and compassion for the people of Ireland. If I did I know I should ask in vain. As one of the Representatives of the Irish people I shall demand justice for them. The hon. and learned Sergeant may sneer; it is a commodity he does not deal in. How can any assembly of rational persons taunt the Catholics of Ireland with inferiority to the Protestants? How can the hon. and learned Sergeant venture to abuse the loyal and patriotic Association which has been established in Ireland, to maintain the cause of that country, and to oppose bigotry and intolerance? It is true that that Association advocates the claims of the Catholics, for it advocates the welfare of Ireland. The hon. and learned Sergeant does not say anything in hostility to the Catholics; but he is a political hypocrite; he does that which he abstained from saying. Let him speak up; let him at once declare that the Catholics are not worthy of being placed on a footing with Protestants. Let him say "The law has pronounced them equal to the Protestants, but I pronounce them inferior." They have as good a right as any man now before me to full equality. Does the hon. and learned Member imagine that by abuse, they are likely to be changed from what is called bigotry and intolerance? I demand for the people of Ireland municipal reform, on the same principle that has already given Scotland and England municipal reform. Why did not the learned Sergeant grapple with that argument? I will tell him. Because he is a political hypocrite. Why did he not speak out? The learned Sergeant was quite consistent in not then grappling with the question—was always consistent—from the first moment he became secretary of the Kildare Society, and maintained the necessity of distributing the Bible without note or comment. Would that the learned Sergeant, had followed the same system in speaking of my letters! The learned Sergeant, in his consistency, had never

declared himself one day in favour of Catholic Emancipation, and, again, when occasion offered, had professed himself to be against it, and a third time had veered about again, and opposed the measure. It could not be termed inconsistency in the learned Sergeant thus to try the merits and defects of every side of the question. But turning from the hon. and learned Sergeant to more weighty matters, I repeat that, as a Representative of Ireland, I stand here for justice; and I must not forget that the learned Sergeant is opposed to justice being so administered as to involve the notion of a partial exercise of clemency. What will the learned Gentleman say if I inform him that I have heard Mr. O'Loughlen declare that many instances had occurred in former times of a similar exercise of mercy? I suppose that the right hon. Recorder, for the title applicable to the Recorder must give place to that which honoured the privy councillor—could give his testimony on the point in question. The right hon. Gentleman has threatened to read my speeches. I give him leave to do so—full leave—until he is sick, and the House sick of hearing him. I will pledge myself to speak not a syllable in answer to the right hon. Gentleman. But, I must ask why am I inferior, on account of religion, to any Englishman of the Protestant persuasion? The hon. and learned Gentleman opposite has accused the Roman Catholics of endeavouring to subvert the Protestant religion, and raising their own into its place. Just as if the Roman Catholics could, by any possibility, take a single step derogatory or hostile to the Protestant religion without those Gentlemen at his side being the first to take the alarm, and offer a determined opposition. And yet, who will dare to say that the hon. Members around me are not as sincere Protestants, and as much attached to their religion as any hon. Gentleman opposite? They are just as sincere, but not altogether so sanctimonious. Would the people of Ireland tamely suffer any attempt to be made to subvert the Protestant religion? Would Scotland permit it? Would any persecution of Protestants, if such were intended, be for a moment tolerated? It is sheer nonsense to say so. When I see that Catholic constituencies return a majority of Protestants to Parliament I laugh at such wild assertions and those who make them. But I must again return to my often-repeated demand—how are Irishmen in Ireland inferior to Englishmen in England,

or Scotchmen in Scotland? I require an answer. I have already trespassed at some length on the House. I do not intend following at length the rigmarole speech of the learned Sergeant. But I once more call on the people of England—on the House—on every Member of Parliament—to remember that one of two things is expected—either a repeal of the Union, or a full measure of justice to Ireland. Oh! what an argument of the learned Sergeant to say, that the two countries are not in the same equal condition, and that the Union ought not to be supposed to imply any such assimilation! Why, what is the Union, if it be not an identification of interests and an amalgamation of the two countries? Was not Ireland to become by it, to use the language of Mr. Pitt, to be as much part of England as Yorkshire? There are many Gentlemen from Yorkshire present—I love a Yorkshireman. What would one of those Gentlemen say if an attempt was made to subjugate and keep down Yorkshire? The cases are perfectly similar. I do not mean to threaten; but as from the Union equality of rights and an amalgamation of the two countries were intended, and are now expected, I warn the House that if these expectations are deceived, the people of Ireland will be thrown back upon their rights and will be forced to seek justice for themselves. And as surely as that clock will point to noon to-morrow so surely will the Irish people persevere until they arrive at the full attainment of civil equality.

Mr. Shaw said, the charges made by the learned Member who had just sat down, against the hon. Member for Bandon, appeared perfectly unfounded. The hon. Member for Kilkenny had sneered at the hon. Sergeant's speech as being unanswerable. Certainly it had not been answered by him. He would first touch on the facts which had been stated, and then on the comments made by the hon. and learned Member for Kilkenny. That hon. Gentleman had accused the hon. Member for Bandon of having made gross personal attacks on persons of an unblemished character, and ranking high in their profession. For himself, he could assert that he heard none. All the assertions of the learned Sergeant had been made in a most proper spirit. To take the different cases brought forward, and to commence with that of Mr. Tighe. The

learned Sergeant had made no attack on Mr. Tighe; but all he did was to ask whether that Gentleman, who, there was now no doubt, was a member of the Association, had not been appointed to a certain judicial office. In the case of Mr. Pigott, it had been shown that he had been appointed to a high situation under Government, where he was not only to be on occasions an adviser of the Crown, but was to be invested with considerable authority over the constabulary force; his office was, in fact, that of law adviser in the Secretary's office. Yet this Gentleman was known to be a warm partisan, to have been an active member of the National Association. What was complained of was, that every man in Ireland might doubt that a fair administration of justice could take place when the highest officers of the Crown were thus appointed. How could any man look with confidence on the Government when such appointments were so unheedingly made? The hon. and learned Member had spoken of an attack made on Mr. Cassidy, of James Town. He had not heard any such attack. The complaint was made against the Government for appointing a person to the commission of the peace, in the Queen's County, after the Lord-Lieutenant of the county had refused to forward his name to the Lord Chancellor. But this Gentleman was known as an exciter of agitation, and had been, in fact, convicted of what might be almost called a crime. Yet, notwithstanding this, the Lord-Lieutenant had appointed him as magistrate. If these were not the facts the hon. Member for the Queen's County could declare it; but, if they had been correctly stated, he would ask, was not the complaint against the Irish Government well founded? Then, as to the remarks asserted by the learned Member to have been made with so great a want of delicacy about a distinguished lady. He could only say, that he had not heard the slightest charge made against her. What were the facts? A trial took place against certain persons for riot. They were found guilty, and the presiding Judge sentenced them to different terms of punishment—one class to six months' imprisonment, and the others to a shorter period. Well, what occurred afterwards? Why, without any communication whatever to the learned Judge, the prisoners who had been sentenced to the longer period were, without any inquiry whatever, set at liberty

by the Lord-Lieutenant. It was announced in the newspapers that these men were discharged, and the House would perhaps be surprised to hear that the learned Judge who had presided at the trial became acquainted with the fact through the medium above alluded to—he had received no intelligence from the Government. It appeared, then, that the Lord-Lieutenant, without inquiring into the case, or communicating with the Judge who tried it, discharged the prisoners at the request of a lady. The charge against the Lord-Lieutenant was not that he was too merciful, but (and a serious charge it was) that he had, in the exercise of his prerogatives, used them inconsistently with the peace of the country, and the proper administration of justice; and he would ask those Gentlemen who were acquainted with the manner in which judges discharged their duty on the circuits, whether it was consistent with the peace of the country, or the right execution of justice, to open the prison doors and let culprits loose without ceremony. Important as it was that no person should have his liberty infringed, or be committed to prison without going through all the forms which the pure administration of justice required, it was equally important that the dispensations of justice should be respected. God forbid that any objection should be made to the free exercise of the prerogative of mercy! He knew it was a delicate subject to interfere with; but then he was bound to say, from the instances which had been named by his hon. and learned Friend, that the prerogative of mercy had not been properly exercised, and that the proper administration of justice had been interrupted. Another charge was, that violent political partisans had been appointed to offices which enabled them to control the elective franchise. That was the case in reference to the appointment of Mr. Hudson to the office of Assistant Barrister of the County of Carlow. The case was this:—The person who filled the office of Assistant Barrister in the County of Carlow being removed, Lord Mulgrave appointed in his place Mr. Moody, a gentleman of high station in his profession. Before this gentleman were brought the votes which had been struck off by the Committee of the House of Commons, and Mr. Moody refused to register them. This decision caused much dissatisfaction

amongst the partisans and supporters of the Liberal candidate, and it was roundly declared that, if such a line of conduct was continued, another Assistant Barrister should be found before next Session. His learned Friend near him assured him that he could prove that this threat had been uttered. The next Session, in pursuance of threat, or from some other cause, the gentleman alluded to was appointed in Mr. Moody's place, and absolutely changed the decisions made by the two preceding Assistant Barristers relative to the disputed votes. He would leave it to the House to draw an inference from these facts. A few days back he had read some remarks on the case in the *Freeman's Journal*. This paper praised the course which had been adopted by the agent of the Liberal party, of withdrawing the voters from the Court, and asserted that the Revising Barrister already alluded to was neither a judge of agricultural property nor a sound politician. This statement of facts warranted, he thought, the manner in which his learned Friend had spoken. The hon. and learned Gentleman opposite had challenged him to show why Irishmen were inferior to Englishmen and Scotchmen. The debate had taken a wide scope, although the motion of the noble Lord did not seem to lead to the anticipation that the whole of the affairs would necessarily be discussed; but in answer to that challenge he would say, that it was not fair to assume that the Gentlemen on his side of the House refused, or wished to refuse, the rights of any portion of his Majesty's subjects. All that they had said was, that they were willing, on the part of the ancient Corporations of Ireland, to give up all monopolies and exclusive privileges, but not to transfer them to the hands of an opposite party. They had never objected to the amelioration of the condition of the people of Ireland, or to the enjoyment of civil rights by all, or to anything that was necessary and just, but they had objected to the domination of a party. The noble Lord had said the new Corporations would promote good order and peace, while the hon. and learned Gentleman said they would become normal schools of agitation. They were objected to because it was intended to make them part of that system which was now in operation, and all events subsequent to the last Session, tended to strengthen the conviction that it was impossible to grant those popular assemblies

without making them have the effect which had been stated. Figures of speech were sometimes dangerous things to deal with. The noble Lord had quoted a figure used by another noble Lord which was addressed to the Protestant Gentlemen of Ireland, telling them that the National General Association was the "spawn of their own wrong." Now the manner in which the noble Lord had treated that point seemed to go the length of justifying the whole of the proceedings of the Association. That such an Association was inconsistent with both the spirit and letter of the law his hon. Friend had already stated. Could any man doubt that the raising of contributions throughout the country in the manner it was done was inconsistent with the proper government and peace of the country? The hon. and learned Gentleman had stated that the Association had two objects in view, namely, to procure corporate reform and the abolition of tithes. But did he forget that although those two purposes were originally stated when the Association was first called into existence, yet, almost at the same instant, circulars were issued, and emissaries sent forth, under the name of pacificators, for the purpose of procuring petitions for corporate reform, abolition of tithes, and vote by ballot? The hon. Gentleman had challenged him to read his speeches. He would first read an extract from a letter of the hon. Member's, dated the 27th of August, last year, and addressed to the *Spectator* newspaper. It was headed—

"JUSTICE TO IRELAND AND TO ENGLAND.

"No ministry ever had so glorious a career before them. Ireland, after more than six centuries of unmitigated oppression, is ready for conciliation, for union, for identification, with Britain. The first dawn of impartiality is the first exhibition of dutiful tranquillity. The great national question can, nay, must, now be decided—are the Irish people to be fellow-subjects, or are they to be—I will write it—enemies?

"Lord Melbourne may blot out the enmity for ever; he may make the Irish willing and most useful subjects. But for this purpose—and I joy that it should be so—he must satisfy the rational portion of the English people. He must content the English and Scotch Dissenters—they ask only for 'justice.' He must become the advocate of an increased and extended franchise. He must consent to shorten the duration of Parliament. He must not shrink from the ballot. Above all, he must prepare for the conflict with the Lords."

Did the noble Lord mean to say, that with these avowed views, the getting of corporate reform, or town-councils, or the getting a vote in this House for the appropriation of a non-existing surplus, would really satisfy the hon. and learned Gentleman? Did he mean to put those things forward as the only causes of suffering in Ireland, or the only remedies for the evils of Ireland, when within two nights he would make a statement, founded on the melancholy fact, that more than 2,000,000 of the people of Ireland were in a state of starvation? He would not, however, trench on that subject, but hoped that when it came before the House, it would be attended to properly and without any admixture of party spirit. As to the tranquillity which was said to exist in Ireland, he denied it. Every gazette and newspaper brought reports of numerous murders and outrages. But if it were admitted that, comparatively speaking, Ireland was tranquil to what it had been, was it promoted by the General Association? If so, could that be reckoned tranquillity which depended on the tyranny that dictated it for its existence, and which in a moment might be excited into furious tumult by the same power? Surely the noble Lord could not forget that he had formerly brought forward charges against the hon. and learned Gentleman for disturbing the peace of Ireland, and yet the hon. and learned Gentleman was still pursuing the same course, with all the patronage of the Government at command to boot. But because he had procured that patronage he came forward to assert that Ireland was tranquil, and, as long as the Government would so indulge him, he would praise them in return for their liberality. But was that state of things to continue? Would his Majesty's Ministers suffer themselves to be blinded in this way? Could they, if they looked at the past experience of Ireland, rest satisfied? Orangemen had been induced to part with what they valued very highly, and their leaders put themselves forward to the utmost of their power to put down the institution. But how had they been requited? In the very place of that institution, and on its very ruins, the General Association had sprung up. The hon. and learned Gentleman had expressed his readiness to accept of instalments, and the extinction of Orangism had been

by one Irishman to another; and yet the House and the Country were to be told that an English nobleman was to be condemned for designating those who uttered such sentiments as aliens in feeling, in language, in sentiments; and that for such an expression of opinion the standard of rebellion was to be unfurled in Ireland, and that country again deluged in blood. But in this case, at least, the unfeeling suggestion with respect to the late Mr. Kavanagh failed, and that honoured old man was followed by his Roman Catholic tenantry and neighbours with all becoming respect and sorrow to his grave. The hon. and learned Member for Kilkenny then proceeded, in the speech in question, to allude to Colonel Bruen. With respect to this, what said the reporter for the hon. and learned Gentleman's own paper. After giving a long tirade the reporter said, "The hon. and learned Gentleman continued to animadvert on the hon. and gallant Colonel in a manner which, as long as truth is libel, it would be unsafe to publish." Now, Colonel Bruen lived in the neighbourhood of the very spot in which this speech was delivered, and he would suppose, for a moment, that the deluded men to whom that speech was addressed, had proceeded to his house, and, goaded by the language so described by the reporter, had attacked the house of Colonel Bruen—who was as brave as he was the object of malignity—and, perhaps, have taken his life. In such a case, he presumed that the people of England would be told that justice was fairly administered in Ireland, because the deluded actors in this outrage were punished, and perhaps executed; but he would appeal to that House and to the country, and ask who, in point of moral guilt, would be the real culprit? The hon. and learned Gentleman next spoke of a dissolution, and proceeded to say, that "he hoped soon to see Carlow rescued from the grinding tyranny which oppressed it. Ireland would avenge herself by constitutional means, and if those means failed, and the base faction had recourse to physical force, he did not dread the result—the result should be wiped out with blood." The hon. and learned Gentleman had questioned the accuracy of this allusion to blood, but he found in the *Kilkenny Journal*, a paper in which he said, he would correct his own speech, the following words:—"They shall find the people of Ireland are no

cowards. Oh! the insult must be wiped off in blood, if they do not make reparation for it by doing us justice." This formed the conclusion of his speech as reported in his own paper, and was not so strong as others which he had seen. What followed this speech? He begged pardon of the noble Lord, the Secretary for Ireland, for naming it. Why, the next toast proposed was the "Health of Lord Morpeth," with three times three. After that the right rev. Dr. Nolan, the Roman Catholic bishop of the diocese, who was present, and had heard the words which he had quoted, addressed the meeting, and here were his words: he said, "Mr. O'Connell, I will venture to say, is a man raised by God to work out the regeneration of his country, and we (that is the Roman Catholic bishops and clergy of Ireland) pray God to direct him and to bless his efforts." He (Mr. Shaw) did not object to these expressions taken by themselves, but his objection to them arose when put in immediate connexion with the speech just before delivered by the hon. and learned Member for Kilkenny. That speech had, however, been noticed by some of the leading gentry of the county of Carlow, who called on the Irish Government for an investigation. Did that investigation ever take place? About that time, it was true, a meeting took place between the Attorney-General for Ireland and the Lord-Lieutenant; but at that meeting who was the principal guest? Why, the individual who had made use of the very words complained of. He asked the noble Lord, did the Irish Government investigate the matter: he would further ask him if they dared, even if the language went further, or was twice as bad, did the Irish Government dare to enter upon such an investigation? If the noble Lord answered in the negative, then he (Mr. Shaw) must contend that the Protestants of Ireland had made out their case, and had shown that neither their property, their persons, their lives, nor their liberties, were safe in that country. Now, the hon. and learned Member for Kilkenny had thrown dust in the eyes of the Government by leading them to suppose that he had abandoned the question of the repeal of the Union. He would recall to their attention the hon. and learned Member's opinions on that head. He held in his hand the copy of a letter written by the hon. and learned Member, and read by Mr. Dwyer, to the Political

Association of Dublin. It was dated the 15th May, 1832, and in it he found the following passages. "It is my solemn, conscientious, unaltered, and unalterable opinion that Ireland cannot prosper without a repeal of the legislative Union." Again, in the same letter, the hon. and learned Gentleman said, "I never did, I never will, I never can, abandon my anxious desire for the repeal of the Union. This is a subject on which I have pledged myself, and I solemnly and deliberately repeat the pledge to the people of Ireland." Again, in a speech delivered by the hon. and learned Gentleman, on his return from Dublin, on the 3rd of January, 1833, he said, "I never submitted to the Union, because, even when agitating for emancipation, I said I only used it as a means to an end, and that end was a repeal of the Union." The hon. and learned Gentleman then alluded to a voluntary oath he had taken never to be conciliated to the Ministry while the Catholics were unemancipated, and he continued thus: "I kept my oath, though in the lightness of my heart I then took an unnecessary oath, yet I have no hesitation now in saying that I will never enter into any compromise with the Ministry till I see a Parliament in College-green." Again, in a speech delivered by the hon. and learned Gentleman, on the 7th January, 1833, he spoke thus,—"They say that I am timid—timid because I do not choose to violate the command of the Almighty, but let me see the Union repealed, and a foreign foe dare to put his foot upon our soil, with

"Our green flag fluttering o'er us,
The friends we've tried
There by my side,
And the foes we hate before us."

Let me see, I say, a foreign nation attack us, and though I wish to have Ireland connected with England by the golden link of the Crown, yet, if Ireland were invaded, not a heart would beat more strongly, nor an eye more brightly glisten in the contest." Connected by the golden link of the Crown! That would be as but a silken thread in the hands of the arbitrary dictator, who professed such respect for it. The people of England might rest assured that if the countries were to be united, it must be by holier bonds, by a sacred chain, the links of which took their strength from above, and received their lustre from that day-spring on high which shone in the true Protestant faith, that had rendered

England unrivalled amongst the nations of the earth, and without which Ireland would never continue a portion of the British empire.

Lord Clements said, he would try to bring the House back to the question before it, and from which so great a departure had been made in the course of the debate which had taken place. The question before the House was the present state and condition of Ireland. The hon. and learned Sergeant opposite had urged the existence of the National Association of Dublin, as being dangerous to the peace of the country; he had attributed partiality in judicial appointments, and various other things to the Irish Government as at present constituted, but he had avoided one fact well worthy the consideration of the House and the country, namely,—that Ireland was now more tranquil and peaceful than she had ever been at any period of our history. If that peace had been brought about by any unfair leaning against the Protestants, he would be the last man to attempt to vindicate the Government. He stood there himself a Protestant of Ireland, and as a Protestant he claimed to be heard, having been expressly excluded from the recent Protestant Meeting in Dublin. The hon. and learned Sergeant had endeavoured to create an alarm among certain Irish Peers, by asking whether the course pursued by the Government was not calculated to weaken the rights of property. He had asked noble Lords if they were not afraid of their acres. The appeal had been answered by the declaration and protest, signed by the great body of Irish Peers and Members of Parliament, in which they stated they were convinced the policy of the present Government was the safeguard of property in Ireland. The thing which provoked hon. Members on the opposite benches was, that Ireland should be tranquil without their assistance. He rested on that point, and would tell them, that since Lord Mulgrave had presided over the destinies of Ireland, that country was more quiet than their Whiteboy regulation ever could have made her. It had been attempted to be shown that a connexion existed between the Government and the Association. He admitted, that the majority of the people of Ireland were desirous of organic changes. Considering their state and condition, that desire was only natural, and so it would seem,

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the attention of the liberal Members, to this fact, that the hon. Members opposite distinctly stated that the people of Ireland were not worthy of self-government. That was their principle. [*"No, no!" from the Opposition.*] Ay, but it was so. He wished to state the naked truth, but even the naked truth of their own opinions was not agreeable to them. So apt were they to dress them up, that when they came in an unadorned shape before them they could not recognise them as their own. Now he would assert that the principle upon which he and those on his side of the House went was, that the people of Ireland were not distinguishable from the people of England or of Scotland, and that they were fitted for self-government. These principles were as light and darkness. As they approached nearer towards the one, so they receded from the other; and he intreated his Majesty's Ministers not to lend too easy an ear to the suggestions that might be brought forward by hon. Gentlemen on the other side of the House, to militate against the great principle, which had been to-night recognised by the speech of the noble Lord. He must say, it had given him great pleasure to hear all those principles with which he commenced and ended his speech. But there was a lurking suspicion, a doubt, a hesitation in his mind that those wide and sometimes vague generalities were accompanied with a fatal tendency to listen to the suggestions coming from parties who on this question were wholly irreconcilable opponents, that attempts would be made to conciliate those who could not be conciliated, and that for the purpose of pleasing hon. Gentlemen opposite, the House would be called upon to cut down, alter, mutilate, ruin, and utterly destroy, the value of this Bill. He thought this had been too much the case last year; and he was sorry to hear that the noble Lord had not enlarged his Bill—that he had not embraced within it the whole of the Irish people, and so have gained, by one grand stroke, their hearts, their wishes, and their support, and had trusted to the good sense of England and of Scotland for maintaining him and his colleagues in that position in which they now stood, based as they then would have been upon a great and glorious principle of legislation. What he wanted them to do was, to carry out the great principle of self-government, and not to yield one jot to the Gentlemen

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opposite, who declared that the people of Ireland were not worthy of self-government. If the Ministers must listen to suggestions, he would just hint that they should listen to the suggestions of their friends, and not of their enemies. He was, however, too well grounded by experience in stating this his hesitation and doubts, which he did openly. He feared there was too great a leaning on their part to listen to the suggestions from the opposite benches, while they turned a deaf ear and a cold shoulder to their friends. He begged to press it on their minds, if they wished to continue Ministers, that this great principle of theirs—namely that the people were worthy of self-government—was their main stay and support, and that every step they made in carrying out that great and glorious principle of legislation was a step to ensure and strengthen their own power, and that every single inch which they yielded to false and dangerous suggestions, coming from the opposite bench, weakened their dominion, by destroying the confidence of the people in them. He wished them to understand, and he wished the people of England fairly to understand, that the two parties in the State were now at issue with respect to the whole Irish people upon the principle which distinguished that party to which the hon. Gentleman opposite belonged from what he would call the real democracy of England. The opposite party declared, that the people were not worthy of self-government; he as firmly declared that they were. They were at issue upon the question of Ireland—that, however, was but one great instance of the manifestations of the two contending principles. The Irish Municipal Corporations were the subject matter, but the principle of democracy was the thing that was really involved. Every suggestion, therefore, that came from the other side of the House would come only with a motive to destroy the people's political rights; every word of theirs ought to be listened to with caution. He would beg and intreat his Majesty's Ministers, if they were sincere in the many declarations they had made concerning the good government of Ireland, and concerning the good government of England, not in any way to abate one jot or one iota of the Bill now brought in. Let them enlarge it if they would, and make it what it ought to be; send it through that House; send it up to the

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other; and then, if the noble Lord would say that his Ministry was dependent upon the fate of that Bill, he was not fearful of the result. He, for one, would be a sanguine combatant in favour of that great principle. He was willing to fight the opponents of it foot to foot before the unshrinking strength of the prudent, honest, generous people of England. To the people of England he would trust the issue of this grand and high debate; to them he would leave its ultimate determination, and certain he was, that the victory would be with the right—with those who were fighting in that House for the real, right, clear, and definite rule, that the people of Great Britain and Ireland were worthy to be their own governors. Let no man say, that that was not the principle at issue; it might be covered over for the moment by the astute and learned ingenuity of others—it might be carped and cavilled at, but that was the real principle before them which the representatives of the people must decide.

Colonel Conolly having moved the 13th resolution, at the meeting alluded to by the noble Lord opposite, felt himself bound to state his reasons for so doing. That meeting was assembled for the purpose of seeking redress by appeals to the proper powers, and the noble Lord in an inadvertent on the meeting, only stated what suited his own purposes. This was not generous in the noble Lord, who ought to have read the entire resolutions. The meeting of Protestants was called forth by the sense of injury, and their object was to petition for redress. That would be seen from the resolutions, and he was prepared to prove every assertion made in them. The meeting was called exclusive, but it was not so exclusive as the conduct of Ministers, who placed every engine of Government at the foot of the man whom they formerly reviled and derided. The abuse of patronage which had taken place could be proved in the case of Mr. Gibson, whose sole object appeared to be, to vitiate votes on one side. On the authority of a magistrate—"Name!"—he would be prepared to give the name when a committee of investigation was granted; and, after the observations made by the noble Lord, Government were bound to grant a committee. On the authority of a magistrate, he could prove the scandalous partiality of Mr. Gibson, with respect to the patronage which had been complained of;

the case of Mr. Fogarty was another instance of the same headlong hurry in registering those who, by no distortion of the Act, would be entitled to a vote. The case of Mr. Reynolds also, was a very flagrant one. He was convicted the year before his second incarceration; and yet, on his liberation, he was found at the head of a mob, haranguing in Coburg Gardens. In defiance of the Judge who tried and sentenced him he was, however, discharged from Kilmainham prison, by the Lord-Lieutenant of Ireland, in a manner every way offensive to justice and law. With respect to M^cGahan's case, the facts were not dissimilar: indeed, like the last, they were very extraordinary. M^cGahan was tried for exciting tumult and riot, at the head of a mob of people, before a large bench of magistrates, at the quarter-sessions, and convicted. Sentence was passed on him accordingly, and he was committed to prison. But his brother memorialised the Lord-Lieutenant, and he was at once liberated by that nobleman. The course of law in Ireland was rendered ridiculous by such proceedings, which could not fail, in the long run, to be destructive of all order. The constitution of the magistracy was another subject, on which there was much to complain of the Irish Government. There was the case of Mr. Cassidy on record in proof of it. That Gentleman had headed a mob in resistance to the levy of a county cess in the Queen's County; for which he was convicted by the bench of magistrates. Yet he was one of those named by the Government to the magistracy. Lord de Vesey objected to the appointment of such a person so very strongly, that they were obliged to forego their intentions; but still that did not extenuate the charge against them; and when he was out of the way, Mr. Cassidy was placed on the bench. There was another case in the same county, of a similar character. A person named Dunn, who had violated the peace—who had, at the head of a large mob, threatened a Mr. Cooper, a magistrate—was, in despite of the remonstrances of Lord de Vesey, who objected to him on the grounds that he had to Mr. Cassidy, also appointed to the magistracy. These were things not to be lightly passed over. With respect to the great Protestant meeting in Dublin, in which he took part, he was ready to bear the blame, as well as to share the praise of it. It was called for by the situation of the country—it was well-timed

—and the power it had was clearly exhibited in the illiberal, intolerant, and ignorant protest entered against its proceedings. Those truly liberal Peers, who took part in it, and by so doing asserted the right of British subjects to petition for the redress of grievances, deserved well of the country, for calling the attention of the Legislature to the circumstances in which it was placed at that juncture—circumstances subversive of the peace, order, property, and stability of that portion of the empire.

Mr. O'Connor deprecated the attacks on private character which had been so unsparingly indulged in during the debate on the question before the House. The hon. and gallant Member, who last spoke, had assailed the character of Mr. Gibson. Mr. Gibson was a private friend of his, and from his own knowledge of him, he should have no hesitation in saying, that the hon. and gallant Member must have been misinformed in what he stated respecting him. The hon. Member had also seemed to doubt the declaration of the noble Lord who spoke last, respecting the impossibility of procuring admission to the Protestant meeting in Dublin: but he had been informed, that no one was permitted to be present, unless he signed a document, purporting to be his adhesion or conformity with the principles to be there promulgated. With regard to the National Association, he felt bound to say, that he regretted its existence—but he regretted more the cause which had created it. That cause was, the denial of their just rights to the people of Ireland. In connexion with the fact of his becoming a member of it, he was free to say, that he did so because he knew the country was excited on the subject of that denial, and because he believed it would afford the only safe vent for the ebullition of the angry feelings of the people. They were charged with being agitators. The Tories were the great agitators. They withheld justice until it was extorted from them; and only yielded their rights to the people when they could no longer retain them. That was the case with Catholic Emancipation. In withholding that, until it was forced from them by the threatening combination of an entire people, they had shown them, that when they required redress, they should not stand on their right to it, but on their power to compel it: and that to obtain it they should appeal, not to their sense

of justice, but to their sense of danger. He would ask, now that Catholic Emancipation made all equal, why was an attempt made to impose the brand of degradation on the people of Ireland still? Why was the spirit of the penal code brought into operation, when its letter was effaced from the statute-book? Was it not in the spirit of the penal code to deny corporate reform to them? Was it anything else, indeed, but persecution? It might, he was aware, be said, that these institutions were founded for the extension and support of the Protestant religion, and that, therefore, they should be still maintained for the furtherance of that purpose; but had it extended itself under their influence—had it increased by their support? The returns of the population of both religious denominations proved the direct contrary; for the Catholics had, in many places, increased more than tenfold. But it was unjust to suppose that, even if they were for that purpose, that the Catholics would avail themselves of their reform, to the injury of Protestantism. When he saw all over Ireland, but especially in his own most Catholic district in that country, the men the Catholics had elected to serve in Parliament—an almost equal number being Protestants and Catholics—he could not avoid coming to the distinct conclusion that were they in possession of the minor rights of corporate election, they would employ them altogether as unobjectionably. For these reasons, he was of opinion, that corporate reform in Ireland should be granted without delay; and that no obstruction should be thrown in its course in either branch of the Legislature. With respect to the policy of the present Government towards Ireland, he could only join in echoing the testimony borne on his side of the House, to the zeal, firmness, temperance, and vigour with which the Lord-Lieutenant of that country discharged the arduous and important duties of his high office. His personal demeanour, and equitable administration, had contributed more to the tranquillity which Ireland now enjoyed, than could all the Coercion Bills which were ever passed.

Debate adjourned.

HOUSE OF COMMONS,
Wednesday, February 8, 1837.

MINUTES.] Petitions presented. By several Hon. Members, from various places, for the Abolition of Church Rates.—
By Mr. ROBERT PASLON, *Rev. Thomas and Thomas*

against Abolition of Church Rates.—By Colonel THOMAS, from Dundenour, Tiasamin, and Clontead, for Amendment of Grand Juries' (Ireland) Act.—By Mr. DILLON BROWNE, from various places, for Reform of Municipal Corporations (Ireland); and from Killedeen, for Abolition of Tithes (Ireland).—By Admiral ADAM, from Clackmannan, for complaining of the creation of Fictitious Votes (Scotland).

MUNICIPAL CORPORATIONS (IRELAND).—ADJOURNED DEBATE.] The Order of the Day for resuming the adjourned debate on the Municipal Corporations Bill was read.

Mr. *Dillon Browne* said, that the question at issue was, whether the Irish were to be considered British subjects or not—whether they were to be stamped as inferior to Englishmen—whether they were to be trampled on and insulted. In what he meant to say on the subject he should make no personal observations, but should follow the course pursued by the hon. Member for Bath, whom he had heard with great delight. He should not take example by the hon and learned Member for Bandon; neither should he adopt that held out by the right hon. Member for the University of Dublin; and, above all, he should not be influenced by that of the hon. and gallant Member for Donegal, who, with a delicacy not to be equalled, held up Mr. Hudson to the odium of the House on a charge affecting his character as a professional man and a gentleman, while he declined to disclose the name of the magistrate on whose authority he made the allegation against him. The real question before the House was, whether corporate reform was to be refused to Ireland or not? What plea had the opponents of the Irish people to withhold it? He was aware that it had been urged over and over again that corporations in Ireland would become normal schools of agitation; and he knew that the supporters of the measure were accused of improper motives. But while the enemies of the people of Ireland were refusing to celebrate the bans between the corporations and the Catholics of that country the delay gave birth to the fearful progeny of the National Association. He would ask whether even the normal schools contained more elements of agitation than that Association—those normal schools of which so much fear was affected? He would ask, whether they were more to be dreaded at their worst than the consequences of that denial of justice which at once converted a whole nation

into a society? He conjured the hon. Gentlemen opposite to grant corporate reform to Ireland this year for the same reason through the operation of which they refused it last year—to make the inconsistency of 1837 a boon and peace-offering to injustice of 1836. The other questions to be considered in connexion with the subject were the consequences of the National Association. There was an old aphorism, that knowledge was power. The people of Ireland knew it. With such knowledge, he would ask, was it safe or prudent to deny them their equitable and just rights? It might be said by hon. Members on the other side of the House that they despised the National Association, but he would beg to remind them that the same was said of the Catholic Association in former days. It might be said also that they would suppress it; but they would find the attempt as futile and as unsuccessful as they did that to suppress the Catholic Association. There was a great analogy between the two associations; indeed, the best idea which could be formed of the one would be by studying the history of the other. Before Catholic Emancipation was achieved, by the aid of the Catholic Association, the Irish Catholic was overwhelmed with misery, and sunk in political degradation. He could scarcely be called a rational being because he was deprived by the law of the means of education: he could still less be called a social being, for the prejudices of religion and the hatred of those in power prevented all association with his fellow subjects. At that time the system of the hon. Gentlemen opposite was in full force: while they were in the vigour of matured power and strength. How stood things now? The prejudices that beset one portion of the people of Ireland had vanished before the light of reform, and the hon. Gentlemen were powerless, and their system was overthrown: He would ask the House whether, if Catholic Emancipation were achieved under such disadvantageous circumstances, corporate reform could be refused, now that the people were conscious of their strength, in possession of knowledge, and, therefore, of power? How could justice be refused them now? He could not approach the discussion of the subject as calmly as he would wish. He felt the national feeling mantle in his cheek, and suffuse his brow with the blush of shame and indignation;

for had he not been called an alien, and had he not been held unworthy to exercise the power of self-government? He felt the brand of degradation deep on his forehead, and until corporate reform was conceded to Ireland, he should ever look on himself as a stigmatised Member of that House. There was a strange similarity between the obstinacy of those who opposed that boon to his country and that of their forefathers in the reign of Charles the 1st., and he conjured those who refused it to look over the archives of their ancient families, and take example by the lessons which history afforded them, when the House of Commons was declared the sole power of the State.

Mr. W. Roche said: Permit me first to advert to what fell from a right hon. and judicial Gentleman, the Member for the University of Dublin, last night, respecting a near relative and esteemed friend of mine, Mr. O'Brien, of Elmvale, in the county of Clare, who the right hon. Gentleman stated was selected by the Lord-Lieutenant for the shrievalty of that county, notwithstanding his not having been on the judge's list of high sheriffs; and notwithstanding some observations of his at a dinner given by their constituents to the Members of (the right hon. Gentleman mistakenly said) the county of Limerick—but he should have said to those for the city of Limerick, namely, my hon. Colleague and myself, at which Mr. O'Brien presided, and at which entertainment (the right hon. Gentleman added) waved banners with—"Repeal of the Union," "Short Parliaments," "Vote by Ballot," &c., &c., inserted thereon. In the first instance one would suppose that this dinner was of recent occurrence, whereas it took place some four or five years ago, at a period when we had a government which, though not actually a Tory one, was unfortunately so far at least as regarded Ireland, imbued with and actuated by the most Tory principles, and which shortly after passed that most offensive and unconstitutional, because unnecessary measure, the Coercion Bill; unnecessary, because the laws, if actually put in force, were quite adequate to suppress the outrages of the day without any such coercive enactment. What species of banners were exhibited on that occasion I certainly can not now call to my recollection, but I can call to memory that the

sentiments entertained by my respected friend and relative on the subject of the Union, tallied, I may say, with my own, namely, that though most assuredly we would prefer its repeal to seeing Ireland oppressed, divested of constitutional protection, humiliated or trampled upon, yet that we entertain an anxious hope this awful alternative may be averted by a happier change in the legislative and executive conduct of this country towards Ireland. Sir, that change has taken place, so far, at least, as it is not impeded by the injustice and perverseness of Gentlemen on the other side, and a corresponding alteration has accordingly occurred in the feelings of the Irish people relative to their connexion with this country. To that connexion, Sir, and to the compact of union there are two parties, to which both are equally bound, or both are equally released. The spirit and purpose of that compact are—to give us equal laws, rights, and privileges, in fact, as it was said, to make Ireland a second Yorkshire of England; but has such been the practice or the result; or does this refusal of the municipal franchises granted to England and Scotland savour of that unity, that identity, and mutuality? Certainly not. But, Sir, we do not blame the Government nor the British people; we blame only a party, who recklessly look to their individual interests and perverse principles, in preference to the interests and happiness of their native land. But to return to my friend Mr. O'Brien, his shrievalty was a model of propriety, of dignity, utility, and ability, which can be testified by the Members for his county, and those of the neighbouring counties, and a better or wiser selection his Excellency the Lord-Lieutenant never made. His politics are like his general conduct—temperate, dignified, loyal, and patriotic; and at a dinner very recently given to the right hon. the Chancellor of the Exchequer in Limerick he was chosen by the citizens of Limerick to be their chairman. Now, Sir, let me proceed to the general subject of the present debate; and permit me first to say, that notwithstanding the plentiful censure which the Irish Association has experienced from Gentlemen on the opposite benches, I feel satisfaction and self-approbation in saying he belonged to it, and was one of its early adherents. Doubtless I should vastly prefer that the

more popular out of it, but which had nothing whatever to do with the question, whether the Municipal Corporation Bill for Ireland would be beneficial to the empire at large. Hon. Gentlemen opposite had left out of consideration what would be the real effect of this Bill in Ireland. It was a Bill for reforming Corporations. Now it was agreed on both sides of the House that the Irish corporations should be reformed; and the question at issue, at all events among most hon. Members, was, whether the plan which Ministers contemplated would be the most fitting reform or not. The only statesmanlike way of looking at that question was, by the real practical effects which the Bill would have. His opinion decidedly was, that however well the theory of the Government might look upon paper, that practically the establishment of corporations in Ireland upon the footing on which his Majesty's Ministers wished to establish them, was ostensibly (he did not use the word invidiously) intended to work one object, when, in point of fact, it would work another. It had the appearance of providing for the just and equitable government of certain of the borough towns in Ireland. That was the ostensible ground on which it was put forward; but it had been left totally out of the question (as far as the debate had gone) what would be the real practical effect of the Bill. Undoubtedly it was well understood that that effect would be to increase the power of the party who sat on the Ministerial side of the House, and to diminish the power of the party on the Opposition side. That was the real question at issue. Supposing, for the sake of argument, that the corporations in Ireland had hitherto been exclusively Protestant and in the Tory interest, and it was fit that they should now be destroyed, that argument did not extend to the species of reform contemplated. The reverse of wrong was not right. It was a strange species of justice to take power from one party and put it clearly into the hands of another. Upon that ground, he objected to the arguments and the propositions advanced on the other side. He would now advert to that subject which had been introduced into the debate by the noble Lord—he meant the government of Ireland, and the great Protestant meeting that had taken place in Dublin. That meeting he did not attend, and, therefore,

if he were so inclined, he might plead exemption from the consequences which might follow his joining in its proceedings. But he did not intend at all to relieve himself from that responsibility. He fully concurred in the sentiments of those Gentlemen who attended there; he was happy to be joined with them, and to stand with them, whatever might be the result. He had read those resolutions carefully, especially that which had been commented upon with great asperity in that House, and he must say, he did not think they deserved the reprobation which had been bestowed upon them. Without critically scrutinising the words in which the resolutions were drawn up, of which he was not cognisant at the time, he must say that he conscientiously believed that the patronage of the Irish Government and the prerogative of mercy had been exercised in a manner, injurious to the peace of the country, to the administration of its laws; and the stability of the British connexion; that persons had been placed in office whose principal recommendation, in some instances, had been the political opinions they entertained; and he did believe that the appointments so made had been the cause of the creation of fictitious votes, and greatly prejudiced the administration of justice. Supposing he had signed the resolutions containing these sentiments, he did not think that he ought to be catechised where, when, and how, this had been done. He thought, as a British subject, he had a right to express his opinion on these matters either in or out of Parliament. If he had a conscientious conviction that he was right in these sentiments, he was justified in expressing them either in that House, where privilege extended, or out of the House where there was no protection. If the expression of such sentiments were really to be suppressed, he was at a loss to conceive wherein the liberty of the subject consisted. He knew not what was to prevent any number of persons (whether Catholic or Protestant), who chose to meet in Dublin and express certain opinions, to consider the means of advancing them, embody them in resolutions, carry them to the House of Commons, and, if they thought fit, lay them in a loyal and respectful manner at the foot of the throne. He conceived all this to be conformable to what he had always understood to be the liberty of the subject

The noble Lord called on the House to give equal privileges to Ireland; he ought first to call on Ireland to give equal obedience to the laws. It was said, that justice required the establishment of corporations. If the old corporations had abused their powers, justice required that they should be deprived of that power, but not that that power should be transferred to others who were equally likely to abuse it. It was very well to say, that the corporations would be open to all sects—could any one doubt that the power would be entirely in the hands of Catholics? It was said, that the population of Ireland ought to govern themselves. Did they govern themselves, or were they governed? They had been called “hereditary bondsmen;” they were hereditary bondsmen. They were hereditary bondsmen to faction and to priestcraft. It had been said, that a refusal of corporations would be an insult to Ireland. No; if the corporations were useful to the Protestant cause, it was the Protestants that were insulted by their abolition; but they did not complain. They were willing that the corporations should be abolished, but they were not willing that all power should be transferred to their adversaries. The Government of Ireland had been praised. Why did the very men who said that this was the best possible Government form this Association? It was said, that the tranquillity of Ireland justified the giving of corporations. That tranquillity was specious and delusive—it was produced by terror. He would read them an extract from a paper—the *Leeds Mercury*. It was headed “Passive Resistance.” It stated that there were 60,000 persons assembled to witness a tithe sale; that though the sheriff gave every assurance that bidders should be protected, no bidding was made. The multitude looked on silent and calm. Everything passed in dumb show, and at the conclusion the people dispersed in perfect quiet. This was the state of the law in Ireland. The sheriff was obliged to call out the *posse comitatus*, to enable him to execute the law; but that very *posse comitatus*, which ought to have assisted him in the execution of the law, was itself the great obstacle to its execution. Thus the officer appointed to execute the law was left in a state of despair, among a crowd of between 40,000 and 50,000 men. He was overawed by the very persons on whose

allegiance he had a right to rely. He was menaced in the performance of his duty by the fear of death—not, indeed, directly threatened, but silently and indirectly implied. The vast assembly had stood calm but resolute spectators of this abortive attempt to enforce the law; but no one had dared to purchase—no one had had the hardihood to defile his hands with the materials of a levy for tithes. Yet all this passed unrebuked by the hon. and learned Member for Kilkenny, who came down to that House and said, that if a small portion of the tithes were emitted, the remainder would be secured,—and who certainly, to the extent of that remainder, upheld tithes, and was bound to recommend the payment of that. But, whether that hon. and learned Member reprobated tithes wholly or partially, the title of the claimants of them was as good as the title of the hon. Member to his estate: he said, as good as the title of the hon. Member to his estate; for, whatever his title to the “rent” might be—and he would not dispute about it, for he did not understand that species of titles—the title of the hon. and learned Member to his estate was the best title he had. Why was it that the noble Lord did not extend the protection of Government to those who vindicated rights conferred on them by the law? Was it for the purpose of placing those individuals in a situation so helpless as to provoke outrage, and of converting that outrage into a pretext for destroying rights which were obnoxious, if not to the noble Lord, at least to those who had influence with him? If it was not, and if the noble Lord were sincere in his expressions of attachment to the Established Church, and his determination to uphold it, how came it that the individuals to whom he had alluded—men who were Protestants—learned, zealous, and pious Protestants—men bent on the fulfilment of their sacred mission—were now prisoners in their houses? Not only were their persons insecure, not only were their families enduring sufferings, but their very houses had ceased to be sanctuaries for them, having become marks for the incendiary;—and yet these men were said to “imagine” that they felt pain. What men felt when imagining pain, he did not know; but he certainly did think, that hunger was a pain not confined to the imagination merely. He did think, that the owners of tithes had shown that they

1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the origin of life, from the spontaneous generation theory to the modern theory of the origin of life from non-living matter.

2. The second part of the paper is devoted to a detailed discussion of the modern theory of the origin of life. The author discusses the various stages of the origin of life, from the formation of the first organic molecules to the formation of the first living cells.

3. The third part of the paper is devoted to a discussion of the role of the environment in the origin of life. The author discusses the various factors that influence the origin of life, such as the temperature, the pressure, and the chemical composition of the environment.

4. The fourth part of the paper is devoted to a discussion of the role of the genetic code in the origin of life. The author discusses the various theories of the origin of the genetic code, from the theory of the origin of the genetic code from non-living matter to the theory of the origin of the genetic code from living matter.

5. The fifth part of the paper is devoted to a discussion of the role of the fossil record in the origin of life. The author discusses the various theories of the origin of the fossil record, from the theory of the origin of the fossil record from non-living matter to the theory of the origin of the fossil record from living matter.

6. The sixth part of the paper is devoted to a discussion of the role of the modern theory of the origin of life in the history of science. The author discusses the various contributions of the modern theory of the origin of life to the history of science, from the discovery of the first organic molecules to the discovery of the first living cells.

7. The seventh part of the paper is devoted to a discussion of the role of the modern theory of the origin of life in the future of science. The author discusses the various contributions of the modern theory of the origin of life to the future of science, from the discovery of the first organic molecules to the discovery of the first living cells.

8. The eighth part of the paper is devoted to a discussion of the role of the modern theory of the origin of life in the philosophy of science. The author discusses the various contributions of the modern theory of the origin of life to the philosophy of science, from the discovery of the first organic molecules to the discovery of the first living cells.

9. The ninth part of the paper is devoted to a discussion of the role of the modern theory of the origin of life in the history of the world. The author discusses the various contributions of the modern theory of the origin of life to the history of the world, from the discovery of the first organic molecules to the discovery of the first living cells.

10. The tenth part of the paper is devoted to a discussion of the role of the modern theory of the origin of life in the future of the world. The author discusses the various contributions of the modern theory of the origin of life to the future of the world, from the discovery of the first organic molecules to the discovery of the first living cells.

his order." If others met, if others confederated, why should not those who thought as he did, meet, and combine, and confederate? Why should not they retort on their adversaries the measures which had been employed against themselves? Those adversaries coerced them into associating; for those adversaries discharged over the land red-hot balls, which must necessarily rebound from the centre to the surface. The learned Sergeant had discovered, as he fancied, an Act of Parliament which would effectually suppress this Association—it was the Act of 1795, commonly called Lord Clare's Act. Now it turned out that Lord Clare's Act was directed against delegation, and that the Association which was so obnoxious had no delegates among its members. Was Lord Milltown a delegate? he would ask. Was any one member of it—for it would be idle to multiply names—a delegate? There had been men who said, that they would respect the Crown, were it even hanging on a bush. He did not wish to inculcate any new doctrine about the respect due to the Crown; but certainly he could not reconcile indignities offered to the Representative of the King with a feeling of respect for the Crown; and that indignities, such as he had alluded to, had been offered, must be manifest to the House from the language used last night respecting Lord and Lady Mulgrave. The learned Sergeant had been in England and in attendance at this House, at the time when the Association was first formed, for the 11th of May was the day: and why had he not denounced it then? He was in the chair at that meeting, and the first name on the requisition was that of Mr. Leyland Crosthwaite, a Protestant. Lord Milltown, another Protestant, though suffering from illness, attended, and Mr. Crosthwaite proposed the name of "Association." They then appointed two Committees, one for the registries, and one of finance; and they did so to satisfy the House of Lords that the people of Ireland would have justice done them. How, then, dare any man assert that members of an association created for the purpose of vindicating just rights, were rebels to their King and traitors to their country? But that Association was denounced because it had succeeded; because, through it, hon. Gentlemen opposite had been beaten; and because through it they would be beaten again. He

could tell them, that though the bells announcing their dissolution were not now tolling, their days were numbered. Why did not hon. Gentlemen say before Parliament those pretty speeches which fell so glibly from their lips at meetings of their own adherents? Why did they not repeat in that House the rhetoric of those assemblies at which they exhibited the customary tricks of those who wore orange coloured pocket handkerchiefs, and trampled on Lord Fitzwilliam, and trampled on the Duke of Devonshire, and trampled on the best men who ever held property in the country? Let them meet him and his friends face to face, and then attempt to vilipend the best friends of Ireland. The Association did not use its funds to harass plaintiffs in suits in equity; but it did employ its wealth to defeat the exactions of men who sought to recover more than was their due. And if the learned Sergeant knew anything of his own court, he would know that Lord Plunkett had declared that one defendant had been illegally imprisoned, and now had his remedies. The learned Sergeant, too, had attacked Mr. Pigott; now, he would say, that no gentleman had ever earned such a meed of praise from all parties as he had done in the county of Longford. And this the learned Sergeant should have recollected. When hon. Gentlemen challenged the legality of the Association, they should be wary lest they impeached their own title, for the origin of both was much the same. They both owed their existence to conventions, and he had never heard that conventions were illegal; that of 1782 at least was not. It was all very well to deny the expressions attributed to a noble Lord (Lyndhurst) which had excited such indignation in Ireland, but let them read the speech, let them sift its context, let them examine the internal evidence, and they would find that the people of Ireland were justified. That noble individual, and his imitators and followers, were the real repealers. Ireland was not the country, whatever England might be, to put the stamp of national indignation on the innocent and unoffending. No one was safe from the attacks of the learned Sergeant. Mr. Pigott was attacked, Mr. O'Loughlen was attacked, and so was Mr. Tighe, so was Mr. Cassidy, so was Lord Mulgrave, and so also, be it remembered, was Lady Mulgrave. Yes, Lady Mulgrave, in whose defence, if insulted, the sword

of the chivalry of Ireland would leap from their scabbards, as had been said of the bearing towards their Queen which another nation ought to observe. Why was Lord Mulgrave to be insulted by the absence of hon. Gentlemen from his court? An example of such disrespect had not been set by him when Lord Haddington was the representative of the King in Ireland. They had, however, attended to the registries, and he would state, the results for the delectation of hon. Gentlemen opposite. For Drogheda, they would have a new Member in the next Parliament, and in Athlone he was happy to say that a most satisfactory return would be made. He would not interfere with the dispute which must take place between the hon. Members for Belfast, as to which should retire; one, however, would. Longford he considered as settled, Sligo he had great hopes of, Carlow they were now carrying without a contest, and in the county of Cork they would return one Member, and the learned Sergeant might make up his mind about Bandon. On the whole, they would gain seven in towns, and eight in counties, making fifteen votes, which, in a division, were equal to thirty. He hoped that hon. Gentlemen were pleased with the fruits of their labours; let them continue to obstruct the course of justice in its progress to Ireland, and they would next year reap a more plenteous harvest of them.

Mr. *Lefroy* commenced by observing upon the extreme inaccuracy of the calculations made by the hon. Gentleman who had just sat down, and he would say, that if his promises with respect to the rest of the representation of Ireland were no better founded than with respect to Longford, he would have a very small account to render in any succeeding Parliament of a gain to his side of the House. The hon. Member had appealed to him to state his opinion as to the legality or illegality of the Association. If he could have ever entertained any doubt on the subject, the argument of his hon. Friend (Mr. Sergeant Jackson) was enough to banish any such doubt from his mind, as, without question, it had banished doubt from the mind of the House. In his opinion, any body of men uniting their efforts and applying their funds for the purpose of obstructing the execution of the law, and defeating the rights of property, must of necessity be an illegal association. The noble Lord

(J. Russell) had imputed to a large body of the Irish Members that they had brought forward charges against the Irish Government out of the House which they had never dared to bring forward in Parliament; and they had made these charges without evidence to support them. Was the noble Lord now of that opinion? Did he now think that "miserable, monopolising minority," as he had designated them, would not dare to bring forward these charges in that House? Did he now think there was no evidence to support them? Did the noble Lord now feel that it was an honour, as he declared a few nights ago, to be associated with Lord Mulgrave in the Government of Ireland—was the noble Lord willing now to be considered as a pacificator in all the strange proceedings which had been now established by irrefragable proof since the commencement of this debate? The only apology which he could find for the conduct of Lord Mulgrave was, that the noble Lord was said to be extremely fond of romance—and hence arose these wild sports of the west. Therefore it was, as he charitably presumed, that the noble Lord, on his tour, opened all the jails and discharged the prisoners, substituted the opinion of the jailer for that of the judge, and the authority of his private secretary for that of the Secretary for Ireland. He must say, that if he were in the noble Lord's place, he should deem it no honour to be associated with a person who had acted in that manner. But he should not go over the whole of the ground which had been traversed in this debate, but confine himself to a charge against the Lord-Lieutenant, which was a most serious one, and which he was the person who brought forward to the Dublin meeting—a charge, which, if he could not bring forward evidence to support, ought to cover him with shame and disgrace. He repeated that charge to the House, that the Lord Lieutenant had, in the words of the resolution, "been guilty of setting aside, in nine instances, in the course of last year, the fit and competent gentlemen nominated to the office of high sheriff in the constitutional and legal manner by the twelve Judges and the Lord Chancellor, and of an arbitrary substitution of others in their stead." He admitted all the seriousness of the charge, and he felt the full weight of the responsibility of the proof. About twenty years ago the sheriffs used to be

appointed on the recommendation of the county members, or if they happened to be adverse to the Government, the sheriff owed his appointment to the principal political influence in the county. No system could be more mischievous or more objectionable than this, and accordingly it was brought before the House by Sir John Newport, in the year 1816, upon a motion for a Committee to inquire into the state of Ireland. He described it as a radically vicious system—one which went to poison justice at its source. His right hon. Friend, the Member for Tamworth, was then Secretary for Ireland, and at once yielded to the objection, and pledged himself to introduce the same system which existed in England. The present Lord Plunkett, then in this House, and sitting at the same side with Sir John Newport, declared his opinion that the Secretary for Ireland was entitled to the greatest approbation for what had fallen from him upon the nomination of sheriffs, and was sure it would be of infinite advantage to Ireland. The practice was then assimilated to that of England, and three names for each county were selected by the going judges of assize. These names were again considered by the Lord Chancellor and the twelve Judges; and if any objection appeared, a new name was substituted, and from this list, thus scrutinised, three names were finally returned to the Lord-Lieutenant, from which to select a sheriff for the ensuing year. A system better calculated to obviate the vice of the old practice, and to secure the appointment of sheriffs against the influence of political interference, could not be devised, and accordingly it had been found to work well, and had been approved of and upheld by all administrations, whether Tory, Whig, or mixed, which had since taken place in Ireland. He could not find, from 1816 to 1836, more than one exception to this rule, and in this case the Government selected a gentleman of opposite interests to the Government itself. But in that instance the Government acted upon a complaint made to it by a candidate for a county, that the list for that county was composed wholly of his opponents. The Government did not act *ex mero mero*. It acted upon a complaint, and only in the single instance; but here was Lord Mulgrave acting at his own instance—setting aside the recommendation of the twelve judges, and of his own Lord Chancellor

in nine counties—selecting, upon whose recommendation did not appear, nine gentlemen for the office, and passing over the twenty-seven names returned by the Judges and the Chancellor. He should not stop to inquire into the merits and demerits of those appointed or those passed by, though he was prepared to shew the unexceptionable character of the names returned by the Judges, and the extreme political partizanship of almost all those substituted by the Lord-Lieutenant. He arraigned him on the principle of his conduct—for having revived a system which one of his own Whig friends had described as poisoning justice at its source, and of having departed from one which another had declared would be of infinite good to Ireland. The noble Lord, last night, acquitted the Judges of partiality in the discharge of their duty; then why did Lord Mulgrave set aside their appointments? The Lord-Lieutenant had departed from a system the best calculated to secure impartial justice, and he had taken upon himself to establish a precedent, which, if it did not originate in corrupt motives, might lead, on the part of other Governments, to an arbitrary and capricious, aye, and corrupt mode of conduct. He arraigned the Lord-Lieutenant, therefore, for this departure from a great constitutional principle. The right hon. and learned Member then adverted to the case of Mr. Leigh, who received a notification that he had been appointed sheriff, but in the interim, between his appointment and Mr. Leigh's coming to the Castle, Lord Mulgrave was told that Mr. Leigh continued to belong to an Orange lodge, and therefore he was determined to revoke his appointment. Lord Mulgrave declared, in defence of this act, that he was determined not to appoint any person to the office of sheriff who belonged to any secret exclusive political society, opening the door wide to admit all appointments to gentlemen belonging to the National Association, and most guardedly and critically expressing himself so as to exclude none of the latter body. Lord Mulgrave subsequently admitted that he had been misinformed, and therefore he regretted that he made the statement, and accordingly he appointed Mr. Leigh high sheriff this year. But did not this show the mischievous principles on which Lord Mulgrave's government was conducted? Mr. Leigh was whispered out of his office.

He was condemned on secret information, and by the private suggestions of the Solicitor-General. Why not refer to the judges? Why was not Mr. Leigh himself asked the question? Then all would have been cleared up at once. When Lord Mulgrave defended himself in the House of Lords with respect to the rejection of Mr. Leigh, it was not known that he had acted in the same way with respect to eight other gentlemen. He hoped the noble Lord (Lord John Russell) would be able to exculpate the Lord-Lieutenant from this serious charge. But the practical evil of this system was yet to be told. The duties of the office, it is well known, were performed in Ireland by the sub-sheriff. What were these duties? Returning the grand and petty juries at the assizes and sessions, executing all writs, levying all executions, enforcing distresses, presiding at elections, directing and heading the force of the county for the preservation of its peace. But in all these instances, except in presiding at elections the sub-sheriff was the acting person. He was especially the person on whose vigilance and fairness so much depended in the clergy obtaining their rights in cases of executions or distresses. They knew also that these individuals were not of that class of men, nor of that dignity or rank from which was expected that delicacy and strict performance of duty, which was looked for in the high sheriff. In many cases they were known to have abused the powers of the law in a most outrageous manner. He did not like to make sweeping and general charges unsupported by proofs, and he would therefore state to the House a particular instance, which was but one of many, and the truth of which stood on the records of the courts of justice in Ireland. The gentleman appointed in room of Mr. Leigh was Mr. Derinsey, and he nominated as his sub-sheriff Mr. Corcoran, an agitator in the county of Wexford. An execution, issued at the suit of the executors of the Bishop of Ferns for 25*l.*, due for arrears of tithes from a person of the name of Sweetman, and the sheriff seized under the writ sixteen cows, twenty-five sheep, and a large quantity of other valuable property. The sub-sheriff, however, instead of proceeding to sell the property by auction, and raise the paltry sum of 25*l.*, returned to the courts that the goods were in his hands, but for want of bidders he had not sold them. He thus

obliged the executors to wait until the next term, and to obtain an order upon the sub-sheriff to put the goods up by auction. The plaintiffs wished the sub-sheriff to bring the cattle to the town of Enniscorthy, where they could have an effective sale, but Mr. Corcoran refused to harass the cattle, as he termed it, by driving them there, the distance being five miles, but promised that he would hold a sale, on such a day, on the premises. The day before the day appointed he held a mock sale, and returned to the court that he had sold the cattle and the sheep for the sum of 1*l.* An application was, however, made to the court against the sub-sheriff; the case was examined into on affidavits; the sub-sheriff was heard in his defence, and the court was so satisfied of the impropriety and collusiveness of his conduct, that they ordered him to pay the debt and all the costs. This, however, is but one instance amongst many, to prove the mischiefs resulting from the appointment of high sheriffs under Lord Mulgrave's system. If the noble Lord will allow a Committee to be appointed, his opponents will prove in detail abundant more instances, and shew that the administration of the law, the security of life and property, and the peace of the country, have been most seriously affected by the whole system of the Irish executive since Lord Mulgrave assumed the reins of Government.

Mr. *Wakley* complained of the very irregular nature of the present discussion. The noble Lord on his side of the House, in the very excellent and admirable speech which he had made last night, had gone fully into the question of Irish politics, and had challenged the fullest discussion into it from the other side. In consequence, he did not complain so much of what had been done on the other side as of what had been done on his side of the House; but after the challenge which the noble Lord had thrown out last night to the Gentlemen opposite, he thought that if the accusations which they had brought against Lord Mulgrave were true, or if they believed them to be true, a feeling of justice and decorum would indicate to them, that if they did not dare to impeach Lord Mulgrave, when they said that they had in their possession proofs to support an impeachment, they ought not to pester the House again with such observations as those which they had recently addressed

to it. If they had grounds for their accusations, which he believed to be unfounded, but which they asserted to be substantially well-founded, they would be traitors to their country if they did not bring them specifically under the consideration of Parliament. The question of Irish Municipal Reform, which was the question really before the House, but on which scarce a word had been said since the commencement of the debate, appeared to him to lie in a very narrow compass. He should not have said a word upon the subject, had it not been for an expression which had fallen from the lips of the hon. and learned Member for Bradford. That hon. and learned Gentleman had said, that if the people of Ireland were of the same description with the people of England and Scotland, he would not in that case refuse to give them the full enjoyment of municipal rights. The country had heard many comments upon an unfortunate expression used by a noble Lord in another place respecting the Irish being aliens in blood, in language, and in religion; but was it possible that that expression could be more offensive to the Irish nation than that which the hon. and learned Member for Bradford had that night applied to it? He asked that hon. and learned Member to tell him what he meant by the word "description," as he had applied to the people of Ireland. Surely the hon. and learned Member would admit that in physical constitution and in moral obligation the people of Ireland bore some resemblance to the people of England and the people of Scotland. Surely he would admit that the babes of Ireland sucked the breasts of women. Surely he would admit—

Mr. Hardy: The hon. Member has misunderstood me. I said, if the conduct of the people of Ireland were of the same description with that of the people of England. I did not say, if the people of Ireland were of the same description with the people of England.

Mr. Wakley: As the hon. and learned Member denied the expressions, he was bound, of course, to accept his denial but he had taken down the words of the hon. and learned Member at the time, and he was happy to find that the hon. and learned Member did not mean them to apply in the sense in which he had taken them. He should therefore abstain from further remark upon them. If the hon. and learned Member had used them, he

would have only done that which his hon. Friends near him were doing, whenever they declared that the people of Ireland were unfit to govern themselves. If the people of Ireland were unfit to govern themselves, why was the Catholic Emancipation Bill passed, and with what hopes was it recommended to the favourable consideration of Parliament? Was it recommended as a measure of mere speculative legislation, to be kept and exhibited as a curiosity in an Irish museum? Was it a piece of trickery, devised by the framers of it, to keep themselves in office, or was it a measure which they really intended for the benefit of the people of Ireland? He would read the preamble to that Act, as it was calculated to throw some light upon the question he had just raised. That preamble was in the following words:—

"Whereas, by various Acts of Parliament, certain restraints and disabilities are imposed on the Roman Catholic subjects of his Majesty, to which other subjects of his Majesty are not liable, and whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued." The right hon. Baronet, Sir Robert Peel, cheered; he was glad to hear the right hon. Baronet cheer that sentiment. Now, if the civil restraints and disabilities on the Irish Catholics were removed, or were to be removed, why did the right hon. Baronet and his party refuse to them the advantages which this Bill was calculated to confer upon them? That was a plain question, and admitted, if they had the inclination, of a very plain answer. The Emancipation Bill indicated that all restraints and disabilities arising from religious opinions were to cease as soon as it became law. By that Bill you have admitted the gentry of Ireland to take their seats in this House. Will you, by refusing your assent to this Bill, deny to the middle classes, who inhabit the towns of Ireland, the means of administering their local affairs, merely because they are Catholics? If you will do so, a more galling insult was never inflicted, a more violent fraud was never practised upon a nation than that which you will inflict and practise upon Ireland. He could assure hon. Gentlemen on the opposite benches that the course which they were pursuing in conjunction with the House of Lords was producing a deep feeling of indignation against them in the minds of the people of England. The people were r

why it was, that the course of legislation was so needlessly interrupted in both Houses of Parliament? They were also asking why these daily interruptions were given to their social harmonies—why the proceedings of Parliament did not advance as formerly in a quiet, a regular, and a concordant spirit? His answer to those questions was shortly this:—"The reason is because we have one branch of the Legislature irresponsible to any human tribunal, and, therefore, determined to pursue its own paltry objects in defiance of the wishes, and at the expense of the best interests of the nation. It was a mistake to assert that the National Association was the spawn of its own wrongs—it was the offspring, the natural yet legitimate offspring of the House of Lords, and of its mistaken policy. He implored the right hon. Member for Tamworth to shake off the lethargy which had oppressed him during the last week, and repeat the same acknowledgment which he had manfully made in 1829. "I have for years," said the right hon. Baronet, "attempted to maintain the exclusion of Roman Catholics from Parliament and the high offices of the state. I do not think it was an unnatural or unreasonable struggle. I resign it in consequence of the conviction that it can be no longer advantageously maintained. I yield to a moral necessity which I cannot control, unwilling to push resistance to a point which may endanger the establishments that I wish to defend." Now, with great humility, he begged leave to inform the right hon. Baronet that the same moral necessity to which he had yielded before, and which he had confessed himself unable to control, had arisen again. The will of the people of England proclaimed that fact in terms which could not be mistaken; and the House might depend upon it that they were ready to support the people of Ireland in their demands for justice. If the people of Ireland were denied these advantages which their different Municipal Bill had given to the people of England and Scotland, they would act wisely if they declared that the union of the two countries was a mockery, an insult, and a reproach, and that it should exist in reality or not at all. In conclusion, he observed that if the noble Secretary for the Home Department would continue to pursue the high and noble course on which he had entered on the preceding evening, he might depend upon

receiving from the people that support which would overwhelm his enemies with confusion and dismay, and which would obtain for England, and Ireland too, a full measure of justice.

Mr. West: As one of the persons who took a part in the proceedings of the Protestant meeting in Dublin, and who entirely concurred in every resolution passed at that meeting, hoped he might presume to address some observations to the House. The course which the debate had taken had, whether intended or not, involved him in some difficulty. The noble Lord, the Secretary for the Home Department, had come down to the House a few nights ago, and in announcing his intention to introduce a very important measure had also expressed his determination to enter upon the subject of the resolutions passed at the Dublin meeting; and to open and discuss the whole subject of his Majesty's Government in Ireland. The noble Lord kept his word. Of a speech of great ability and considerable length, three-fourths were devoted to the motives and insignificance of that meeting, challenging proofs, and demanding contradiction upon matters which had little relevancy to the Bill about to be introduced, but which had a most important reference to the proceedings of that meeting, and to the conduct of his Majesty's Government in Ireland. What was the plain object of this? The noble Lord, either in a confidence in the strength of his own case, or in ignorance of the case of his opponents, hoped to introduce to the public notice a measure of very great importance, accompanied with such a popular impression as he trusted would be made by the history of his administration in Ireland. Then came the reply of his hon. and learned Friend. He knew not to what hon. Gentleman on the opposite side the duty of answering that speech was allotted—for that duty was still to be performed—that eloquent and admirable speech, which the candour even of his adversaries would admit presented a powerful case in defence of his friends, and a strong inculcation of the measures of his opponents. In this situation the hon. Member for Bath came forward, and with a sincere, or at all events a well-affected, surprise at the irregularity of the debate, expressing his astonishment that it was not strictly confined to the question of the Bill, undertook to deliver a very eloquent lecture to

the Representatives from Ireland at both sides of the House, not only upon the unfitness of their conduct to the usages of Parliament, but also upon the grace and propriety of their gesticulation. And he would say that, as a moral teacher or an instructor in those graces that ought to accompany public speaking, the sentiments and manner of the hon. Gentleman were quite worthy of the character he had assumed. He had heard the hon. Member with sincere pleasure; and as the best proof of it, although he could take no part of the hon. Member's censure to himself, this being the first time he had ventured to address the House, he would most cheerfully pursue the course recommended by the hon. Gentleman, and avoid now, as he had ever done, those personalities which were as disagreeable to the Member who used them, as prejudicial to the character of that House. He would with great sincerity adopt the advice, as readily as he wished he could adopt the ability and the manner, of the hon. Gentleman. But the hon. Gentleman, having concluded his lecture by deprecating all further discussion upon extraneous subjects, put forth all his power in an effort to seduce the House from the true question of the night, in a speech which he should consider, if not intended, at least to be an extremely appropriate one for the second reading of the Bill. But he could not follow the hon. Member. He must rather endeavour to pursue the noble Lord; and, being fully aware of the vital importance of the measure itself, yet, feeling that another opportunity would arise for the discussion of that subject, he would at once proceed to a consideration of the charges which had been made against the Government of Ireland. And first, was anything ever heard like the attempt made to give an answer to the speech of his hon. and learned Friend? Of all the charges and all the proofs adduced by him, there was no allusion made in the reply of the hon. and learned Member for Kilkenny except upon three points—the appointment of Mr. Cassidy, the case of Carter, and the conduct of Lord Mulgrave in discharging the gaols of Ireland, and what was the answer to these cases? That the hon. and learned Member had not been aware of the conviction of Mr. Cassidy for resisting the execution of the law, and suspected it was not true; whereas an hon. Member, the son of the

Lord-Lieutenant of the county, was present to vouch the fact, and therefore there was no doubt upon that subject. The noble Lord, the Member for Leitrim, made a different case, and one not consistent with the doubts expressed by the hon. and learned Member for Kilkenny. He rested Mr. Cassidy's case upon a sort of justification of his resistance to the law, on the ground of the unfair pressure of the tithe system on Mr. Cassidy, as an extensive grazier, and the noble Lord seemed to think that this resistance had no relation to the case of the Protestant clergy; but the noble Lord had wholly forgot one fact stated by the hon. and learned Sergeant—the payment by Mr. Cassidy into the National Association of the precise amount of his disputed tithes, as soon as he was appointed Magistrate, and this as the fitting amount and the fitting fund from which his contribution to that Association was to be made. Then as to Carter's case, no personal attack was made or intended against Mr. O'Loghlen. The inaccuracy discovered with so much profession of triumph in the hon. and learned Sergeant's speech was, that in a case where there were three abortive trials, the first, which might have gone off, as it did, by an accident, took place when Mr. Blackburne, not Mr. O'Loghlen, was Attorney-General. Now he was assured it was neither, that it was Mr. Perrin. But was it of the slightest consequence to the case which it was? The objection was this: that by the innovations, in doctrine and practice, by the present Government, a horrible crime had escaped detection and punishment, and a notorious convict was not prevented from placing himself upon the jury at the second trial, and by that means no verdict was had. It was a fact not yet mentioned, that when the jury, some of them Catholics, stated in open Court that there could be no agreement, by reason of the conduct of that same individual, a son of the murdered man applied to the Judge who tried the case to have permission to appoint his own counsel, to protect his interests. The Judge had no power—he referred it to the counsel who conducted the case for the Crown—an able and excellent man—but their rules or their instructions left them no discretion, and the application of the poor man's son was refused. And thus, from whatever cause, a crime, which had struck every human being with

[The page contains two columns of text that are extremely faint and illegible due to poor scan quality. The text appears to be a formal document or report, possibly containing names, dates, and descriptive paragraphs. The layout is typical of a two-column newspaper or official publication.]

tration of justice as well as mercy—the keeper of the common gaol—to be the medium through which the merits of these malefactors were to be ascertained, and the prerogative of mercy to be administered. Did he exaggerate? Look to Colonel Yorke's letter, to the gaoler of Lifford—to another letter respecting Meath gaol, from which twenty-one persons were discharged. It was the same at Cork, the same at Tralee; and the only impartiality and justice which he (Mr. West) could see in the transaction was, that every county was to have its due proportion of vagabonds scattered over it—and that there should be no county in which the Judges should not be impartially insulted. But if the true object had been the quiet luxury of doing good, and enjoying the consciousness of a benevolent action, could it not have been suggested, if it did not suggest itself to his Excellency, that he might at all events have waited until his return to Dublin, and sent down those warrants for the discharge which were the only sufficient authority to the keepers of the prisons? And with respect to the prisoners themselves, if entitled to a pardon they ought to have had it properly. There was no man who was not bound by many obligations to society, and it might not only be important to the prisoner to have the legal consequences of his conviction completely removed, but there were many cases in which the public might have an interest in it. Take him as a witness for example. The public might have an interest in his testimony—the conviction rendered him incompetent. At common law, his pardon must have been under the Great Seal; but a late statute had given a shorter process of restoring the competency by warrant, under the sign manual of the Lord-lieutenant, backed by his secretary. Now, he should feel exceedingly glad to know in what manner any of the very able lawyers of the Association would set about pleading such a pardon as this, given in the many cases of felony and misdemeanour with which the several lists abounded. That the Earl of Mulgrave, being the Lord-lieutenant of Ireland, came upon such a day, in a very handsome cap and feather—presented himself at the door of the gaol of Sligo—and then and there ordered the gaoler, who neither knew the Lord-lieutenant nor had any business to know him—to let loose the particular offender, which the gaoler did accordingly

without any further warrant. On the irregularity of such a mode of proceeding he need not enlarge—it had been confessed; for warrants were subsequently issued to legalize the *viva voce* proceeding under which those prisoners had been discharged. The necessity for its being so legalized could not for a single moment be disputed. If it were he was prepared with authorities at once to show that that necessity was of the highest order. He hoped that the House would not be alarmed at seeing a lawyer come before them with an authority, but he should only call their attention to one. The 7th and 8th of George 4th rendered it absolutely necessary that, in order to the restoration of the full rights of a convict, his pardon should be made out according to a prescribed form. Anciently, by the common law, it was necessary that the pardon should be passed under the Great Seal; at present, however, the Act to which he referred, permitted it to be done in a more convenient manner—it could now be completed by receiving the sign-manual of the Lord-lieutenant, with the counter-signature of the Chief Secretary. In granting pardons to any persons convicted of any species of offence there could be no doubt that conditions might be annexed to the grant of such pardon, as, for example, that the offence with which the prisoner stood charged, he should give security not to repeat. One of the convicts whom the noble Lord set at liberty, had been found guilty of an assault with intent to commit a rape, and he was discharged unconditionally. There were precedents enough to be found of proper warrants for the purpose. One, and not a very distant one in point of time, would be mentioned by a learned and hon. Friend; but he would venture to furnish another to the official and hon. Gentlemen at the other side, which might be useful hereafter. In the list of malefactors discharged from Sligo gaol, he perceived the name of one who had been sentenced to nine months' imprisonment for an assault, with intent to commit a rape. Something of a similar offence occurred in the reign of James 1st, and a pardon was granted, and the form of the warrant conveying the pardon was preserved. It would be found in the 2nd vol. of State Trials, 739, and a portion of it was in these terms:—THE PARDON OF SIR EUSTACE HART. “James Rex.—*Ad quos, &c. salutem.—Sciatis, qd de gratia nostra speciali, ac ex*

tion, and to intrust to me such additional powers, as may be found necessary for controlling and punishing the disturbers of the public peace, and for preserving and strengthening the legislative union between the two countries, which, with your support and the blessing of Divine Providence, I am determined to maintain by all the means in my power, as indissolubly connected with the peace, security, and welfare of my dominions." And did all the then Ministers concur in the nomination of Mr. O'Brien and other proceedings of the same nature? No; not at all. The hon. Member for Bath pointed to these benches, as he supposed that some hon. Members had changed their opinions. Who had changed their opinions? And it was with sneers like this, that hon. Members endeavoured to console themselves for what in their hearts they regretted. The loss of two men, who, in the universal estimation of the country, had carried with them, from the bench which they no longer occupied, a great part, if not the whole, of its genius, and a very considerable portion of its integrity. With respect to the Assistant Barristers, he was unwilling to say anything respecting the gentlemen whose names had been mentioned; and the more so, as one of them had been in some degree engaged against himself. The hon. and learned Gentleman then proceeded to notice the appointments conferred by the Government of Ireland, upon Messrs. Pigott, Hudson, Gibson, and Green, censuring the conduct of the Administration, but speaking in terms of the highest respect of the above-named gentlemen. With Mr. Pigott, and, as we understood, with the other gentlemen he had the pleasure to be acquainted. Mr. Pigott was a member of the General Association, and was also distinguished by having become an object of the patronage of the Crown. It was therefore to be inferred, that his views of Irish politics coincided with those of the King's Government. It was necessary that the Bills for the recovery of tithe should be signed by a barrister. It happened that some of those Bills bore the name of Mr. Pigott, and this gave rise to some proceedings in the General Association, a report of which appeared in the *Dublin Freeman's Journal* of the 6th of January, 1837, and a passage from that report he should, with the permission of the House, now read:—"On the list of

Counsel who had signed pleadings in the Court of Exchequer being read, Mr. Redmont said he felt that these signatures had been affixed through want of thought for the Monarch. The name of one gentleman appeared on the face of the list which they had just heard read. Now, it was a fact, that at the commencement of this Association that gifted individual had given all the aid of his sensible and powerful mind in its formation, and in advancing it to that proud and permanent station which it holds at present. He had proved himself one of the most useful, the most active, and most zealous supporters it had; that gentleman was Mr. Pigott." The Administration of the country was the same when Mr. Pigott had the fortune to become an object of its patronage as at the present moment. After what he had heard from the noble Lord, the Secretary of State for the Home Department, on the subject of perfect union amongst those connected with the conduct of public affairs, after the censure pronounced against anything like disunion or discordance of sentiment, he should say that the strongest ground had been furnished to presume that there subsisted no differences between the noble Lord opposite, and that learned "individual who had given the aid of his powerful mind in the formation of the General Association," who was "one of the most active and zealous supporters it had." He knew it to be extremely probable that if that question were put in another place, the present head of the Government would deny a community of feeling with Mr. Pigott on the subject of the General Association; but what he desired to know was, did the sentiments of the noble Lord opposite accord with those of Mr. Pigott? Opinions had in the course of the present discussion been pronounced on the legality of the Association; on that subject he did not hesitate to pronounce his view of the question—namely, that it was an illegal body. It was the illegitimate successor of the Catholic Association; and in that House Mr. Canning had pronounced an opinion upon that body well worthy of being remembered. His words were—

"Is it (asked Mr. Canning,) possible that any man looking at an association of this nature—at the means, the power, the preponderance of which that association is acknowledged—nay, is vaunted to be in possession—at the authority which it has arrogated, and at the acts which it has done—

of the Irish Government. The hon. Colonel should be immediately reinstated in his office; and some broad hints should be given to Lord Plunkett, who, by his present line of conduct, proved himself to be an incubus on Lord Mulgrave's Administration." Such was the language, which had been received with shouts of approbation at the Association; and he believed he was right in saying that the hon. Gentleman who formed the subject of those comments, was reinstated in his office almost immediately after. Could it be denied, that in the National Association that re-appointment had virtually originated? The hon. Gentleman then quoted from a newspaper, which he designated as a Government organ, a passage which had appeared in it a few months since, and which described Ireland as in a state of "permanent agitation over six-sevenths of its superficial extent." He next adverted to the Irish Government Gazette, a copy of which for the year 1836 was in his possession. From this Gazette, it appeared that no fewer than 290 proclamations, respecting outrages of the most enormous description, had been published therein during the twelve months to which he alluded. Nothing but outrages of this description found their way into the Irish Gazette. Of the proclamations to which he had alluded, seventy-one were for actual murder. Of burnings the number was nearly equal. The catalogue of crime which this Gazette contained was altogether frightful. In any other country of the earth but Ireland such a catalogue would be alarming. In that country it was but a matter of every day recurrence. The Gazette of the last month, which he (Mr. West) had at that moment in his hand, contained so many as twenty-eight proclamations, respecting outrages of a similar description. Of these twelve were for murders; so that instead of seventy-one, as in the preceding year, if the average of that month were taken for the entire year, the number of these grievous crimes would amount, at the expiration of the year, to 144. And yet Ireland was asserted to be at the present moment in a state of unparalleled tranquillity. Why, there had not been a smaller sum than 15,000*l.* offered in the Gazette for the discovery of crimes during the past year. The general average of these sums might be judged from the fact that, in the case of James Walsh, of Windford, who, while standing peaceably at his

door, was maliciously shot at, and wounded in the head and shoulder, the sum of 30*l.* was offered for the discovery of the offender. The House would thus be enabled to judge how multifarious must have been the offences with reference to which such a sum as 15,000*l.* had been offered in the shape of rewards. But, as a set-off to the 30*l.* offered in the case of Walsh, it was right he should observe that a sum very little less in amount, the sum of 25*l.*, had been offered for the discovery of the perpetrators of the serious offence of shooting a priest's dog. The noble Lord, the Secretary of State for the Home Department, had talked of imaginary maladies; he had quoted from the *Spectator* a passage about a man who, by dint of perusing medical treatises, had read himself into the conviction, at one period, that he was the victim of gout, and at another of asthma. He had further said that the Protestants of Ireland had all the apparent symptoms of aggrivement without any of its pain. He would state a case which would afford a satisfactory comment upon the noble Lord's excessive jocularity. For the accuracy of the statement he was going to make he could vouch, for it had fallen within his personal observation. In Galway county there resided a clergyman of the church of England, named Ayre. With Mr. Ayre he had the honour of being personally acquainted. There was no more respectable Gentleman in his private capacity; nor could any clergyman be found who in his character was more totally unexceptionable. The family to which he belonged, was, moreover, as respectable as any in Ireland. That clergyman had accepted an invitation to dine some months since with a friend in his neighbourhood. Some trivial occurrence providentially prevented him from fulfilling the engagement. Upon that very evening a gentleman, named Doyle, an attorney, was returning by the same road which the clergyman would have taken, had he accepted the invitation, upon returning homeward. Mr. Doyle was accompanied by his wife upon a jaunting car, and was stopped upon his journey by a number of armed ruffians, many of whom were mounted, and who demanded of him whether he was not Mr. Ayre. After satisfying themselves that Mr. Doyle was not the person whom they sought, they suffered him to proceed. He had not proceeded far, when he was

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RECEIVED
JAN 10 1968

THE DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

SIR:

ENCLOSED FOR THE BUREAU ARE TWO COPIES OF A LETTER FROM THE NEW YORK OFFICE TO THE NEW YORK OFFICE OF THE FBI, DATED JANUARY 7, 1968, AND ONE COPY OF A LETTER FROM THE NEW YORK OFFICE TO THE NEW YORK OFFICE OF THE FBI, DATED JANUARY 7, 1968.

VERY TRULY YOURS,
[Signature]

[Name]
Special Agent in Charge

NEW YORK OFFICE

1-7-68

as composed of men who dared not take up those measures which they have declared can 'alone effect perfect justice for Ireland'—measures which there is too good reason to fear would eventually put an end to the religious and civil rights of the Protestants of this country—rights which I lament to see the feeble policy of the present Administration seems 'ashamed to destroy, but afraid to defend.'

"These are no times for half measures. I have read your address with attention, and think the unjust and ungenerous conduct of Mr. O'Connell and his followers towards the Protestants of Ireland fully bears out the prayer of your petition, to which I beg you will subscribe my name.

"Faithfully yours,

"JAMES L. W. NAPER.

"The Marquess of Downshire, &c."

The hon. and learned Gentleman sat down when he had finished reading the letter.

Viscount *Morpeth* addressed the House to the following effect:—As the matters of charge alleged against the conduct of his Majesty's Government in Ireland, especially in the course of the present debate, have not been freely and spontaneously brought forward, but have been dragged forth by the speech of my noble Friend, the Secretary of State for the Home Department; as my noble Friend in that speech addressed himself to the conduct of his Majesty's Government in Ireland, and the principle on which that conduct had been founded; and as holding the situation which I have the honour to hold I may not be considered a fair and impartial judge upon that question, I would willingly have avoided obtruding myself on the attention of the House on the present occasion. But, at the same time, so many things have been stated here and elsewhere (some of which, however, I shall hardly think it worth my while to stoop to notice), that, placed as I am with reference to the Government of Ireland, I cannot permit myself the indulgence of complete silence. I must also so far presume on the patience of the House as to observe, that whereas the speech of my noble Friend rested upon general and broad principles, and dwelt on large and important results, and was mainly encountered by isolated cases and minute details, I feel that in the situation which I have the honour to fill I may be compelled to go more into those cases and details than the House would expect any other Member to do. Sir, I have been twitted by the hon. and learned Member for Dublin with having taken time since

the opening of the debate to prosecute my researches into the materials which I might consider it necessary to use in the course of it. It is surely no very great novelty that a person whose conduct, and the conduct of the department of the Government with which he is immediately connected, are arraigned, should suspend his observations on the subject until he ascertained the bulk of the accusations which it was intended to prefer. Indeed, if I had spoken last night, I should have missed the opportunity of adverting to the lucubrations of the hon. and learned Member himself. At all events, it cannot be alleged that I have taken much time to prepare my reply to the charges which have been brought against me. My noble Friend was immediately followed by the hon. and learned Sergeant, the Member for Brandon, in a speech which was undoubtedly distinguished by great ability, coupled, however, with an acerbity which is but too common in the hon. and learned Sergeant's effusions, and which prompts him to attack the character, the honour, and even the religion, of those who are opposed to him. The hon. and learned Member for Dublin who has also made a speech of great talent, charges this side of the House with attempting to fasten odium upon individuals, and with indulging in personal imputations. But does not the declaration of the hon. and learned Sergeant, the Member for Brandon, that no Member of the same profession as himself could hold office under his Majesty's present Government without degradation and disgrace, savour somewhat of personal imputation? Did not the hon. and learned Sergeant's expression, when he spoke of the Protestant members of the National Association, that they were persons "calling themselves Protestants," seem like a personal imputation? The first point of the attack of the hon. and learned Sergeant was directed against the rule established by the present Master of the Rolls in Ireland when he was Attorney-General, respecting the setting aside of jurors on criminal trials. The hon. and learned Sergeant admitted that this circumstance involved no imputation on the character of the Master of the Rolls, but maintained that it greatly impugned his discretion. In answer to this charge I will read an extract of a letter from Mr. O'Loghlen written soon after the establishment of the rule, and giving an account of its opera-

nution of crime, and the improvement of the state of this county, are as gratifying to me as the facts are creditable to the county itself. Since I had the honour to be appointed chairman of this county I have had, at each succeeding Session, to congratulate you upon a sensible diminution of crime and the improvement of your social condition. On the last occasion, I had the satisfaction to notice, that although the number of indictments were apparently large, amounting to 129, yet the offences were in point of quality very trivial, and might for the most part have been disposed of at Petty Sessions, and not, unnecessarily, sent here for trial. But cheering as the condition of the county of Kilkenny then was, its present state is still more so; crime having not only been diminished, but almost extinguished. I find, at present, fifty-four cases to be sent before you, few, if any, partaking of any character of guilt that might not be found to exist in the most peaceful and orderly state of society, and most of which might have been, with great respect to the magisterial authorities, as I before stated, decided at Petty Sessions. Out of these fifty-four, there are nineteen cases of assault, all of a minor character; the rest are all petty larceny and trifling cases, which also ought to have been disposed of at Petty Sessions. In conclusion, I have again to congratulate you, gentlemen, on the peaceful state of your county, and the pleasing prospects which that state presents. It is a subject of additional satisfaction to me to state, and particularly worthy of remark, that there is not one case of riot, at fair or market, triable at these Sessions. I again repeat, with the most pleasurable feelings of satisfaction, that this county, distinguished heretofore for great turbulence and, I may add, crime, has become one of the most peaceable counties in Ireland."

It was during this progress of improvement and transition that the Lord-Lieutenant visited Tipperary gaol, and after making the most complete and diligent inquiry from the Governor and Deputy-governor of the prison, by whom he was attended, with reference to the cases of those who had been convicted of light offences, and more especially of those who had been convicted of sharing in those long feuds, which bore best their confinement; as to the case of those whose sentences were nearest expiration, and those who came from that part of the country where the fewest commotions prevailed; to these cases the attention of the Lord-Lieutenant, I say, was particularly directed, he acting upon the charges of the Judges in passing the original sentences, and with reference to the effect of the example to be shown, and his judgment being always dependent upon the consideration of what

result a vigorous administration of justice might have on the improved state of the country. But this mode of proceeding on the part of my noble Friend the Lord-Lieutenant has either been attended with success or it has not; and let the House decide that point. I say, however, do not trust to my representations alone, but allow me to refer you to documents. I have here two letters, which were intended to be private, but they are addressed to me in my official capacity, and, therefore, I consider myself at perfect liberty to put the House in possession of their contents. One of these letters is from Mr. Howley, bearing date, the 27th of January, and I could not well have better testimony than this document. He observes:—

"The civil business of the present Session I never recollect to be so heavy, nor the Crown business so light. The mercy extended by his Excellency, during his visit to his country, has fallen with a softening influence upon the popular mind, and has contributed much to the tranquillity which prevails."

I lately chanced to receive a communication on another subject from the County-Sergeant of Tipperary, dated, Clonmell, Feb. 3rd, 1837. He says:—

"My Lord—Having lately seen some attacks on the Government, in consequence of the liberation of prisoners by his Excellency the Lord Lieutenant, last summer, I take the liberty of informing your Lordship, that out of fifty-seven prisoners discharged from our county gaol, by the Lord Lieutenant's commands, only one has been recommitted, though the interval that has elapsed is nearly six months. This solitary case is that of an idiot."

I certainly thought myself, when I first read this preliminary passage, that it did not tell much in favour of the selection of cases which had been made. But the writer adds:—

"This information your Lordship may rely on, as I have taken care to ascertain its accuracy; and further, it has scarcely ever occurred, that any such number of persons has left the gaol without some of them having been recommitted, even within a much shorter period. It is, therefore, quite certain, that in this county his Excellency's clemency has been attended with the best effects. I have the honour to be,

"Your Lordship's very obedient humble
Servant,

"DENNIS PHILAN,

"Surgeon to the County of Tipperary Gaol."

Now, I do not say, that we have cured the evils of Ireland, but, I contend, that we

have very much improved her social condition. I have here, too, another letter from a person at Tipperary (addressed to the head Commissioner of the Police), who, it seems, had made an application for a person in whose welfare he was interested, and, he says:—

“That the signatures to the certificates sent might be confirmed; and that no doubt the party would prove an acquisition to the establishment, and that the grievance of the applicant was of a new character, Tipperary being so quiet that the police had no business to do there.”

Now, Sir, the same causes and circumstances which have been so observable in the county of Tipperary have all operated in other parts of Ireland, and have led to a corresponding exercise of the prerogative of mercy on the part of the Lord-Lieutenant. I believe I might appeal to several of the hon. Members who represent counties in Ireland, and who are now present; but I feel I need not trouble the House with the written testimonials of those gentlemen who accompanied his Excellency the Lord-Lieutenant, to bear witness to the extreme caution which he exercised in the selection of the proper objects for clemency. I am apprised by these gentlemen, that the Lord-Lieutenant uniformly required the joint recommendation of the Governor of the gaol and of the local Protestant inspectors—that he rejected firmly, and in spite of all remonstrances, the applications of those who had been committed for civil offences; and almost universally, the cases of those the greater part of whose sentences had not expired. Sir, the hon. and learned Sergeant, the Member for Bandonbridge, quoted a case from Sligo, in which the sentence was commuted from that of death to nine months' imprisonment. This fact goes to show the circumstances under which that commutation of punishment was made, or it speaks little for the state of the law in Ireland. The hon. and learned Member for Dublin University stated, that this case was gone through in two hours, and that it was decided upon instinct of course. This was, certainly, a very candid and liberal suggestion on the part of the learned Gentleman. I have already spoken of the laborious pains which the Lord-Lieutenant took under the circumstances; and, it must be remembered, that the memorials in each case were laid before him, and formed the sub-

ject of very grave deliberation. The hon. and learned Sergeant has quoted a correspondence which took place between the Private Secretary of the Lord-Lieutenant and the local Inspector at Lifford. The learned Sergeant chose to put me down when I referred to this part of the subject on a former occasion; but I hold copies of the correspondence in my hand, namely, of a letter from Colonel Yorke, the Private Secretary to the Lord-Lieutenant, to the rev. Mr. Clarke, the local Inspector at Lifford. And I must here declare that, with respect to the discharge of the duties of local Inspectors by the Protestant clergy—the Protestant clergy discharge them with perfect fidelity, with great discretion, and with unremitting zeal. The learned Sergeant has reflected with some asperity on the circumstance of the Lord-Lieutenant having desired, that the proper authorities should furnish him with some of the names of the persons entitled to mercy in Lifford gaol—a gaol which is much celebrated for the excellent management which pervades its internal arrangements. In passing through the town on his tour, it did happen that it was not in the power of the Lord-Lieutenant to visit the gaol, but he thought that he should be wanting in respect to those whose skill was so manifest if he did not give them some opportunity to point out such persons as they might think proper objects for the exercise of clemency. Now the learned Sergeant quoted only the beginning of the correspondence in question, but I must carry his attention, and that of the House, a little further. Mr. Clarke says:—

“Lifford, August 13, 1836.

“SIR—Agreeable to your wish, expressed in your letter to the Governor, I have with him selected such cases as we feel justified in recommending to his Excellency's humane consideration.

“With reference to those convicted of assault, I have not recommended any case in which there was waylaying proved, or any other circumstance of an aggravated nature. In all cases recommended I have been influenced by a feeling of commiseration for the innocent families of those confined.

“I have the honour to be, &c. &c.

(Signed)

“E. M. CLARKE,

“Local Inspector and Chaplain.”

“Lieutenant-Colonel Yorke.”

Colonel Yorke, in his reply, states that these cases will be considered by those to whom such cases were referred. I

believe that in every case except one the list of persons committed to gaol has been forwarded to the castle by the high sheriff. This, however, did not occur in the case of Meath, owing to a mistake on the part of the high sheriff, which irregularity nevertheless has not been continued. Col. Yorke says "That the Lord Lieutenant felt himself, in cases where individuals had been accused of breaches of the Revenue-laws, strongly impressed with the conviction of enforcing the full punishment." This then led to a further correspondence, which Mr. Clarke thought it better should be published in the papers of the county, and this was accordingly done, and the letters so published led to some severe animadversions and reflections in *The Evening Mail*. I will now only quote one more document, it being an answer which was written to *The Londonderry Sentinel*, in consequence of what had appeared in the *Evening Mail*, which article certainly afforded and evinced a good sample of that system of misrepresentation which has obtruded itself into the Mansion-house of Dublin, and has even found its way into the Commons' House of Parliament. The article to which I refer is this :—

"Copy of a letter from the Rev. F. M. Clarke (Local Inspector of the Gaol at Lifford, county Donegal, to the editor of *The Londonderry Sentinel* :—

"Six persons convicted of assault, sentenced some to six months, one to four, and four to three months' imprisonment, with ten convicted of a breach of the revenue laws, were recommended on the ground that their offences were not of an aggravated nature, that each had a large family depending on him for support, which in no degree participated in his guilt; and his absence from which, at this particular season, might prove ruinous. Of these so recommended his Excellency liberated six confined for assault, and two for illicit distillation.

"The correspondent of *The Mail*, in his letter to which the caustic remarks on mine are appended, asks, 'How many Protestants his Excellency has discharged?' and answers his own question by saying, 'not one.'

"On this point I have to observe that, of the sixteen recommended here, three were Members of the Established Church thirteen were Roman Catholics.

"Of the nine discharged, four were Members of the Established Church, five were Roman Catholics.

"I remain &c.,

(Signed) "E. M. CLARKE.

"Lifford, Sept. 16, 1836."

Now this, I will say, is a good sample of stating facts specifically; and with some truth the hon. and learned Member for Dublin declared he did not like adverting to facts. I am now about to speak to this dearest and most valuable exercise of the prerogative. I do not mean to contend, and I am sure no hon. Gentleman would, that the exercise of this privilege would establish a good system for permanent practical operation; but under the peculiar circumstances of time and country I believe it to be perfectly justifiable; and I believe that its exercise under the circumstances which pervaded this case was of considerable use, and that much benefit has resulted therefrom. But, Sir, severe strictures have been made upon the use which the noble earl the Lord-Lieutenant has made of the same prerogative in former cases which have been brought before him, of prisoners who have been sentenced, and whose sentences he interfered with, the Lord-Lieutenant not having first taken the opinion of the judges. Now, I take upon myself to say, that the present Lord-Lieutenant has not been surpassed by any of his predecessors in that most laborious consideration which he has bestowed on all the criminal cases which have been brought under his notice, and which has formed the most onerous part of his duties. I will also take upon myself to say, that it is, and always has been, his rule and practice to refer all cases to the judge who may have presided at the trial of the prisoners, when the point turns upon the circumstances connected with the trial itself. It has always been the custom in Ireland (and I believe also in England), that where special grounds are put forward, or upon numerous strong local representations being made, where the offence is of a minor description, the judges who have been referred to, have allowed the Lord-Lieutenant to exercise the prerogative of mercy. And, indeed, when some mixed cases have been referred to the judges, those learned personages have replied to some parts of such case, and have stated that other portions of it rested under the peculiar jurisdiction of the Lord-Lieutenant. As an instance of the way in which the Lord-Lieutenant of Ireland has shown his want of respect for the authority of the judges—(I should be the last man to impugn the respect due to the character of a judge but I must hint that that respect ought to

be reciprocal to the respect due to the representative of the Sovereign)—the learned Sergeant has brought forward a case which was tried before the Chief Baron, and I owe an apology, perhaps, to the learned Gentleman for the exclamation I made on that occasion, when I said the case had occurred last year. I did not, however, do justice to my exclamation because I should have said the year before last, though I do not mean to say, that this would be a justification if it had occurred three years ago. But, Sir, what led to my exclamation was the fact that this charge had been already served up to us in July, 1835, on the motion of the hon. Member for Londonderry, and I thought the matter had been fully disposed of. I must say, that when I found the learned Sergeant had bottled up this story of the Chief Baron I was surprised. The opinion of the Lord-Lieutenant had been given to the Earl of Haddington. The Protestants, who were supposed to be the parties aggrieved, had the lighter punishment allotted to them, whilst the Roman Catholics had the heavier. But it was after the expiration of the period of confinement extended to the Protestants that the jury unanimously came forward to petition that a similar exercise of mercy might be manifested to the Roman Catholics, they having been already a longertime imprisoned than the Protestants. His Excellency took an opportunity of looking at the original notes of the case, and of considering the judge's opinion, and thinking that a sufficient period of confinement had been allotted to both parties, he assented to the enlargement of the Roman Catholics. Upon that occasion, in the year 1835, I remember the name of the Countess of Mulgrave was brought forward for having obeyed the impulse of her gentle and charitable nature, and expressed a wish in favour of a prisoner from whose wife she had received a letter; and I really had hoped that her name would not again have been brought forward, even to appease the dignity of my Lord Chief Baron. But we have not yet done with the misconduct of the Government in the last year. The hon. and gallant Member for Donegal says that the liberation of Mr. Reynolds was a most unjustifiable step. He stated further, that not only had we committed the enormity of acting upon that occasion without the concurrence of the learned

judge by whom Mr. Reynolds was tried, but that we acted in direct opposition to his opinion, after it had been asked and obtained. The hon. and gallant Member is mistaken. We did not ask the learned Chief Justice of the Common Pleas for his opinion as to the propriety of mitigating the sentence passed upon Mr. Reynolds; but from what transpired through the ordinary channels of information the Lord-Lieutenant felt himself called upon to ask for the notes of the trial, for the evidence taken upon the trial, and for the charge delivered by the learned Chief Justice to the jury. These documents, when obtained, he immediately submitted to the legal advisers of the Crown, to the Attorney-General, the Solicitor-General, and the Lord Chancellor, and it was in consequence of their unanimous opinion, as expressed after an inspection of these documents, that the Lord-Lieutenant ordered the immediate liberation of Mr. Reynolds. This happened in November, or, at the latest, December, 1835; yet upon this grossly unjustifiable step until last night not one word has been said in either House of Parliament, either in the way of reproach to the Government, or vindication of the offended dignity of the Lord Chief Justice of the Common Pleas.

Colonel Conolly: I beg the noble Lord's pardon. I alluded to the subject myself not long after the transaction took place.

Viscount Morpeth: I am reminded of what I had certainly at the moment forgotten. I remember that the subject was mentioned in this House, but only mentioned, I believe, because we on this side of the House had dared the hon. Gentlemen opposite to bring the case forward if they had any complaint to make upon it. Thus it certainly happened that the subject was mentioned, but no motion or subsequent proceeding was founded upon it. The right hon. and learned Member for the University of Dublin has, in the present debate, applied himself chiefly to the subject which also engaged his eloquence at the meeting at the Mansion-house in Dublin, namely the selection of sheriffs for the year 1836. This likewise appears to me to be a matter of last year. My noble Friend's (Lord John Russell's) charge against the hon. Gentlemen who sit on the opposite side of the House was, that they shrunk from bringing forward in Parliament those charges which they urged

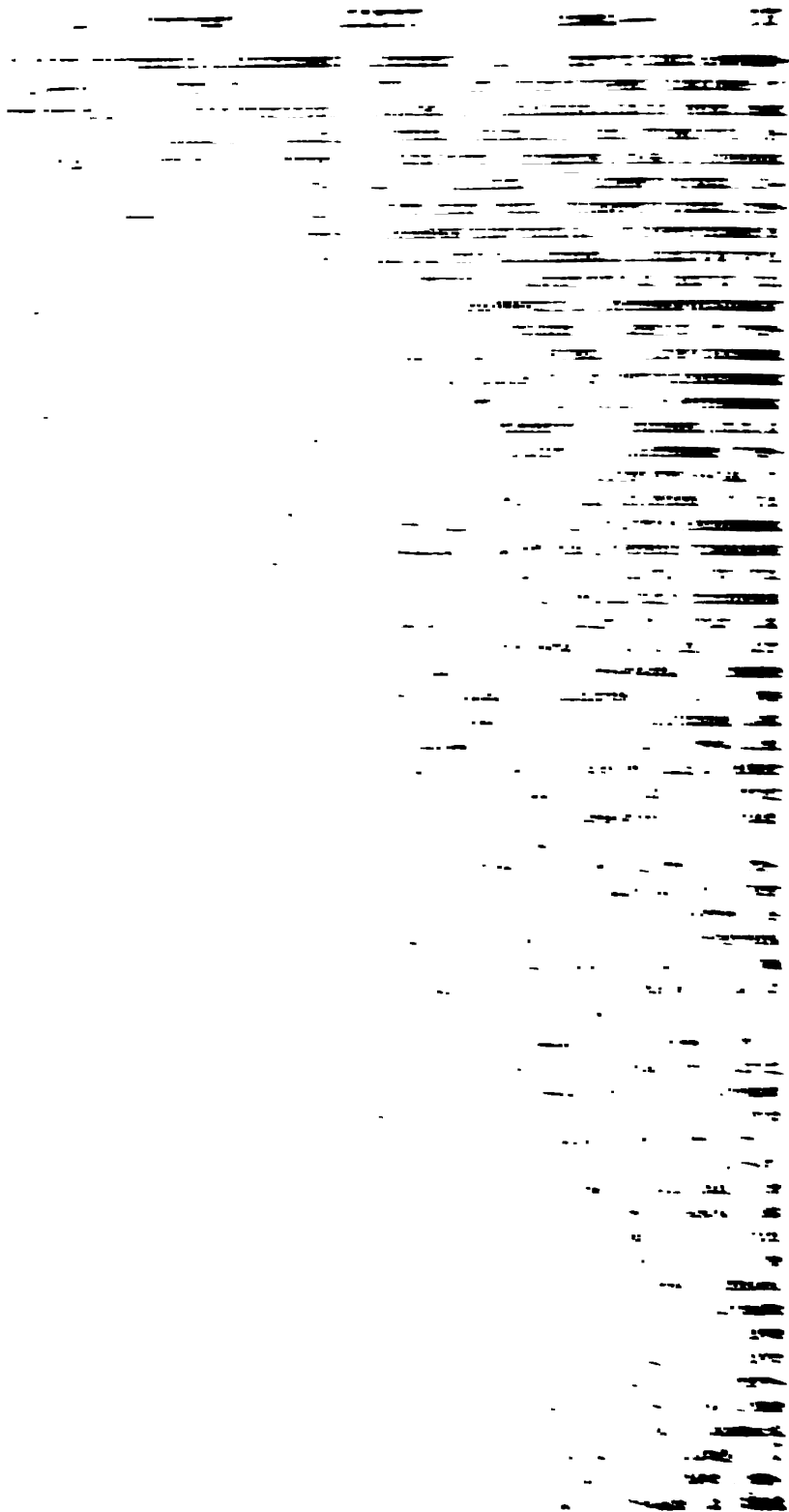
sidy, which has been made the subject of much severe comment in the course of the present debate. It is a complaint very general throughout Ireland, and no where more prevalent than in Queen's County, that there are to be found upon the bench very few magistrates who profess the same faith or sympathise with the opinions of the great majority of the population. I do not mean to say, that this should stand as a reason for appointing or rejecting any particular person, but it was undoubtedly a fact much to be lamented. Several names were forwarded to Lord de Vesey, the Lord-Lieutenant of the county—against whose integrity or honour I should be the last person in the world to say a word—as fit and proper persons to fill the office of sub-Sheriff. Lord de Vesey did not think fit to approve of those names, and an appeal was in consequence made to the Lord Chancellor and to the Irish Government. An inquiry took place. Lord de Vesey stated his objections to the names forwarded, and the grounds upon which those objections were founded. In the instance of Mr. Cassidy it appeared that his objection rested upon certain proceedings before the court of quarter sessions, with which that gentleman had been connected. The case arose, I believe, out of a demand for county cess, which Mr. Cassidy contended was improperly levied upon him. It turned out that when the demand was about to be enforced, some persons in Mr. Cassidy's employment offered a forcible resistance, and a disturbance ensued. I am told that Mr. Cassidy unequivocally expressed his disapproval of the conduct of his servants, although of course he was compelled to bear the weight of the damages incurred in consequence of it. Mr. Cassidy was recommended to the Government by several gentlemen in the county of high station and great respectability. The hon. Gentleman opposite shakes his head as if that statement were not true. [Mr. Vesey: Will the noble Lord name one?] I am in possession of the names of several, and could mention them, if I pleased; but I really do not know whether I should be justified in bringing them forward in this way. I state the fact upon my own responsibility. Persons whom I think to be respectable, recommended Mr. Cassidy to the Government. His father had been reported to be one of the best magistrates in the county of Kildare, and

in the King's and Queen's counties. His younger brother is a magistrate and sheriff for Kildare, and he himself holds the commission of the peace for King's county, to which he was appointed by Lord Oxmantown, no great advocate of agitation or repeal. But the utmost thunders of the opposition seem to have been reserved for the appointment of Mr. Pigott. Now there is no nomination upon which, both on public and private grounds, I take more cordial pleasure. I do not know a person of whom I have a higher opinion, or for whom I anticipate a more successful career, whether in the estimation of his fellow-citizens, or in the first walks of his profession. He is a member of the Association. That he has often appeared there or taken any prominent part in their discussions, or delivered any of his sentiments there, I am not aware. The last time in which I saw his name mentioned as connected with the proceedings of the Association was when that body was very near passing a vote of censure upon him. But, undoubtedly, I do not disguise that there are many members of the Association who entertain or profess opinions widely at variance with those of the Government under whom I have the honour to serve. But I apprehend that in availing ourselves of any benefit which may be received from the advice of Mr. Pigott, we in no way remove any responsibility which his appointment may impose either upon the Lord-Lieutenant of Ireland, the chief law officers, or myself. For my own part I can only say that I shall most willingly share in any responsibility which may be supposed to result from his appointment. With respect to the Association, it is impossible to maintain that the existence of such a body, and the extent to which it carries its functions, can be said to indicate a perfectly healthy state of society, or that we could contemplate its permanent establishment without giving rise to serious uneasiness and jealousy on the part of the local Government. I am, therefore, the more tempted to bewail that mistaken and perverse course of policy which made its establishment and its wide-spread and daily-increasing influence a natural and, whilst men's natures continue what they are, an inevitable consequence of the provocation that had been offered. I have yet to learn from the opinion of any

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between them at all. I have many papers in my hand relative to the cases tried before those Assistant Barristers. I will not go into them here; not only because I do not think this House the fit arena for a discussion of the kind, but because a Committee has been recently appointed before which it might very properly be brought, if to any hon. Member there should appear to be a necessity for further investigation. But three names—I omit all the others—have been specially signalled out as subjects of reproach and suspicion—the names of Messrs. Hudson, Gibson, and Fogerty. In the case of Mr. Hudson, I beg to state these facts in reply to the insinuations that have been made against him. In June last he rejected seventeen Liberal claimants who were tenants to Mr. Vigors, and subsequently nine others, all of whom were admitted to the franchise upon appeal to Judge Johnson, at the last summer assizes. Similar claimants had been before admitted by Mr. Hulstonge Robinson, the Conservative assistant barrister, and also by Mr. Moody, but Mr. Hudson rejected them. There has been only one appeal by the Conservatives from his decisions, upon the question of value. Fully one-third of the Liberal claimants have been rejected by him at the sessions. The average number of notices served was four hundred at each sessions. With respect to Mr. Gibson, I will only say, that in *The Leinster Express*, an Orange local journal, there is an article, published in the beginning of last November, attacking the apathy of the Conservatives in the county, for not coming forward and stating that Gibson registered fairly and impartially, upon the principle of the beneficial value, and that the Conservatives had thus an equal chance with the Liberals, if they would come forward to the registry. I find, too, this practical result of the registration in Leinster, for the years 1835 and 1836. At the winter assizes, of ten Conservative claimants, nine were admitted, whilst of ninety-six Reform claimants, twenty-seven only were admitted; and again, in the spring assizes of 1836, out of eight Conservative claims, seven were admitted, whilst of 103 Reform claimants, only four were admitted. The hon. and learned Member for the city of Dublin, who spoke last, alluded to the course pursued by the magistrates of King's county towards Mr. Gibson, the assistant barrister; but this circumstance has already

been fully gone into by my noble Friend who opened the debate, by whom the reason of that proceeding was amply exposed. I will merely say, that at all events, the magistrates made a speedy atonement to the assistant barrister; because, after having removed him from the chair, they found themselves constrained to call upon him for his assistance in making the charge to the grand jury. Another part of the resolution which I have read embraces the officers of the constabulary and police. With respect to those persons who have been appointed officers in the constabulary and police, I, of course, have not had the same means of making a personal acquaintance with any of them as I have had the pleasure of doing with the assistant barristers. I can only say, that they were recommended to us from quarters on which we thought we could place the fullest reliance, and that the qualifications of all of them were submitted to the personal scrutiny of the distinguished officer at the head of the establishments. One qualification I admit they have not possessed; they have not been recommended by the hon. Members opposite, nor by their friends and supporters. We admit that they are in no hurry of attack. In this we admit that they are eminently defective. They are eminently defective also in persecuting Protestantism. Talking of persecuting Protestantism, the hon. and gallant Member for Donegal had attempted to be witty at the expense of my noble Friend, the Member for Leitrim (Lord Clements), because he was not at that meeting; but my noble Friend wanted one requisite qualification; for, in the first place, it was necessary that all must be Protestants who were admitted, but, further than that, they must all be aggrieved, Protestants. Now my noble Friend did not admit that he was aggrieved, although he was quite ready to go to the meeting, and most worthily might he have been admitted, for a more honourable, a more upright, impartial man does not exist than my noble Friend. I think that the hon. and gallant Officer will feel that my noble Friend has satisfactorily proved that he was not entitled to be present or to be heard at that meeting. Now, with respect to the exercise of patronage, whatever the requisite qualifications have been, and the selection has been necessarily confined to a few persons—as, for instance, to the superintendents of hospitals, or to the



union which prevails on the bench where I have the honour of sitting. No effort on my part has been wanting to effect it; none shall be wanting to cement and perpetuate it. And I declare that after contemplating the dangers which surround this country, and in the face of the combination, dangerous as I think and unnatural, which I see on the benches opposite, the vindication of my conduct is easy. If I wanted a defence, I would refer, in the presence of my country, to this single fact, that when the Government of the Lord-Lieutenant of Ireland was charged last night distinctly, in a speech of great force and of detail, by my hon. Friend the learned Sergeant behind me, the defence of that Administration was not intrusted to any of the Colleagues of the Lord-Lieutenant—the charge was not answered by his Secretary; but it devolved very naturally upon the recent guest and favoured friend of the Lord-Lieutenant, the hon. Member for Kilkenny. Sir, I really address you with some difficulty; I see so much agitation on the benches before me. I have also in my eye the hon. and learned Member for Bath, who read us last evening so pointed and useful a lecture on the mode and manner in which we should deliver our sentiments. The hon. Member appeared almost in the character of the master of the ceremonies on the occasion, a very appropriate character for him to assume, representing as he does the ancient subjects of Beau Nash. But notwithstanding all his agitation, and notwithstanding the criticisms of this *arbiter elegantiarum*, confining myself to the rules of the House, which you, Sir, will always be found ready to enforce, and which every Gentleman on this side of the House will always be found anxious to maintain, I will endeavour, with all the frankness and plainness which becomes a commoner of England, to express my sentiments on the present occasion. Very early in the course of the discussion the noble Lord opposite introduced the authority of Mr. Fox, who contended that the real system of governing Ireland was to meet each succeeding demand of the people of that country by successive concessions, and that while they remained unwearied in demanding we were to be untired in granting. The noble Lord, I say, cited the authority of Mr. Fox, and he appeared to me to cite it as if he thought it would be treated with disrespect on this side of the House. I speak not for others, I can only answer for myself; but that name can never be mentioned without ex-

citing my attention, and demanding my most profound respect. Mr. Fox, as I humbly conceive, was really a great statesman. His was the capacious mind to grasp and comprehend the great first principles of Government—his was the Godlike gift of eloquence, with power and perspicuity to enforce them; but his was also the no less important and necessary gift of applying those great first principles of Government to the circumstances of the country, and the times in which he lived and acted. There is a relative of Mr. Fox in the present Administration, Lord Holland, his nephew. I once was favoured with the friendship of that noble Lord. It is impossible ever to have known and not to continue to remember the superior nature and the high intellectual attainments of that noble Lord, and not to retain for him a permanent attachment. That noble Lord has told us, in a pentameter verse of old monastic Latin, what was the policy of the present Administration:—

“*Quæ perpetuo sunt agitata manent.*”

Now, I will translate “*Quæ perpetuo sunt agitata*,” thus—those who perpetually yield to agitation; but “*manent*,” how shall I translate that? why they remain in Downing-street, and contrive to keep their places. The noble Lord opposite talks of all the symptoms of the gout without the pain. I would ask the noble Lord if he ever heard of an Administration with all the functions of Government without the power. It is vain for him to cite to me the authority of Mr. Fox in defence of such policy and such proceedings. I demur to his authority on that point. I contend that if Mr. Fox had lived to see the day when the Test and Corporation Acts had been repealed—when Catholic Emancipation had been granted—when a Reform Bill had passed, extending the suffrage both in Great Britain and Ireland—when the Protestant hierarchy of Ireland had been greatly reduced, one half of its bishoprics being annihilated—when the church-cess had been cast upon the property of the Church, to the relief of the occupiers of the soil—if Mr. Fox had lived to see these things granted, if also he had lived to see proposed on the part of that “exclusive minority” to which the noble Lord has referred, the free and complete surrender of their “exclusive corporations,” attaching only one condition to that proposal, and the power which it is proposed to abolish should not be transferred from one exclusive body to the other—if he had seen the frank

public mind in Ireland. Then, Sir, as to the condition of the clergy in Ireland: is it not true that Mr. Coote, the incumbent of a rectory in Limerick, returning from the performance of divine service, was fired upon by two assassins in mid-day? Is it not true that another clergyman living in a thatched house, had it set on fire, and on rushing out to obtain assistance had two shots fired at him? I will not tire the House by going into the multiplicity of crimes that have been committed; it would be disgusting to myself; but I have mentioned instances, and I will venture to say, that whatever crimes may be committed in England and Scotland, there are no crimes committed in either of these countries of the peculiar dye of Irish crime, or of a character connected in the same way with violent popular animosities. Next, Sir, I ask, has the noble Lord met the charge respecting Mr. Cassidy? Is it not true that that Gentleman had been, as was stated, remarkable for the share he took in anti-tithe agitation—is it not admitted that in the first instance, when the Liberal Club proposed him to the Lord-Lieutenant of the county as a Magistrate, the Lord-Lieutenant assigned as his reason for refusing the application, the circumstance of Mr. Cassidy's having been convicted of being prominently mixed up in an illegal act in a riotous resistance to the payment of a legal impost, the county cess? The Lord-Lieutenant's first refusal, however, was not accepted, and the Lord Chancellor of Ireland made a second application in behalf of Mr. Cassidy, which was refused for the reason before assigned. Shortly after, however, the Lord-Lieutenant in question went abroad, and when his back was turned, Mr. Cassidy was appointed a magistrate. Now, let me call to the recollection of the House what was the first act of this favourite and chosen magistrate of the Viceroy—chosen in defiance of the Lord-Lieutenant of the county. Why, Sir, his first act was to go to the National Association and tender, as his contribution to the Association, the amount of the money which had been claimed of him for tithe; and yet, in the face of all these facts, the noble Secretary pretended that it was the firm determination of the Government here and in Ireland to uphold the majesty and authority of the law. Again, serious complaints have been made of the promiscuous manner in which the doors of gaols have been thrown open by the Vice-

roy; and it is charged against him that in his head-long course of popularity-hunting he has overleaped the boundary of common justice and reason. "Oh! but," says the noble Secretary for Ireland, "Lord Mulgrave has always previously required the recommendations of the gaoler, the inspector, and the neighbouring justices." Sir, I will simply ask, are, or are not, the facts related by my hon. and learned Friend the Member for Dublin true? If they are, I am at a loss to understand in what way it can be made out that the exercise of the prerogative has not been greatly misused? Sir, it would appear as if the Viceroy in his progresses, while his horses are changing, instead of taking a sandwich at this place, and a glass of sherry at another, runs off to the gaol of the town, and without inquiry of any sort, or of any person, proceeds to set at liberty seven or seventeen prisoners, as the case may be. Sir, where, in the many instances which have been mentioned, where are the constitutional checks to the exercise of the prerogative? Where is the Privy Council, where the Lord-Lieutenant's law adviser, where his secretary? Sir, I protest that if I had the honour of filling the office of secretary or confidential adviser of a Viceroy who so acted, who exercised the prerogative of mercy in such a manner—giving me the go-by entirely, without in the slightest degree consulting me or asking my opinion—I would not condescend to hold office under him not for one day, no, not for a single hour. But are the offences of these liberated individuals of a light character? Sir, in Sligo, where the persons liberated are described as slight offenders, and where it is pretended on the other side that there were no offenders against the revenue laws, in this very instance it appears that nineteen out of twenty-two persons liberated were persons convicted previously of offences against the revenue laws, one of them, indeed, having fired a shot at a revenue officer. But, Sir, I conceive all these cases to be secondary in importance to the appointment of Mr. Pigott: it is on this case that I rely. What are the facts? Here is a gentleman appointed as law adviser to the Castle; to create the vacancy, a gentleman in no great practice, or pre-eminent at the bar, is appointed to the grave and responsible situation of Solicitor-General for Ireland. Sir, I do not personally know Mr. Pigott, but I have read the debates of the Association in which his merits are set forth, in which he is lauded as having been most ac-

tive in the formation of that Association, and in which it is admitted that the Association is under the greatest obligation to him ; and if the vote of thanks is not accorded to him, at least a proposed vote of censure upon him is unanimously set aside. This, then, is a gentleman possessing in the highest degree the confidence of the Association, and who has taken a most active share in its formation. Now let not the House forget the boast of the noble Lord, of the perfect accordance between every branch and department in the Government, and let the House attend to this case. The important and responsible situation of law adviser to the Castle is vacant ; the whole bar is open for selection ; and the head of the Government in England has declared that the Association appeared to him unnecessary and objectionable, that he disliked its proceedings, and, on the whole, regretted its existence. The whole bar, I repeat, is open for the selection of a proper person to fill the vacant situation, yet the Viceroy and Secretary of Ireland select as the man most deserving of their confidence the very person who, a month before, was declared to have been most active and useful in forming the Association repudiated by the Prime Minister. It has been said, that the being a member of an Orange Lodge was a just disqualification for office. I never, for my part, advocated Orange Lodges ; I was always much opposed to them, and rejoiced to see the loyalty and good conduct of the members of those Lodges in attending to the wishes of their Sovereign, and ceasing to hold secret meetings without the intervention of any prohibitory enactment ; but, Sir, what I wish to remark upon is the extraordinary circumstance that while the being a member of an Orange Lodge—which I consider not half so dangerous as this Association—while, I say, the being a member of an Orange Lodge is universally declared by hon. Gentlemen opposite, and by his Majesty's Government to be a just disqualification for office, the being a member of this Association—being most active in its formation and zealous in carrying out its objects—so far from disqualifying for office, appears to be considered by the Irish Government as a ground for investing the party with an office of the highest trust and responsibility. There is required nothing more than this to identify the Irish Government with this Association. Sir, I rest the case with confidence on this Pigott link—a link which cannot be broken—a link

which cannot be loosened, and which, beyond all cavil, identifies the Irish Government with the General Association. The Ministry may disclaim as long as they think fit ; Lord Melbourne may say he does not like the Association at all ; the noble Secretary opposite may say he likes it little better than Lord Melbourne ; nothing can break this bond of identification ; it is clear and palpable as anything ever was, that the Association enjoys the confidence of the King's Government, and the effect which this must produce cannot be dissembled. Having thus identified his Majesty's Government with the Association, I will now shortly quote to the House the sort of language that has been used at this Association, and state what its proceedings have been—an exposition not at all inapposite to the subject matter of debate, the introduction of a Municipal Bill for Ireland. I will not weary the House, or pain myself by going through the various statements of the hon. and learned Member for Kilkenny at this Association respecting the voluntary principle, but will mention to the House what language was held by that hon. and learned Gentleman with respect to his views of what would be the conduct of his Majesty's Government if he could induce them to go a certain length with him. I beg the attention of the House to the following words used by the hon. and learned Gentleman. They were remarkably frank, perfectly intelligible, and explicit, and if they did not warn the noble Lord and his Colleagues in the Government of the danger of their position, he at least hoped they would warn the House and the country what were the dangers of which they were about to become the instrument, if led by that hon. and learned Gentleman. The hon. and learned Member for Kilkenny said, " I am for a reform of the House of Lords, and as a means for attaining it, I am for household suffrage, I am for the ballot, I am for doing away with a property qualification, I dislike the Tories as much as the ultra-Radicals in England, I am the very antipodes of them, I am for the Whigs ;" but there was a condition attached to it. What was that condition ? " They do not go the whole way with me, but when I get them to a certain point I will bring them the rest of the way." That quotation is surely pretty strong, but it is as nothing to what I am about to read, and which bears directly on the question of Municipal Reform. I may deceive myself, but I am prepared to take my stand on the following quotation, not against abolishing

the exclusive Protestant Corporations as they now exist with all their abuses in Ireland, but against the measure as proposed by the noble Lord, which I hold to be a direct transfer of power from the minority to the overwhelming majority. The hon. Member for Bath cannot state that I urge it unfairly. I maintain as a matter of opinion, that if I were to rest my opposition to this measure on any one single ground, I am prepared to rest it on the declaration I will read to the House, made by the hon. and learned Member for Kilkenny, recollecting the extent of his influence, and the absolute dictatorship he exercises in Ireland. What was that declaration? Always bearing in mind and applying what was alleged to be Mr. Fox's doctrine of making concession on concession, the hon. and learned Member for Kilkenny said "My opinion is, that the people will never rest satisfied till tithes are abolished—that is my opinion. That opinion I gave in the House of Commons during the course of the last Session. I said then as I say now, give us this instalment." There was the declaration of the instalment principle. "There is no danger, I say, of coaxing the people from their interests by giving them a taste of a few agreeable instalments." Where now, let me ask, is the Appropriation Clause? Will that satisfy the people of Ireland? "Let them have a little pap, and depend upon it they will acquire a relish for solid food. But to obtain Corporation Reform will be a pretty good instalment." The hon. and learned Member in one of his speeches talks of a fable of a man who, having had a favour bestowed on him by Satan, makes a bargain—very much such a bargain as that between the hon. and learned Gentleman and the Ministry—with Satan in return by way of paying for the favour, and Satan gives him the choice of paying his debt by doing one of three things, namely, either killing his father, beating his mother, or getting drunk; the man selects the latter alternative, and gets drunk, and being drunk, proceeds, as Satan clearly foresaw, to do both the other mentioned matters,—beats his mother and kills his father. I trust this fable will be adopted by the noble Lord as a warning to him. Beware, my Lord, of drunkenness; beware of giving Corporations to Ireland, or all the other things will follow. "Give me," said the hon. and learned Gentleman, "Corporation Reform, and then I shall be able to carry all the rest." Here the secret was told—the truth transpired. The hon. and learned

Member for Kilkenny—he who was to be considered as the most competent witness—we have it from him in evidence what will be the effect of Corporation Reform. I ventured last year to predict as much, and I have the fulfilment of that prediction in the words and evidence of the hon. and learned Member for Kilkenny himself. I said then that the Protestant establishment of Ireland was on the very verge of ruin. But I have already trespassed too long on the House; I will therefore conclude with the few simple pathetic words of Lord Russell, the ancestor of the noble Lord opposite, the words of one on whose heart, even on the scaffold, an additional pang would have been inflicted, if he had been told and could have believed that in these latter days a descendant of his own—one who inherited all his courage, and many of his virtues, who was blessed by Providence with superior talent, and high in the confidence of his Sovereign, might have rescued the Protestant Church of Ireland in its utmost need from the extremity of danger, yet deliberately preferred its overthrow. The words used by Lord Russell were these: "I did believe, and do still, that Popery is breaking in upon this nation; and that those who advance it will stop at nothing to carry on their design. I am heartily sorry that so many Protestants give their helping hand to it."

Sir John Hobhouse: The applauses which proceed from hon. Gentlemen on the other side are very natural upon the conclusion of the speech of the right hon. Gentleman. Will the House now allow me to make a few comments upon the remarks which he has made? I mean to do so not altogether in the tone adopted by my right hon. Friend, if he will permit me still so to call him. I mean to attempt recalling the House of Commons to that which in fact is the subject matter of debate. But in doing so I think that it is due in the first place to myself, as to others, to the noble and hon. persons with whom I have the honour to be connected, to make one or two comments upon that which formed, in my opinion, the spirit of the right hon. Gentleman's speech, and which was directed against a noble Lord who holds a place at present in his Majesty's Administration. And why was this? Because that noble Lord happened to have used an ingenious quotation in the other House of Parliament. For this he has been subjected by

my right hon. Friend to what I must take the liberty of calling a very unjust imputation. The right hon. Gentleman has been pleased to say in reference to the quotation made by Lord Holland in the House of Lords—a quotation, I believe, from some monkish historian—I can help him to the name, although I suppose he does not require it from me—the quotation is from Janus Vitanus, and it is this: “*Quæ perpetuo sunt agitata manent.*” And my right hon. Friend says, that the true interpretation of this is, that “by perpetual agitation” my noble Friend, the noble Lord, and we “are to remain in office.”

Sir *James Graham* was understood to disclaim applying it to the noble Lord in the manner described by the right hon. Baronet.

Sir *J. Hobhouse*: Did not the right hon. Baronet mean to apply it to the Administration of which the right hon. Baronet was a Member? By so applying it, I hope I am not guilty of any discourtesy in throwing back the imputation, and telling the right hon. Gentleman that no such motive influences his Majesty's Ministers in the conduct they pursue; and if the right hon. Gentleman can find for his charge no greater proof than that which he has brought forward to-night, I am quite confident that the country will not pass such a sentence as he has pronounced upon us. My right hon. Friend seems to think that it is for some base objects we are now sitting here—that it is for the mere emoluments, the mere power, that office confers that we condescend to sit here, and to be baited by him every night. I trust that the right hon. Gentleman has had too much experience of the personal honour if not of the political conduct of his former Friends, to believe that they are capable of acting in a manner so completely incompatible with the honour of English Gentlemen. I do not know what pleasure the right hon. Gentleman can find in thus perpetually putting forward such charges. But I wish to call this to his recollection, that when a man changes his opinions (I do not mean to say the right hon. Gentleman has done so); but when a man changes to another side of the House (and no one has a right to object to that); but this I say, that a man may act magnanimously without carrying into his new position a perpetual bitterness against his ancient allies. The right hon. Gentleman

has omitted no occasion on which he did not bring forward, not political, but personal charges against us. Allow me to say, that he has repeated this practice over and over again; and after having tried to create some division amongst the Friends behind me, he now tries to create divisions amongst those who supported the illustrious man who was at the head of the Administration to which that right hon. Gentleman belonged. I have seen his motives, and I have traced over and over again the right hon. Gentleman.

Sir *J. Graham* rose to order. There was no person less disposed than he was to interrupt the course of the debate: but he appealed to the Speaker whether, when the right hon. Gentleman proceeded to impute motives, he did not exceed the order of debate.

Sir *J. C. Hobhouse*: I do not think I am open to the reprehension of the right hon. Baronet. I certainly said I could trace the motives; perhaps I ought to have said the intention. I do not mean to say anything whatever which can be construed into a want of courtesy to the right hon. Gentleman; but what I meant to say was this, that I thought I could trace repeatedly the hand of the right hon. Gentleman in an attempt to disconnect Lord Grey and those Friends of his who form the present Government, and those who happen to think with him. I had not the honour of being a member of the Cabinet of Lord Grey; but I had the honour of holding two high official situations under the right hon. Gentleman and under the noble Lord; and I had the honour of having the office of the Irish Secretaryship handed over to me. But this I can say, that if the right hon. Gentleman thinks to discredit us with some of the followers or Friends of Lord Grey who happen not to agree with those now connected with the Government—I must tell him this, that I have the best authority for saying that the noble and illustrious person referred to never has accused the Government of Lord Melbourne, and never had the right to complain, that they acted in any way that he could complain of. I do say that we are doing nothing more nor less than this, that we have attempted to carry on a great principle. This Administration is but the offspring of the Reform Bill. This Administration is but the offspring of that Bill, of which the right hon. Gentleman was one of the framers, and of which the

sical force which they command, and so to compel acquiescence in their wishes? And for what purposes were these meetings to be held, and was this display of physical force to be organised? The resolution explains the whole matter, for it concludes thus—"To petition in favour of Corporate Reform, Vote by Ballot, the total Abolition of Tithes, and to appoint Pacificators." When the downcast clergy of the Established Church in Ireland are seen daily struggling for the maintenance of their legal rights—and daily driven down also by famine and privations of every description, because they can not get what is their right by law—when the noble Lord opposite tells us that that country is in a state of perfect quietude, and offers these injured men a verse of a modern song as an only consolation, while the more eloquent prose of the insurance offices informs them pithily that their lives cannot be insured—when such men as Mr. Pigott are put into offices of high trust, without relinquishing their connexion with an association which cries aloud for the abolition of the "blood-stained impost, tithes," then is all confidence in the integrity of the Government destroyed, and every honest man will begin to think it his duty to take care of himself. Such is the state of Ireland at present. With respect to the exercise of the Royal prerogative of mercy by the Lord-Lieutenant of Ireland, the noble Lord opposite admits that several prisoners were discharged by that Nobleman, on his visitation of the kingdom—some of them according to the regular forms used in such cases, others without attending to those forms. When the subject was first mooted, it was said to us, "Oh, you object to clemency—you lack mercy." We answer, that we do not object to clemency, and we hope that we do not lack mercy. We do not object to clemency, but we do to its injurious exercise. Clemency, well-timed and applied properly, is a blessing; but to give it a good effect, it should be extended with due regard to the claim of those praying for it—with a due regard to the public interest, including the respect owing to justice, and with a careful attention to the character of the judges who tried the convict, and who, to administer mercy wisely and rightly, ought, in all cases of the kind, to be consulted by the person having the power of extending it. We do not object to clemency; but we object to that which, under its sacred name, would make the administration of justice odious;

and, by giving one party the exclusive privilege of indiscriminate mercy, would render another the object of hatred and fear. Such an use of the Royal prerogative is only calculated to make mercy odious, and clemency ridiculous. The Lord Lieutenant had dealt with clemency, in round numbers, merely on the report of an inspector of prisons. Now, I would ask, is there any precedent for such an indiscriminate application of the great attribute of mercy? Certainly not, upon any principle, or on any known authority. I recollect I had the honour of accompanying his late Majesty on his visit to Scotland—a visit of peculiar interest, as it was the first occasion on which that portion of the empire had been visited by a Prince of the House of Hanover, as the Sovereign of the country. Now I doubt very much that, on that occasion, any person confined on a criminal charge, was liberated, to do honour to the visit of the Chief Governor—and I think I do recollect, that some persons confined for breaches of the excise laws, were discharged from prison; but even this was not done until the cases had been referred to the Excise-office, and a selection made of the cases that were most deserving of the Royal clemency. This is the only instance that I know of, in which mercy was extended to persons confined for offences against the law, on the visit of a Chief Governor. Oh! yes, there is one other instance that occurs to my mind, but it is of a poetical nature. It is recorded in a farce—a farce known, I believe, by the name of *Tom Thumb*. If I recollect right, and I refer to the classical authority of the hon. Gentleman opposite, the *King* and *Lord Grizzle* appear upon the stage. The *King* says, "Rebellion is dead—I'll go to breakfast." And to celebrate the auspicious event, he says, "Open the prisons—turn the captives loose—and let our treasurer advance a guinea from our royal treasury to pay their several debts." These are the only two instances of mercy extended to prisoners on the visits of Chief Governors to particular towns with which I am acquainted—one is from real life, and the other from fiction. On the visit of his Majesty, to which I have alluded, some offenders were certainly pardoned, but on a visit of the Lord-Lieutenant to the prisons, the governors are called on to sacrifice a hecatomb of victims to grace the majesty of a Chief Governor. But now with respect to subordinate points; for, after the overwhelming debate which the

noble Lord had opened on the 14th Resolution passed at the Dublin meeting, one is almost inclined to forget that such matters as a Municipal Bill, a Poor Law Bill, a Church Bill, and a Tithe Bill, remain to be discussed. With regard to the Municipal Bill, I was glad to hear that the hon. and learned Member for Bath had on that point reserved to them the right of free discussion; and I will therefore state my opinions on that subject with as much absence of personality as the hon. Member can desire, and with as much mildness as is consistent with the very strong objections I entertain to it. In the address of the noble Lord to the House, he said, that because Englishmen inhabited England, and Scotchmen inhabited Scotland, we considered them deserving of municipal government, but because Ireland was inhabited by Irishmen, we considered them not to be entitled to the same advantage, and were determined to withhold them; and we are told, that because we withhold these privileges, we offer an insult to the Irish people. Now, Sir, I utterly disclaim intending to offer any insult to the Irish people. It is not because they are Irishmen that I do not think it politic to extend to them the same corporate rights that England and Scotland enjoy. No, Sir, it is on far different grounds. It is because I entertain great doubts of the goodness of that policy which would destroy one set of corporate bodies, and establish another description of corporate bodies in their stead, which would be liable to the same objection as the old. It is contended that, according to the Act of Union, and after the Catholic Relief Bill had passed, there ought to be an equality of rights and privileges extended to Ireland, and the other branches of the Empire. I fully grant that, under those Acts, the people of Ireland have a perfect right to the enjoyment of all civil privileges; but I utterly deny that corporations form any portion of those civil rights. Will any man say that injustice is done to Manchester or Birmingham, because they have not had charters of incorporation granted to them; or, if those towns have been unjustly excluded, I ask, why have not those privileges been extended to them? It is not the principle of self-government that is at all involved in this question, but whether or no corporate institutions shall be continued in Ireland. I am bound to admit, that the presumption is in favour of the continuance of those institutions because of their antiquity, and because simi-

lar institutions exist in England; but I do say, notwithstanding, that if the continuing of these institutions in their renewed shape shall appear dangerous to the safety of other institutions which we are still more strongly bound to preserve—I say, if they endanger the free expression of opinion by the minority, and expose some of the best interests of society to great hazard, then I say there are reasons, and reasons which go far with me in countervailing the other arguments in favour of the continuance of those Corporations. I know we are accused of entertaining a prejudiced and bigoted feeling against the Roman Catholics. For myself, I can only meet such an accusation with the most direct and positive denial. No such feeling exists with me. The right hon. Gentleman opposite asks me what I mean to do with the municipal question in Ireland when I come into office. Now he is in office, and let me ask him, in return, what he means to do with the Church of Ireland? Does he mean to disturb it or not? He is bound to answer that question. I say, that when I see an Association established in Ireland arrayed against the Established Church, and I am told that that Association will be continued while the Church is suffered to exist—when I know the power which the re-establishment of Municipal Corporations would give to that Association—can I doubt that the Church would be endangered by their existence, when the main object and efforts of the Association to which I allude, are avowed to be the destruction of the Established Church in Ireland? When we are told, that we on this side of the House are influenced by hostility to the Roman Catholics in our opposition to this measure, have we not something to complain of? Have we not some right to entertain a feeling of jealousy? In the year 1829 we passed the Act for the relief of the Roman Catholics. I never took any praise to myself for the part I had in passing that measure, because I own it was forced upon me. I leave to others the sole credit of having passed it; but to charge me with having joined in passing it for the purpose of retaining office is altogether unjust and groundless. What would they say if the fact were, although it might not be known, that I was out of office the very night before I proposed the Bill to the House! It was said, that if that Bill passed it would restore a perfect civil equality in Ireland, and the question was asked in every way, what would be the feelings of the Roman Catho-

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ple but by allowing them to have their own way. But the noble Lord must know, for he has had fair notice, that while the Protestant Church remains, the National Association will agitate for concession. The noble Lord by adopting the principle concedes every thing—for if he acts on the doctrine that the people must have every thing they demand, he must not only concede till municipal reform is granted, but also till the Protestant Church is destroyed. I heard that declaration from the noble Lord with the utmost regret. There is only one other point to which I wish to refer, and as the best reward for the patience with which the House has done me the honour to listen to me, I will confine myself to that, and ask how the granting of municipal reform will interfere with the administration of justice? These corporations are to have the appointment of the sheriffs, and consequently the chief influence in the administration of justice; and let me ask what will be the consequences of such a concession in the present heated and feverish state of Ireland? What will be its effect on the minority, but to deprive them of that free and independent action which is necessary for the administration of justice? And let me appeal again to that same Fox who warned his audience against mistaking paper regulations for practical institutions—against attempting to establish any identity of institutions in countries of different habits and different manners, and distracted by religious jealousy, thereby interfering with the administration of justice and the protection of equal laws, and not giving that justice which it was the duty of every Legislature to give, to the minority as well as the majority.

Lord John Russell, in reply, said, in bringing forward the motion he had endeavoured to avoid topics which could be more conveniently discussed on the second reading, and confine himself strictly to the topics which belonged to the introduction of the Bill. The right hon. Gentleman had complained of the course which he had adopted, and had expressed his surprise that the three great questions affecting Ireland, namely, Corporation Reform, Poor laws and the Church of Ireland, had not been brought under the notice of the House in his opening speech. But he should scarcely have done his duty if he had mixed up Poor-laws which gentlemen of every party were ready to enter into free from party feelings, with a question which had already been, and will be again, the cause of party contention. He

had advisedly adverted to the government of Lord Mulgrave in Ireland, because that seemed to him, after what had been said, a proper subject in order to hear the opinions of Members on the opposite side of the House. He should not therefore have expected from the right hon. Gentleman that when an objection was made to that part of the discussion by the hon. Member for Bath, that that interruption should have been attributed to him as if he had interfered. He could only say, that the hon. Member for Bath did not speak from any prompting of his, and yet it had been thrown out, that he had in that way attempted to control the debate. With respect to the resolutions passed at the Meeting at Dublin, he had not read anything in them that induced him to suppose that a petition was the object of the meeting. It might, indeed, have been an oversight—if he had perceived it he should have deferred his remarks for another opportunity. As for the notice for presenting the petition, it had not met his eye. He was not aware how the right hon. Gentleman could expect Government to propose a Committee. As for the allegations respecting the Lord-Lieutenant, a Committee had been proposed to inquire into them, but he was sure the right hon. Baronet would concur with him in thinking that the charges made against Lord Mulgrave could not be referred to a Committee, and that the only way to bring the question regularly before the House was in the shape of impeachment. For himself, he had seen no ground for inquiry into the disputes between Mr. Cassidy and his neighbours, and he thought that no one had been able to attach any blame to the transaction. The right hon. Gentleman who spoke at the close of the debate had pointed out two principal grounds of accusation against the Government of Ireland, the first of which was the appointment of Mr. Pigott to an office of great importance under the Crown, and one in which great confidence was reposed. The right hon. Gentleman made that accusation on the ground of that gentleman's belonging to the General Association, and appealed to what had taken place last year in regard to certain secret lodges and societies, comparing them with this association. He certainly thought there was a very great difference between a secret society meeting by secret symbols, and a society which held all its meetings openly, and was accessible at all times to the public. But without dwelling upon that point, he would ask the right hon. Gentleman whether, when he

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gards the Church of England, I am disposed to agree; but no man can say that the remark applies to the Church of Ireland. It is this situation which makes it not a matter for mere party debate and taunt, but a matter of great difficulty and importance, to consider how, in such a situation, the Church of Ireland can be maintained. I think the circumstances of this country, and the circumstance of its union with Ireland, and the great mass of property in Ireland connected with the church, and interwoven with our laws, make it a matter, not of choice, but of duty with the Ministry of this country, to do their utmost to support that church; but it is not a matter of mere debate, but a subject which requires great previous attention and deliberate consideration. That deliberate consideration I am disposed to give to the subject: I should not wish to introduce a measure which would not have at least a chance of passing through Parliament, and that would not be likely to produce some degree of satisfaction and content in Ireland; and I think that will be a task of some difficulty, considering the objections to the Bill of a former year. I do not intend, therefore, to bring it forward early in the session, but rather to postpone it till a later period; but I say again, that no personal feeling of mine, no false pride on my part, shall stand in the way of a settlement of this great question."

Leave was then granted to bring in the Bill.

HOUSE OF LORDS,

Thursday, February 9, 1837.

MINUTES.] Petitions presented. By the Duke of Norfolk, the Earl of Burlington, and the Marquess of Lansdowne, from the Dissenters of Coventry, Matlock, Bath, and other places for the Abolition of Church Rates.—By Lord WYNDHAM, from Ipswich and Godmanchester, for Alteration or Repeal of Poor Law Act.—By the Marquess of Lansdowne, from the Guardians of Milton and Romney Marsh Unions, for the New System of Poor Laws.—By the Earl of Burlington, from the Baptist Congregation, Brook-street, Derby, for the Better Observance of the Sabbath.—By the Earl of Winchelsea, from Milton and other places, for the Preservation of the Rights and Privileges of the House of Peers.

HOUSE OF LORDS,

Friday, February 10, 1837.

MINUTES.] Petitions presented. By the Duke of Norfolk, the Earl of Burlington, and the Marquess of Lansdowne, from the Dissenters of Coventry, Matlock, Bath, and other places for the Abolition of Church Rates.—By Lord WYNDHAM, from Ipswich and Godmanchester, for Alteration or Repeal of Poor Law Act.—By the Marquess of Lansdowne, from the Guardians of Milton and Romney Marsh Unions, for the New System of Poor Laws.—By the Earl of Burlington, from the Baptist Congregation, Brook-street, Derby, for the Better Observance of the Sabbath.—By the Earl of Winchelsea, from Milton and other places, for the Preservation of the Rights and Privileges of the House of Peers.

HOUSE OF COMMONS,

Friday, February 10, 1837.

MINUTES.] Bills. Read a second time:—Sedition (Scotland); Court of Session (Scotland); Small Debts (Scotland).—Read a first time:—Sale of Bear; Offences against the Person; Post Office Contracts.

Petitions presented. By Mr. GILLON, from Lanark and other places, for the Repeal of the Duty on Soap.—By Mr. GILSON and other Hon. MEMBERS, from several places.—By Mr. HALL, from Monmouth, for the Abolition of Church Rates.—By Mr. GILLON and other Hon. MEMBERS, from Glasgow and other places, for the Repeal of the Duty on Soap.—By Sir SAMUEL WHALLEY, from St. Marylebone, for Repeal of Window Tax, and for the Establishment of Boards in Ireland, for the Relief of the Poor.—By Mr. ROBINSON and Mr. BACKLEHURST, from Worcester and Macclesfield, for Repeal of Duty on Tobacco.—By Mr. O'CONNELL, from Dublin, complaining of the Practice of Registering Fictitious Votes; and from the Isle of Anglesea, that the Clergymen appointed to Welsh Parishes may understand the Welsh Language; and from Brentford, for the Abolition of Tithes, and for Municipal Reform.

LUDLOW CORPORATION.—MR. L. CHARLTON.] Mr. Blackburne had to present a petition, signed by the Mayor, Aldermen, and Common Council of Ludlow, which he considered worthy of some degree of attention from the House. The petitioners prayed that some remedy might be afforded for the very serious grievance to which they had been subjected by the conduct of their predecessors in office, the councillors, under the old law. It was provided by a clause in the Municipal Corporations' Act, that immediately upon the election of the new council, all papers, deeds, and documents of every description which had belonged to the old council should be delivered into the custody of the new; and by another clause, it was enacted, that no disposition of property on the part of the old corporation should be valid if made after June 5, 1835, unless in pursuance of some previous valid covenant or agreement. Now the old corporation of Ludlow, instead of giving up their papers, deeds, &c., into the hands of the new council, had thought fit to make an order on the 23rd of December, a few days before they went out of office, to put into the hands of certain bankers all their deeds, documents, and papers, as security for a balance of an account, amounting to 3,000*l.* and owing by them to these bankers. By this means, the new council were prevented from taking possession of these documents; repeated applications for the production of which had been made, but without any effect. The new council were, in consequence, unable to come at any knowledge of the acts of the old; but there was reason to think that the sum, whatever it might be, which was

the inquiry now before the Committee of the House, it was proper that the petition be referred to them, the better to enable them to come to a correct decision on the subject.

Sir *Edward Knatchbull* said, the inquiry before the Committee had nothing to do with the subject of this petition; the contempt of court had no reference to the retention of these documents and deeds, but to a letter written by Mr. L. Charlton. He should suggest to the hon. Member to take the advice of the hon. Member for Surrey.

Mr. *Edward Clive* said, that although the names of two noble relatives of his were mentioned in the petition, he would content himself with declaring, for them and for himself, that, so far from shrinking from inquiry, they courted inquiry as far as it could be carried. He had seen the hon. Member for Ludlow, and had shortly stated to him the nature of this petition, and it was but justice to him to state that he professed himself perfectly ready to meet all inquiry. With these observations, he should sit down. The question as to how far the hon. Member was correct in bringing forward this petition in the absence of the hon. Member for Ludlow was for the House to decide; he would only repeat, that he, as well as his noble relatives, courted inquiry to the fullest extent.

Mr. *Blackburne* moved, that the petition be referred to the Committee of Privileges.

Sir *George Clerk* felt great objections to encumbering the inquiry before the Committee with this subject. They hoped at present, to be enabled to present their Report to the House by Monday; he should resist any reference of this sort, which must unavoidably have the effect of prolonging their deliberations.

The *Speaker* said, that the only ground for referring this petition to the Committee of Privileges would be, that inquiries had been entered into before that Committee with reference to the subject of this petition; but from the statements of this petition, it was clear that it had no bearing upon the matters under the consideration of the Committee, and as it seemed most objectionable to refer to a Committee petitions which had little or no connexion with the subject of the deliberations of the Committee, he would suggest, that it would be better for the hon. Member to take some other course.

Mr. *Blackburne* moved, that the petition be laid on the table.

Agreed to.

FISHERIES ON THE COAST OF FRANCE.] Captain *Pechell* presented a Petition numerous signed by the owners and masters of vessels at Brighton, complaining of numerous grievances, which he hoped he might be excused for stating to the House. The petitioners set forth that they had invested property to the amount of 10,000*l.* in the fisheries, and that on the nights of the 3rd and 4th instant their property had been damaged by the French fishermen to the extent of several hundred pounds; that remonstrances had been made in various quarters on this subject, since the year 1829, but no relief had been obtained. The consequence was, that a very large body of men, were, at this moment, totally out of employment. The Duke of Wellington had answered to a memorial laid before his Government on the subject, that the British fishermen might take the law into their own hands. But retaliation was out of the question; for the French boats were better built and better manned than the English. He should only at present remark, that it was extraordinary, that whilst the French suffered no fishing vessels of any nation to approach within nine miles of their coast, their vessels were in the habit of coming within boat-hook's length of the British shore. He should shortly call the attention of the House more fully to this subject.

Mr. *Labouchere* felt it was necessary to trouble the House with a few remarks in consequence of what had fallen from the hon. and gallant Member, otherwise, those who were uninformed on this subject might receive an impression that his Majesty's Government had been guilty of great negligence in not providing a speedy remedy for such grievances. Now, he would engage to say, that if the facts stated by the hon. and gallant Member were embodied in the shape of a memorial, and laid before the Board of Trade, no time would be lost in communicating with the Board of Admiralty, and, in case the facts upon inquiry were made out, no time would be lost in affording the proper naval protection. He did not know whether the terms of the treaty with France were complained of; that was a very different matter; if any infraction of

the boroughs to which they had been appointed. but it seemed that there was to be not merely a deputy Recorder; there was also to be a deputy town-clerk, and a deputy town-crier; the whole expenses of which were to be thrown upon the town. Then, let him call the attention of the House to this fact, that the Recorder was a judge, not only in civil, but in criminal cases also; having, in some places, a jurisdiction commensurate with that of the judges in the superior courts at Westminster, holding pleas of any extent, and taking cognizance of matters of life and death. He was to be allowed to name a deputy; well, was it right that such an officer should be paid by the day? Was he to have a sort of flying interest in the protraction of the cases he had to try? He was to have his three guineas or his five guineas a-day, he (Mr. Harvey) supposed; but surely that never could be the mode in which the judges of the land should be paid. Then let him ask who these deputies were to be? Some small Barristers, who were one day without a brief, and the next deciding upon evidence, and awarding sentences. Was that seemly or proper in any point of view? He trusted that before the Bill was suffered to pass, the several points to which he had adverted would receive due attention, and that the whole measure would be rendered less exceptionable than he could not but feel it now was. While he was up, he would take the opportunity of stating that when the Bill went into Committee, it was his intention to move the insertion of a clause to the effect that no person appointed to fill the office of deputy Recorder should be qualified for representing in that House the borough in which he presided. He

gave notice to the hon. and learned Member (Mr. Attorney-General) that he would move the insertion of the clause in Committee. In Committee, the insertion of the clause was opposed by one person, and was carried through without a dissent in that House.

On the motion of the hon. Member, the Bill was nowing a second time. This Bill was introduced by the hon. Member to the House of Commons, the

Mr. O'Connell thought it would be against the principles of law and justice to allow the Bill to be passed into a law. It might be well enough to allow the councils to appoint a *locum tenens* for the Recorder, but to allow the judge to appoint his own deputy was a power which would never be allowed in superior courts. Let him suppose that Lord Denman was to appoint a Deputy Chief Justice of England, he would be very apt to lose whatever glory he had acquired by proscribing that House as a publisher of libels. He must certainly vote against the Bill.

Lord John Russell did not object to the general objects of the Bill. He thought that, in such cases as that of Leeds it was likely enough that a deputy might be required—but he trusted that the hon. and learned Member who had charge of the Bill would take time to relieve it from some of the objections which now seemed to lie against it.

Bill read a second time.

EDUCATION IN IRELAND.] Upon he motion that the Sheriffs' County Court Bill be read a second time,

Lord Stanley rose, and said he was anxious to ascertain from his noble Friend, the Secretary of State, whether there was any intention on the part of his Majesty's Government to appoint a Committee to inquire into the working of the system of National Education in Ireland? That measure had been introduced as an experiment, and it had now been in operation for a sufficient length of time to afford proofs of the way in which it had worked. His noble Friend would admit, he was sure, that the conflicting statements made in that House and elsewhere should be set at rest. If it was the intention of his noble Friend to take up the question, he would be most happy to leave it in his hands; but if there were no such intention on the part of the noble Lord, he should certainly take an early opportunity to move for the appointment of a Committee to inquire fully and impartially into the practical working of the system, so that if it had operated beneficially, it might be continued, and if prejudicially, that it might be suppressed.

Lord John Russell said, he should certainly feel it to be his duty, in the introduction of any measure, to give poor laws or any other measure of improvement in Ireland, to see that steps were taken to

from the late divisions of counties by the Lord-lieutenant, the assistant barrister was obliged to spend almost his entire time in the discharge of his duties. He believed it would be of great advantage to the people of England to have a person qualified to act and educated for the administration of the laws. He did not know that the conduct of the magistracy of Middlesex was so pure as to be above all suspicion; for he had read in the newspapers some resolutions passed by the vestry of St. George, Hanover-square, in which they intimated that the magistracy of that county had misapplied some 11,000*l.* of the county money. The hon. Baronet seemed to think that if magistrates were selected by the people, the character of the office would not be exalted. Now he was of a different opinion, and he was sure the bad would be omitted and the good only returned. He went, however, on higher ground, and he would state that it was only a return to the old constitutional principle of taxation by representation and of election by the people. It appeared that magistrates, however pure, were not, like Cæsar's wife, above suspicion. The Bill before the House proposed a return to the common law practice prior to the time of the statute of Edward 3rd, which was enacted *pro hac vice* to vest in the Crown the appointment of magistrates. The gallant Member for Lincoln was afraid that this was of a democratic principle. If the word democratic were translated for his benefit, it would be seen that it only meant popular, and he did not think it so fearful a thing to give to the people of England a popular control over the expenditure of money raised from themselves. The appointment of the Lord Lieutenant was objectionable—he might be a Whig, and then he probably would appoint what the gallant Member for Lincoln might call improper magistrates. He might be a Tory, and the odds were that he was so, and then he would nominate persons in whom the people could not have confidence. It was well known that the commission was given away as a matter of favour; no one denied it, and it was a fearful thing that persons should be selected, not for their fitness or capability, but for their having found favour in the eyes of the Lord Lieutenant of the county.

Mr. Shaw admitted the system of assistant-barristers had worked well in Ireland, but doubted whether it would work

equally well in England. He must, like the hon. Member for North Warwickshire, protest against any measure which would destroy the golden link between the middle classes and poor, by depriving the latter of their natural friends and protectors.

Mr. Richards asked, was not the Bill intended to give power to the democracy? He would ask the hon. Member for Middlesex to point out to him any petitions which had been presented from the counties of England, complaining of the conduct of the magistracy, or praying for the proposed alterations. He was not aware of any such having been presented. And looking at the state of the great commercial interest in that great city, where there was nothing but doubt, perplexity, and alarm, he could not attribute the hon. Member for Middlesex's allowing his mind to be perverted to so trivial an affair as this or to any other cause than to the spirit of party.

Mr. Arthur Trevor could not allow the introduction of the present Bill, without expressing his opposition to it. He considered it a measure, than which, he had never seen anything more essentially dangerous. There were already, as he thought, enough elections of one kind or the other without introducing any fresh; and from what he had seen of those elections, he had little cause to be pleased with them; he thought that they did not tend to the good harmony of society, or the good order of the community, but that they were productive of much ill will. He could not agree with the hon. Member for Lincoln, that he did not like to act on a bench of magistrates along with the clergy; when he (Mr. Trevor) had seen those rev. gentlemen on the bench, he had never seen any conduct from them but such as would do honour to their sacred character. In many parts of the country the gentry were very few, and in those parts if the clergy did not act as magistrates much inconvenience would be experienced. He objected also to the observations of the hon. Member for Kilkenny, as to the conduct of Lords-Lieutenant in the appointment of magistrates. He (Mr. Trevor) did not think that the Lords-Lieutenant acted from political motives. He thought no one would object to sit on the same bench, or act as a magistrate with a gentleman, because their political creeds happened to differ. The hon. Member for Middlesex had no right to throw out any

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competent for the task of acting as chairmen at quarter sessions. No one knew better than the hon. Member for North Warwickshire that it required considerable talent, great knowledge of law, and no small sacrifice of time, to perform that task in an adequate manner. With the great increase of civil and criminal business which had arisen of late years, and with the still greater increase which might be expected from the Prisoners' Counsel Bill passed last session, that task would become every year more arduous and laborious, and he therefore anticipated that from year to year it would become more difficult to find a competent chairman for the quarter sessions. If his anticipation should be correct, and if it should in consequence become necessary to appoint recorders of counties, that would form no reason for not separating the financial from the criminal business of the county. He would not venture at present any opinion upon the details of this measure. He hoped, however, that the hon. Member for Middlesex would bring them forward in such a shape as would enable the Bill to pass the Legislature, and that he would take care not to create any expensive offices in the machinery he might devise for carrying it into effect. He did not mean to assert that there were not objections to the mode in which the business was now conducted—he admitted that there were objections, and he hoped that the hon. Member for Middlesex would find means to obviate them. He thought that the county council ought to be kept together as short a time as possible, and that there should be as few permanent paid officers as possible. With regard to the clause for the appointment of magistrates, he must say, that in his opinion, it did not stand at present in a very satisfactory state. He was free to admit, that there was at present a want of system and of regularity in the mode of appointing the county magistracy. The appointments depended too much on the opinions, and he might even say, the prejudices, of individuals. There was no general rule by which the Lord-Lieutenants were guided in the selections they made of individuals for the bench. Each acted upon his own discretion. For instance, the Duke of Wellington did not think it right to recommend any clergyman for the magistracy, when any other gentleman could be appointed in the district. Other Lord-Lieutenants adopted

a different rule, and recommended a greater number of clergymen than of any other class to the bench. Though he did not think much of the patronage exercised by the Lord-Lieutenants, he must say, that a practice had grown up amongst them, on which it was incumbent to place a check. It was the practice of most of the Lord-Lieutenants, when a gentleman was recommended to them as a fit person to be inserted in the commission of the peace, to refer his name to the magistrates of the district, and to determine, upon their answer, whether he would insert his name or not. This gave the magistrates the power of electing as their colleagues on the bench men of their own party, and of rejecting those, who though objectionable to them on private grounds might not be objectionable on any public grounds. He thought that there should be greater uniformity than that which now existed in the rules for determining the eligibility of individuals to the magistracy, but he was not prepared to go the length of saying that the Crown ought not to have the power of appointing as magistrates other individuals besides those who were recommended to it by the county council.

Sir *Eardly Wilmot* had only meant to say that the chairman of quarter sessions executed almost all the duties of the magistrates, whilst the others sat merely to make a court. They were merely wanted to make up a court and it could not be expected that many Gentlemen could be induced to attend, when they had nothing to do but to sit with their hands before them.

Mr. *Palmer* had been Chairman of the Sessions in Berkshire for several years, and had experienced no difficulty from the non-attendance of magistrates to assist in the criminal business, but this he attributed to the fact, that the criminal business was transacted before the civil. He believed that the hon. Member for Middlesex had brought in the Bill in order to save expence to the counties, and he (Mr. P.) was not disposed to offer any objection to the general principle, that those who pay the rates should have some voice in the expenditure, though he thought there was a considerable difference between the county-rate and the public taxes, because the county magistrates had no power to make a rate and levy money except so far as they were authorized by the Legislature, and they

had little discretion given to them except as to the salaries which they should give to their officers. The hon. Member for *Middlesex* had complained that he had not received any answer from any county magistrate to whom his circular had been addressed, but he would take the liberty of informing the hon. Member, that in the County of *Berks*, this did not proceed from any disrespect. The letter was taken into consideration by the Magistrates, they expressed their thanks to the hon. Member for his courtesy, but they thought it no part of their duty to give an explicit answer, they had, however, instructed the Clerk of the Peace to write to the hon. Member, thanking him for his attention; and, as far as he (Mr. Palmer) could collect, the general impression was, that although it was desirable to give a control to the people, yet that a greater expense than at present would be created by this Bill, without presenting any countervailing benefits from its theoretical advantages.

Mr. Pryme would recommend to the hon. Baronet and the other Members opposite to follow the example of the Magistrates of *Cambridge*, who highly approved of the principle of the Bill. It was most essential, in his opinion, that the financial and civil business should be separated, as at present the system was productive of much inconvenience.

Mr. Potter complained of the lavish manner in which the public money was expended by the Magistrates, though the hon. Member for *Berkshire* had said they had no discretion.

Mr. Palmer explained. What he meant to say was, that very little of the county expenditure was now under the actual control of the Magistrates, except the salaries of their own officers.

Mr. Potter had at that moment in his eye the Castle of *York*, to which the walls of *Babylon* were nothing. That had been built at an enormous expense, and was a monument of folly to the country. There was also the gaol of *Leicester*, which was unfortunately too large for the wants of the people of that county—and in *Lancashire* the Magistrates had persisted in laying out large sums upon the gaol, although they were well aware that for some years it was the general opinion that the assizes for the southern division of the county should be held at *Liverpool* or *Manchester*. That gaol was now much too large, and he was

glad that some check was likely to be put to this lavish and injudicious expenditure.

Mr. Montague Chapman did not think it right to enter into the details of the measure at that early stage, but he thought it right to direct the attention of the House to the principle of the Bill, and one more obnoxious in principle, or more objectionable in detail, he had never read. He could not suppose the House would pass a Bill so degrading to the Magistracy, and so derogatory to the privileges of the Crown itself. Were not the Magistrates selected from those who had the largest property in the county?—and would it be now said, that they should take from them the management of their own property? He meant the property of the county, in the disbursement of which they had so large a stake. Would not any man who came to take a farm inquire what the amount of poor-rates and county-rates, &c., was, before he fixed upon the value of the farm, and was not the landlord therefore the person most deeply interested in the amount and application of those rates? The Bill not only prevented that, but it prevented the Magistrates interfering with the police force of the county, although no class of men were so fit to arrange that portion of the local business of the country. He had taken some pains to ascertain where those rate-payers who would have a vote were to be found, and he had ascertained that in the agricultural districts the sum total of the rates paid did not exceed one-twentieth of the whole. In short, the 3l. tenants, men who had no interest whatever in the land, would have a voice in the election of that council which was to nominate the Magistrates; and he observed, that there was no security as to qualification of the persons they were to elect. He thought it would be necessary for the hon. Member for *Middlesex* to do what he had recommended to his hon. Friend the Member for *Bath*—to put Ministers a little oftener on the back, before he could expect to carry that most objectionable measure, which he was confident would be rejected by the House.

Captain Pechell thought it must be satisfactory to the hon. Member for *Middlesex*, to know that no objection had been taken to the principle of the Bill. He believed it would always be found that where hospitality was extended to the Magistrates by the gentry of the neighbourhood, there was always a full attend-

ance at Sessions. In the county of Sussex, with which he had the honour to be connected, he was happy to say that the Lord Lieutenant had broken through the rule of appointing Magistrates solely on the recommendation of the Bench, a thing which he thought highly objectionable. One inconvenience of the present mode of conducting the business at Quarter Sessions, was, that the Magistrates were often obliged to retire into another room, to look over the county rates, instead of being able to attend to the trial of prisoners committed by themselves. Another objection was, that all information as to the purpose to which the rate was levied, was in many instances withheld from the rate-payers. The Bill was on these grounds most likely to give great satisfaction to the country, and would receive his (Capt. Pechell's) strenuous support.

Mr. Wakley expressed the warmest approbation of both the principle and details of the Bill, as the present system of levying county-rates had been productive of great injustice and inconvenience. It had been asked what petitions had been presented in favour of the Bill. Many would have been presented if the mode of presenting them in that House were more satisfactory. Thousands would have been presented if it were not known that petitions which had cost weeks of preparation were presented without discussion or observation, and with the formality of merely walking from that place to the table. With respect to the election of a county board by the rate-payers, there was nothing objectionable; they had an election every seven years for Members of Parliament, and yet here was a case in which the interests of every working man in England were concerned, in which the application and levy of the surplus of his labour were concerned, and what did they see on the other side of the House which had exhibited so laudable an anxiety to establish Conservative Operative Associations? Why, that not twenty Members could be brought together upon a question so vitally important to the working classes, so deeply affecting the security of their property, the welfare of their persons, and the happiness of their children. Here was an illustration of the democratic principle, the object of which was to give life and energy to the country, to protect the interests of all classes; and great as were the obstacles which it had to encounter, it was sure

to succeed. In the struggle it was now making against tyranny and despotism, it would eventually prostrate every foe and secure to the people the greatest share of happiness and enjoyment they could acquire. No honest magistrate could object to the Bill—it would confer a greater power upon the good magistrates and remove it from those who had hitherto only abused it. A better Bill, in his opinion, had never been introduced. It had been proposed to confine its operation to Middlesex, and he (Mr. Wakley) for one Middlesex rate-payer, was most anxious it should be applied to that county. If the other parts of England were aware of the advantages it would confer, it would soon be very generally established. What, he would ask, was there objectionable in it? The hon. Member for Essex had said that those who would have the right of voting paid only one-twentieth part of the rates. He would be glad to know where or how he had made such a calculation. In some counties in England the county and poor-rates were combined, yet in others they were very properly separated. Hon. Members said no, but he would satisfy them that such was the case in the county of Middlesex and elsewhere, and he hoped it would soon be very generally established throughout the country.

Mr. George F. Young would merely offer one observation to the House. The principle of the Bill was, in his opinion, short and comprehensive—it was, that those on whom the burthen fell should have some voice in the nomination of those by whom it was to be imposed. To that he expressed his unqualified assent, and he regretted that the hon. Member for Essex should have so inappropriately directed his arguments to that point. If any objection was hereafter made to the details of the measure they would see how they could be amended in Committee. As a magistrate of the county of Middlesex, he was glad to see the principle put forward, and he hoped it would receive the sanction of the House.

Mr. Goring would ask the hon Member for Middlesex, whether any demand had been made by the middle or higher classes for a stricter inquiry into the expenditure of the county-rates? No such thing, and until that was done, he saw no necessity for the present measure.

Mr. Wyse said, the principle on which this Bill was founded was that on which

the House of Commons was constituted, and on which the Municipal Corporation Bill passed the year before last was framed, and the arguments of hon. Gentlemen opposite (if good for anything) against the principle of the Bill, would equally tend to destroy both the one and the other. The hon. Gentleman opposite had not proved that magistrates had sufficiently attended to the discharge of their public duties. He contended for this great principle that a free people ought to have control over the money which they themselves raised. The Bill was called popular and democratical. It ought to be as much so as the Municipal Corporation Bill, or the Reform of Parliament Bill. The frequency of elections which had been complained of would, he considered, along with elections for vestries, or municipal councils, tend to educate and prepare the people for the exercise of the more important franchise—the Parliamentary. What right had that House to set up two kinds of constitutions, one for the towns and the other for the counties? He saw no reason why the people of England should be deprived of the benefit of those institutions, which were established in almost every civilised country in the world.

Sir *Love Parry* said, that, as chairman of quarter sessions for his county, he had entered into the details of this Bill to a full attendance of his brother magistrates, and they agreed it contained many excellent provisions, though some of the details might be improved. He agreed with the hon. Baronet, the Member for Warwick, and the hon. and learned Member for Kilkenny, as to the propriety of establishing a county recorder, or judge. Not having been regularly educated for the law, he did not feel himself competent to discharge the duties of the situation he was called on to occupy.

Mr. *Hume* replied. Three separate Committees had sat and reported upon the subject with which this Bill purposed to deal, and a commission had issued which had presented a very comprehensive report. He had presented on one occasion eight petitions from eight different counties in favour of the Bill. Hon. Members opposite had termed the Bill mischievous. Now, if by that they meant that it was popular, and tended to increase popular control, it was perfectly consistent in those Members who had steadily resisted all advancement of the popular cause to make

that objection. But just on that ground that it was popular, and did extend popular control, did he (Mr. Hume) support the Bill. The Bill was also called an innovation. Now, let hon. Members recollect that he was not the innovator; that he was merely proposing a return to the ancient system. Lord Denman had lately decided, after elaborate argument, that the rate-payers had no right to apply to see the vouchers of county expenditure; that it was sufficient for the magistrates to see them, and the magistrates were irresponsible to the rate-payers. The details of the Bill might be doubtless improved, but he would not give up the principle of popular control, and he trusted that the House of Commons would not reject it. He had been accused of not attending the meetings of the Middlesex bench of magistrates, but the reason was, that he could not, by reason of other and more important duties, find time to discharge properly the functions of a county magistrate.

Leave given. Bill brought in and read a first time.

EXPENSES AT ELECTIONS.] Mr. *Hume* rose to ask for leave to bring in a Bill similar to the Bill of last Session, and which arose out of a recommendation of the Committee which sat last year to consider the manner in which Members of that House were put to very considerable and irregular expenses on their elections. That Committee had laid on the table many lengthened and precise details of the evils of the present system, and the Report recommended the Bill which he now moved for leave to bring in, the object of it being to define what were legal charges, and what not. The Bill, however, as compared with that of last Session, was very much improved. Many clauses had been left out, and the Bill was now limited expressly to the expenses of elections. As the Bill was not yet before the House, he considered it unnecessary to say more. He hoped he would be allowed to introduce it, as by that means hon. Members might have the Bill, and make themselves masters of its contents, and see whether or not it deserved support.

Colonel *Sibthorp* said, that whatever might be the democratic tendency of the last Bill introduced by the hon. Gentleman, the Member for Middlesex, this Bill was certainly not democratic. He had himself

always exercised feelings of hospitality and charity towards those with whom he had the honour to be connected, and whether the Bill passed the House or not, it should not prevent him from continuing to do so. This Bill would not be very popular—he was sure it would not be very satisfactory to the hon. Member's constituents. He thought there was a degree of niggliness about the Bill that was inconsistent with the British character. He loved to be amongst his constituents, and they loved to be with him. If the hon. Member for Middlesex would in him the honour to accept an invitation to his place, he was sure that that hon. Member's opinion as to the necessity of this Bill would be altogether changed.

Leave given. Bill brought in and read a first time.

GRAND JURORS (Ireland). On the motion of Viscount Mervill, the House went into Committee on the Grand Jurors' Bill.

On Clause 5, regarding provision of Act of last year, which prohibited any payment for grants to dispensaries it was to should appear the salary of the medical attendant amounted to one-half the amount of the subscription and payment.

Lord Clements was opposed to the repeal of this proviso. He did not consider dispensaries as beneficial to the poor. He knew of a case in which a surgeon to an hospital received from 1851 to 1854, a year for the trifling service of visiting an hospital twice a week. He thought the subject ought more properly to be introduced into the Poor-law Bill. The expense to the county was not what he objected to, but the opinion he entertained of the inutility of these establishments.

Mr. O'Connell hoped the clause would be maintained. The proviso would be found to act inconveniently, especially in those districts of Ireland such as his own, in which the medical attendant could derive little additional remuneration from private practice.

Mr. Wakley also hoped that the clause would be retained. He had received many communications, showing the great inconvenience which had resulted from the proviso. The capidity of some persons might lead them to undertake the medical superintendence of an extensive district, which it was physically impossible that they

could properly attend to; but this Congress ought not to hold any encouragement to such a system.

Mr. Stans could confirm the statement of the last and named gentleman; but a general complaint was made in Ireland of the neglect of the effect of the clause of the Act of last year, which limited the salary of the medical attendant to a moiety of the private subscriptions; and he could not say within his own knowledge, in the county of Dublin, where it is a neighbourhood in which he was much interested, a dispensary had been recently established, and which could not continue to exist, if the medical attendant was not allowed a larger remuneration than he had of the private subscriptions. He must approve of the repeal of that clause.

Mr. Stans assured the hon. Member for Finsbury, his Irish correspondents and communications, themselves with satisfaction, as to the numerous effects of the clause of the Act of last year, in which he had stated such as improving the poor of Ireland of medical assistance. This clause was not so well received and appreciated, as persons had never been able to see in Ireland that they were much the better of it. He had not in mind it was established, and in fact, rather over a long period, in particular the north side of the river Liffey, in the neighbourhood of the river. The hon. Member perfectly remembered both the words of the Bill, and the words of the clause, and he was well if he remembered they were not, and the medical assistance was in Ireland, in the poorest classes of their labouring population. For the last part, he was certain that professional skill and medical assistance would universally throughout the land, be provided for the poor, and that the hon. Member's communication should be accepted in the gentleman's dealing in time and ability to their services. The hon. Member for Finsbury was alluded to the dispensary in his immediate neighbourhood, and stated that thousands of persons would be deprived of professional assistance if this clause was rejected, as the medical attendant could not continue if his salary was reduced. The dispensary was all he had to depend on. From the poverty of the district, notwithstanding its great extent, 51. could not in the year be calculated on from any other quarter. Now, although he (Mr. French) was not aware of the circumstances of that particular dispensary, from his general know-

but for inquiry into the condition of the second order of Roman Catholic clergy in Ireland, with a view to their better protection and support against the oppression of their superiors, he did think a petition of this nature was well worthy the attention of the House, and he hoped, therefore, he should be allowed to enter more at length into the statements of—

The *Speaker* said, that if the hon. Member meant to found a motion upon the contents of the petition, it was then competent for him to open it to the House; but that to argue on a petition when there was no intention of pursuing the matter further was contrary to the practice of that House.

Mr. *Maclean* had not intended to move for any inquiry, to which he did not at all feel himself pledged.

The *Speaker* said, the rule of the House was, that when an hon. Member intended to found any further proceedings upon a petition, then he ought to give notice of the course he meant to pursue, in order that the House might be in a condition to decide whether they would allow the matter to go farther or not.

Mr. *Maclean* begged to state, with great submission, that this petition had been brought forward both in the House of Lords and in that House, on a former occasion, when its merits had been discussed at considerable length. He must say, therefore, he thought it hard that he should be denied the liberty of making a remark on the subject.

The *Speaker*: Of course, it is not for me, but for the House, to determine this point.

Mr. *Maclean* proceeded: It was necessary, in order to put the House fully in possession of this case, that he should detail the particulars of the petitioner's complaint. The petitioner stated, that, in 1826, he had been appointed to a parish in the county of Louth, the duties of which he continued to discharge until the year 1833, when he was deprived by a mandate of his diocesan, the right rev. Dr. Crolly, the ground for that proceeding being, that he had brought an action against a brother-clergyman, who had slandered him in public; that he had, however, previously to bringing this action, appealed, as was his duty, to the proper ecclesiastical tribunal; that he had received a promise from the Archbishop's Vicar-General, that measures should be

taken to enforce a withdrawal of the charge affecting his character; but that having waited six months without obtaining any withdrawal of the charge, he had at length instituted law proceedings, and recovered damages against his calumniator; but that, pending those proceedings, he had been suspended from the performance of his clerical functions, and thereby reduced to a state of utter destitution; that he had appealed to the see of Rome; that two mandatos for his restoration from thence had been sent under by Dr. Conolly; that he had further received an appointment from Rome which had not been confirmed; and that he was in consequence deprived of all means of supporting himself in Ireland. Under these peculiar circumstances, the petitioner approached the House, in humane expectation that some remedy might be applied to the singular grievances under which he suffered.

Mr. *Erskine* Wason rose to order. He thought the general understanding was, that hon. Gentlemen were not to enter into these long statements on the presentation of petitions. He would appeal to the *Speakers* as to whether it would not be proper, if one hon. Gentleman were allowed to follow this course, that others should have the same privilege extended to them?

Mr. *Maclean* begged to remind the hon. Member that this was a case of a very peculiar nature. He hoped the House would not consent to a course which would in effect shut out the public from the exercise of the right of petitioning.

Mr. *Erskine* Wason said, that the usage was, that any hon. Member was wanted to bring the subject matter of a petition under the consideration of the House should place a notice to that effect on the books, without which he could not enter into the details of a petition.

The *Speaker* said, that for many years during which he had had the honour of a seat in that House, it used to be the practice that hon. Members, on presenting petitions, should merely state the progress of those petitions. That practice, however, had been latterly departed from, and morning sittings had been resorted to, with a view of relieving the pressure of petitions. A Committee had then been appointed on the subject, which had reported, but its reports had never been acted upon; and it had been thought

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that the decision of the Chief Justice if carried to its full extent, would have the effect of placing them in this very peculiar situation, that supposing any hon. Member should think proper to lay on the table articles of impeachment against some officer of the Crown, whom he might deem worthy of impeachment, then these papers might furnish matter for an action for libel to the parties against whom they were presented, and the jury, guided by the former decision, that the privileges of the House of Commons could not be pleaded in justification, might decide upon the merits of the case as to the guilt or innocence of the hon. Member with respect to the libel. He had only put this as an extreme case, but there was no saying to what extent this doctrine, if fully carried out, might reach; for papers were continually laid upon the table of that House containing statements which materially affected the characters of individuals. He was in doubt whether it would be more proper that this question be referred to the Committee of Privileges, or that a Committee of a limited number of Members should be appointed to investigate the facts relating to it; at present, however, he merely made these remarks by way of bringing the subject under the consideration of the House, for it was desirable that their decision, whatever it were, should be as nearly unanimous as possible.

The *Speaker* hoped he might be allowed to state shortly, not the opinions which he held on this very important question, but the peculiar nature of the situation in which he was placed, with a view of eliciting some directions from the House by which he might shape his future course with respect to this matter. He had felt it his duty to pay as much attention as was in his power to the progress of the trial in question, and from the short-hand writers' notes of its more important parts, which he had procured, it appeared to him that the doctrine there laid down extended to an interference with the privileges of the House, and in consequence he was placed in a difficulty which he would state to the House. He had been applied to that morning to decide what number of copies of the Report of the Church Commission for Scotland it would be proper to have printed. Now if he directed that the number of copies printed should be precisely the number of Members of that House, still it was obvious that many copies would

find their way into general circulation; but the number could not be limited by the numbers of that House, for it was indispensable that copies be supplied to certain public offices, and in other quarters. Indeed, it had been usual, in most cases to print as many as from 2,000 to 2,500 copies. Now, if an order or resolution of the House were passed directing him to have a certain number of copies of their papers printed, that would not only not tend to relieve the difficulty he felt, but, on the contrary, would very materially increase it; because he found, from the charge of the Lord Chief Justice, that by the construction which that learned judge was disposed to put upon the privileges of that House, the copies printed must be limited exclusively to the use of the Members of that House. If to exceed the number required for the House were to be adjudged to be a publication of papers printed by order of the House, then it became a question whether, in signing an order which should have such an effect, he should be subject to an action for libel. This, then, being, as it appeared the state of the law, that he was called upon to hold himself responsible, not to that House alone, but to the courts of Westminster-hall, for what he did in pursuance of his duty, he must say he did feel extremely anxious to receive some instructions from the House, by which he might learn what was the proper course for him to pursue.

Mr. *Williams Wynn* said, it was impossible not to agree with the noble Lord that this was a most important question. It struck at the root of every privilege belonging to the House of Commons; it came to this point, whether was the House amenable or not amenable to the Court of King's Bench—whether the Acts of that House lay within the cognizance of any other tribunal than that House. He was extremely astonished that the question had been mooted at all—the practice of printing for circulation papers relating to that House not being, as the noble Lord seemed to suppose, a new practice, but, on the contrary, for a hundred and fifty years these publications had been continually made under the orders of the House. The orders of that House had been ordered to be printed, not for the use of Members merely, but of the public; and not only these papers but also information which had been given at the bar of the House, had been directed to be

impress of sound sense than that which constituted the law of libel. He was satisfied that the law of libel should be made definite and intelligible, and founded on some principle of common sense. The question then would be, whether the House should reserve to itself the right of violating that law which it should be the first to uphold and obey? If it were to do so, the character of every man in the country would be at the mercy of the House. It had been observed, by an hon. Gentleman, that in case of injury let there be compensation, but who was to determine the amount of it? Was there to be an inquisitorial tribunal appointed by the House for that purpose? This was a most important subject, and he could not bring himself to believe that those who were law makers should be allowed to be the first to set the law at defiance.

Mr. O'Connell observed, in explanation, that the hon. Member for Southwark was quite mistaken on the subject. The question was, whether such a law as had been referred to by him was in existence. There was no statute regarding this part of the law of libel, it was the common law of the land.

The *Speaker* suggested that it would be more convenient, if the House did not at present proceed further with the discussion.

Mr. Charles Buller wished the noble Lord, the Secretary for the Home Department, to state what course he intended to pursue with regard to this subject.

Lord John Russell replied, that he would give notice to-morrow evening on the subject, and state what he intended to propose.

STAFFORD—NEW WRIT.] Captain Chetwynd moved, that Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the electing of a burgess to serve in this present Parliament for the borough of Stafford, in the room of Sir Francis Holyoake Goodricke, now one of the Members for the southern division of that county.

Mr. Divett said, that before he moved the amendment of which he had given notice, namely, that the issuing of the new writ for Stafford, should be suspended until ten days after the meeting of Parliament, he should trouble the House with a short history of the transactions with reference to the borough of Stafford. It would

be recollected that some years ago, in consequence of the notoriously corrupt practices in this place, a Committee was appointed to make inquiry into the circumstances. The Chairman of that Committee was the hon. Baronet, the Member for Buckingham (Sir Thomas Fremantle); and after a patient investigation, they came to the resolution that the whole system was one of systematic corruption. The resolution was, that it appeared, from the evidence taken before them, that a system of open and undisguised bribery existed in the borough of Stafford, and that therefore, it should cease to return Members to Parliament; and the chairman was ordered to move for leave to bring in a bill to disfranchise the borough. A bill for that purpose was, therefore, brought in, but in consequence of the late period of the Session the Bill was not proceeded with, but in the following one it passed that House, and was sent up to the House of Lords, who, he supposed, could not find time to consider it. Next year, the Bill was carried a second time, almost without opposition, in that House, but it was again consigned to oblivion in that place, where so many other good measures met with the same fate. Before the next meeting of Parliament, a change in the Government took place, which was followed by a dissolution of Parliament. The hon. Member for Buckingham having accepted office under the new Administration, gave up the Bill, upon which he (Mr. Divett) took charge of it. He introduced it, and a third time it passed that House, and was sent up to the House of Lords, and then a discussion was had on it. In the following year, they called evidence on its merits, but the evidence their Lordships called, referred not to the election at which the corrupt practices were proved to have taken place, but they went into an inquiry respecting several previous elections for the borough. The Bill, however, was again rejected—with what motives he would not stop to inquire; but he would remark, that all the allegations stated in this House had been fully borne out. They admitted the necessity of a remedy, but they refused the means. One bill was rejected, because it disfranchised free-men, burgesses, and householders; and another, because it disfranchised the burgesses only. All remedy for the acknowledged corruption was positively refused. It appeared in evidence, that at one election

these were 945 voters of Stafford who accepted bribes, while there were only 104 to whom the slightest degree of purity could be imputed. One argument that might be used was, that, as the Reform Bill had infused a vast number of householders into the electoral body, that probably some more purity might now be expected; but the same return showed that, in the householders' list, eighty-five had accepted bribes, and only eighty-two refused them. While there was such an inclination to protect such corruption in another place, he thought it was the duty of that House to take the strongest measures for punishing it within their power; he thought that, in the event of a dissolution, that House would be justified in addressing the Crown to withhold the issuing of any writ to Stafford—at all events, it was their bounden duty to withhold the writ so long as this Parliament lasted, in order to show to the country that that House was determined to punish corruption as severely as possible. He was aware, that it might be objected to his proposition, that there was no precedent for the course he proposed to follow; but he would only say in reply, that, while there was such a manifest disinclination in another place to punish corrupt voters, that House was bound to show that it was determined, by the exercise of any authority it possessed, to endeavour to effect that object. He concluded with moving, as an amendment, that no writ be issued for the election of a Member for Stafford, until ten days after the commencement of the next Session.

Mr. Hodgson Hinds did not believe that any great advantage would result from longer withholding the issuing the writ for Stafford. More than half of the present constituency of Stafford had never been guilty of the charges laid to them, and he should, therefore, support the motion of the hon. Member for that borough for the issuing of the writ. It was true, the results of the investigation before the House of Lords was, that a very serious number of cases of bribery and corruption existed in Stafford; but, he believed the House would not go the length of disfranchising the borough on that ground. Look to the case of his Majesty's present Attorney-General in that borough; the sum of 2,000*l.* in that instance was to be paid, provided his election was secured. Who was the greater criminal in this case, the

learned Gentleman who stood high in the country and at the bar, or the poor electors of Stafford? When the conditions accompanying the advance of this sum were considered, there could be no doubt that it was not to be expended for the legitimate expenses of the election. He did not wish to say anything invidious of the hon. and learned Member for the course he had pursued—that the hon. and learned Gentleman had been promoted to the highest legal office which a commoner could enjoy; and more than that, although no peerage had consoled him, in the words that had once been applied to a countryman of his own, it might be said to him, "Thou shalt beget peers, though thou shalt not be peer thyself." [Cries of "*Order.*"] If he was not speaking facts, he would submit to the decision of the Chair. In conclusion, he would only say, that if the hon. Member for Exeter would include in his Bill those who were the givers of bribes, and exempt the 300 voters who were not bribed on any former election, but had since been created, he should have his support. But if he would visit with vengeance the constituency of the borough who had not been bribed, he would meet out one measure of justice for the briber, and another for the poor persons who had accepted bribes.

Captain Chetwynd was satisfied that the hon. Gentleman who spoke last, could not have read the evidence given at the bar of the other House. The question before the House was, whether a writ should be issued or not; and not as to the innocence or guilt of the borough. He was surprised that arguments that had fallen from the Member for Exeter. He had seen the number of Bills that had been placed in that House, and sent up to the other House. It was true, that four Bills, an up to the other House, in 1836, it was the other House, some ground subject. The inquiry into was taken up by the House, and it was conducted by the authorities.

six weeks, their Lordships came to the conclusion, that the allegations contained in the Bill had not been supported, and that the accusations against the borough could not be substantiated, and were not borne out by the evidence. Under such circumstances, he submitted to the House, and he did this with some degree of confidence, that the borough of Stafford stood fully acquitted of the charges brought against it. It stood in the same position as a person accused of crimes or misdemeanours, who was taken before a magistrate, committed, put upon his trial, had the case fully and fairly inquired into, and was acquitted by a jury of his countrymen. Under such circumstances, such a person would be entitled to have all the privileges and advantages of an innocent man. In such a situation stood the borough of Stafford. There was no accusation against the borough at present—there was no accuser even. There was no Bill of Pains or Penalties brought forward. What was the House called upon to do? The hon. Member for Exeter said, that not being satisfied with the evidence given elsewhere, he would still continue to punish the borough. Nothing could be more unjust, and he was astonished that the hon. Member for Exeter, professing, as he did, liberal principles, should still wish to persecute (for he could not use a milder term) the burgesses of the borough of Stafford. He trusted the House would, by its vote, prove distinctly that it never would be their practice to punish the innocent, but that they would show that that justice which ought to be dealt out with an equal hand to every body should be afforded to the borough of Stafford.

Mr. Hall stated, that he had listened to the facts brought forward by the hon. Member for Newcastle, and had upon those facts come to a directly contrary conclusion from the one adopted by that hon. Member. He thought that the House would abandon its duty if it issued a writ to such a notoriously corrupt place as that borough was proved to be. The question was not whether the Attorney-General or some Tory Member had been guilty of corruption, but whether the electors of Stafford should be enabled to receive bribes? If a Bill were again brought forward for the disfranchisement of the borough, he was certain it would meet with the support of the House, and

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he seriously trusted that the borough would be ultimately disfranchised.

Sir Thomas Fremantle said, that as he had devoted some attention to the particulars of the Stafford case, perhaps he might be allowed to state shortly to the House the reasons which led him to give the vote which it was his intention to give on the present occasion. It was extremely grating to his feelings to be obliged to differ from other hon. Members, but he felt that he could not vote for the amendment. The evidence which had been delivered before the House of Lords did not in the slightest degree alter the opinion which he had formerly entertained with respect to the corruption of the electors of Stafford, and he was prepared to say that he very much regretted that a measure for the disfranchisement of the borough had not passed into a law. It was unfortunate that various circumstances should have interposed in the way of the success of such a measure. A Bill for the disfranchisement of Stafford was taken up to the House of Lords more than two years ago, along with two other Bills—a Bill for the disfranchisement of Warwick, and another for the disfranchisement of Hertford. These Bills were considered by some parties as of more political importance than the Bill for the disfranchisement of Stafford, and therefore they were taken up first; but if he had been permitted to deal with the Stafford Bill at once, he had no doubt that it would have passed into a law. At the same time, he must say that the case was now very much altered. A great change had taken place in the constituency of the borough. He was satisfied that a large proportion of the freemen had ceased to be on the register. New buildings had been erected, and a new constituency had grown up. But the question of time formed an element in the consideration of the subject, which was of very great importance. He particularly insisted on this point, because the other evening, when a letter of the hon. and learned Member for Kilkenny was being read, the hon. and learned Member said, "Oh! but that was in 1890." It was admitted, therefore, on the other side of the House that the question of time was one of consequence. The real subject matter for their deliberation was, whether if a Bill were brought forward for the disfranchisement of Stafford there was a reasonable

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houses, which would qualify them for voting:—so that while at first only a portion of the inhabitants were guilty, that portion has been lessened every year, and the number of the innocent coming to the state fit for exercising the franchise has been increasing. Now, if the House suspends the writ still further, it will in effect be saying, that because some few electors some years ago accepted bribes from candidates, therefore, we will punish, by the deprivation of their franchise, all those who were not guilty of bribery then, all those who have arrived at the possession of a good qualification since, and all those who may in every succeeding year, become possessed of an elector's qualification in the town of Stafford in all time to come—an injustice so palpable that no man of reflection could fail to perceive it. Let the House punish those who gave the bribes and those who received them—but let not the innocent suffer for the guilty. Let the franchise be extended, and the ballot introduced, and bribery will soon cease. But as an unjust vote is as bad as a bribe, he would condemn them both, and never be induced either to give the one or receive the other; nor would he consent to punish the innocent for the guilty, however much his motives might be called in question: because he who had not the courage to act as he thought right, without reference to party, was unworthy the honour of being a representative in a free assembly.

The House divided on the original motion:—Ayes 152; Noes 151: Majority 1.

The writ ordered to be issued.

POOR LAWS (IRELAND).] *Lord John Russell*: I beg to move the Order of the Day for the House resolving itself into a Committee of the whole House on so much of the King's Speech as relates to the establishing of Poor-laws in Ireland.

The House in Committee. The following passages in the King's speech were read by the clerk:—

“ My Lords and Gentlemen, his Majesty has more especially commanded us to bring under your notice the state of Ireland, and the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom. His Majesty recommends to your early consideration the present constitution of the municipal corporations of that country, the collection of tithes, and the difficult but pressing question of establishing some legal provision for the poor, guarded by prudent regulations, and by such precautions against

abuse as your experience and knowledge of the subject enabled you to suggest. His Majesty commits these great interests into your hands in the confidence that you will be able to frame laws in accordance with the wishes of his Majesty and the expectation of his people. His Majesty is persuaded that, should this hope be fulfilled, you will not only contribute to the welfare of Ireland, but strengthen the law and constitution of these realms by securing their benefits to all classes of his Majesty's subjects.”

Lord John Russell then rose and spoke to the following effect: I feel, Sir, the extreme importance of the subject which I am about to bring under the consideration of the House; at the same time I feel it is one which, while it has received much discussion, while it has been the subject of a report made by Commissioners appointed by his Majesty, who collected a great deal of information in relation to it, is likewise a matter which I can rely confidently the House thus prepared will come to the consideration of, not only with the necessary information at its command, but with a desire to form a safe and dispassionate conclusion. I will preface what I have to say on the subject of Poor-laws for Ireland with some few observations as to the advantages which may be derived from poor laws in general, the manner in which a poor-law should be applied, and the abuses to which it is subject. These are matters which are illustrated, I think, very fully and sufficiently in the history of this country. It appears from the testimony both of theory and of experience that when a country is in such a state that it is overrun by numbers both of marauders and of mendicants having no proper means of subsistence, a prey on the industry of the country, and relying on the indulgent charity of others, the introduction of Poor-laws serves several very important objects. In the first place a Poor-law Acts as a measure of peace, enabling the country to prohibit vagrancy and to prohibit those vagrant occupations which are so often connected with outrage. It acts in this way by the very simple process of offering a subterfuge to those who rely on outrage as a means of subsistence. It is an injustice to the common sense of mankind when a single person or family are unable to obtain the means of subsistence, when they are altogether without the means of livelihood from day to day to say they shall not go about the country to endeavour to obtain from the charity of

those who are affluent that which circumstances have denied to them. But when once you can say to such persons—here are the means of subsistence as far as subsistence is concerned—that is offered to you; when you can say this on one hand you can say on the other hand, you are not entitled to demand charity, you shall no longer infest the country in a manner injurious to its peace, and which is favourable to imposition and outrage. Another way in which a poor-law is beneficial is, that it is of itself a great promoter of social concord, showing a disposition in the state and in the community at large to attend to the welfare of all classes. It is of use, also, inasmuch as it interests more especially the landowner and persons of property in the country in the welfare of their tenants and their neighbours. A person possessed of considerable property, who looks only to receive the rents of his estate, may be careless as to the number of persons who may be found in a state of destitution, in a state of mendicancy, or ready to commit crime and act as marauders in the neighbourhood of his estates; but if he is compelled to furnish means for the subsistence of those who are destitute, it then becomes as well his interest as his natural occupation to see that all persons around him are well provided for, that they are not in want of employment, and that his immediate tenants can live in a state of comfort. I conceive that those objects, and several others which are collateral to those, were obtained by this country by the Acts passed in the reign of Elizabeth. When we look to the state of the country immediately preceding and during the greater portion of that reign we should be inclined to think, if we viewed it as a matter of not so remote a time, but nearer to our own time and to our own neighbourhood, that it must be very difficult to bring the country into that condition of peace, order, and civilisation which it now enjoys. We are told with respect to crime in the reign of Henry 8th, that no less than 70,000 persons were executed in this country for theft and various crimes. We are also told by a magistrate of the county of Somerset, who wrote in the reign of Elizabeth, that in that county alone forty persons were executed in the year for theft and other lawless practices; and the county was in such a state of insecurity that the cultivators of the soil found great difficulty in protect-

ing their herds and flocks and crops from robbery. Gangs, comprising no less than sixty persons, sometimes attacked them, such was the state—not of that county alone—but of most of the counties in England. The writer adds, that the forty persons who were executed in one year did not constitute more than a fifth of all those who were guilty of similar offences, but the remainder escaped prosecution altogether. A number of other instances might be furnished of the deplorable state of the country at that period. Even in London, such was the extent of crime, that a commission was issued empowering a certain high officer to execute martial law in the streets, and persons found committing depredations in the street were taken up under that commission, and hanged without trial. Now, that was a barbarous state of society, which it was most difficult to remodel; but the means taken were many combined together. Various changes were made, both with respect to the law and the police, into which I need not enter on the present occasion; but there was one in particular, which, I think, tended to the improvement of the country, to the establishment of peace, and to the creation of that which I consider almost the greatest benefit that can be conferred on any country, namely, a high standard of comfortable subsistence for the labouring classes—that one was the establishment of poor-laws. That much was effected by the Act of the 14th of Elizabeth, and by other Acts, cannot be denied, but the improvement was effected chiefly by the great Act of the 43rd of Elizabeth. The principle of that Act was, that the infirm, the cripples, the orphans, and impotent persons, should be relieved by the public, and that able-bodied persons, unable to procure employment, whereby they might obtain their living, should be set to work. The Act in question was founded on principles adapted to that time, and which, I have no doubt, were applied with great effect. That, then, I conceive to be the use of a poor-law. I may here mention that a short time after the passing of the 14th of Elizabeth, an Act was passed in Scotland enacting a system of relief for the poor, but leaving out that part of the law which provided that able-bodied persons should be set to work. The Scotch Act provided compulsory relief for those who were unable or incompetent to work. It

was a long time before any considerable mischief was found to arise from the English poor-law. No doubt many abuses arose in particular parts of the country. There were abuses stated by a writer at the beginning of the last century, but it was not till towards the end of the century that some very fatal abuses prevailed. I conceive it was the object of the poor-law of Elizabeth to provide, in the first place, for the relief of those persons who were infirm and unable to work; and in the next place, by compulsory measures, to set able-bodied persons to work—to set them to hard labour, which was distasteful to them, and, in fact, to place them in a situation inferior to that of the able-bodied independent labourer. But there arose, about the end of the last century, from circumstances which occasioned a great scarcity of provisions, the cause of which I need not go into now—there arose a notion that the principle of the poor-law was, that all persons, whether industrious or idle, whether deserving or undeserving, were entitled to be maintained by the parish funds. The evil of this system soon began to be felt. It was impossible that such an opinion of the law could be carried into effect without occasioning the greatest evils. For a long time the idle and profligate found it more to their interest to live on the parish funds, than to obtain their livelihood by the regular course of employment; they found that they possessed greater advantages, living in that way, than if they had sought regular employment, and had relied for the means of subsistence on their character and industry. I am alluding now to facts that are so notorious, that I need not go into them. I will only refer to one case, which is mentioned in the report of the Commissioners. It is the case of Soulbury, where the poor increased to such an extent, that the landlords gave up their land, the farmers gave up the occupation of their farms, the clergyman gave up his tithes, and the whole parish was left in the undisputed possession of the paupers. It was, after many inquiries into these abuses, that the Poor-law Amendment Act was introduced into Parliament, and became law. The principle of that Bill, as I conceive, is to act fully and fairly on the principle of the 43d of Elizabeth; is to place the pauper labourer, the pauper who cannot find work, and the infirm who apply for support, in a situation more

irksome than that of the independent, industrious, and successful labourer. Now the means by which this is accomplished are, by offering all such persons a residence in the workhouse; by giving them, as the Poor-law Commissioners state—and I will not enter into the dispute whether that is the case or not—a sufficiency of food, warm clothing, and a comfortable warm residence; but, at the same time, placing them under a certain degree of confinement; so that, while they have the necessary clothing, the means of subsistence, and often a warmer residence in the winter, than the independent labourer possesses, yet the restraint is so irksome to them, that they are not willing to subject themselves to it, except when really in a state of destitution. This has been proved clearly by the Assistant Commissioners to be the manner in which the new Poor-law works. I have consulted two of the Commissioners, with whom I happen to be acquainted, on the subject, and they both say the food is wholesome, and the workhouse accommodation is better than that possessed by the independent poor, but the confinement renders it irksome, and, in that way, the workhouse becomes a place that the poor would gladly avoid the necessity of having recourse to. It is to these principles, and to this experience, that we must look very much as a guide, in forming any Poor-law which we wish to introduce for Ireland. We ought to be unwilling, on the one hand, to introduce a system which will generate the abuses which have resulted from the English Poor-law; we ought to be very willing, on the other hand, if we can, to introduce some of those good effects which have resulted to England from her system, while we avoid the injurious consequences I have adverted to. The Poor-law Commissioners for Ireland, in the course of last Session, made a report which was laid before this House, in which they recommended many measures of improvement for Ireland, and in which they suggested certain measures with regard to the indigent. It is this measure with regard to the relief of the indigent, to which I would call the attention of the House, as the principal object of the Bill I am now about to introduce. The other suggestions for the general improvement of Ireland, though I may touch on them this evening, I propose to leave for future consideration. The Poor-law Commissioners, with regard

this question of immediate relief of the destitute, propose, in the first place, that a large class of persons should be provided for, at the public expense, by means of a national and local rate. They advise also that there should be money afforded for emigration, and that dépôts should be provided for persons preparing to emigrate. In considering that report, great doubts occurred to his Majesty's Ministers, whether it were a good principle to provide only for certain classes, and whether those dépôts for emigration could be safely and advantageously adopted. It appears from every reflection on the subject, that there can be no reason for saying why there are to be only certain classes to which relief is to be extended, that is, provided we are prepared to administer relief. The different classes to whom it is proposed to give relief are here enumerated:—The noble Lord here read an extract from the last report of the Commissioners for inquiring into the state of Ireland, and stating that, in their opinion, relief ought to be given to lunatics, to persons who were deaf, blind, and all the labouring poor that were infirm; that they should be supported within the walls of public institutions; that for the sick who remained at home, there ought also to be institutions to supply them with medicines; that helpless widows, with children, ought to be supplied, as well as other persons similarly situated; and also suggesting the support of persons intending to emigrate. The noble Lord then continued by saying, Now this enumeration contains so many persons, there are so many classes of persons embraced in it, that you could not, if you undertook to provide for so many classes, exclude others. Including these, I certainly cannot see what objection there can be to provide for the destitute and able-bodied man. There are some persons in this list, such as the incurable lunatic, the helpless widow with young children, or the sick man—now these are persons in such circumstances as it is recommended that relief should be afforded to; and which circumstances seem to us calculated to excite individual compassion, and not circumstances to which exclusive national regard ought to be had. If a person in the five-and-twentieth year of his age, in the full possession of his health and strength, be unable by his industry to obtain a livelihood—

have not the
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and at the

doors of one of these public institutions starving, in want of support, and who was likely, if not relieved, to die in a few days, I cannot understand the principle that would distinguish a person in that case, as one to whom you would not give relief, when you give relief to the young and the infirm. The real principle to be adopted on this subject is, to afford relief to the destitute—and to the destitute only; and it would, in my opinion, be quite as wrong to refuse relief to the able-bodied person in that situation, as to afford relief to the cripple, to the widow, to a deaf or a dumb person, who was in a state of affluence, and had other means of support. It is not, then, the peculiar circumstances which excite public or individual compassion that we are to regard; but, if we have a Poor law at all, it ought to be grounded on destitution, as affording a plain guide to relief. Then, with respect to the other proposition, that there ought to be a penitentiary, to which the paupers ought to be sent, and that there ought to be dépôts for those intending to emigrate; if you are willing to adopt a plan to that extent, of having a penitentiary for vagrants, and dépôts for emigrants, it is, I say, far better for you to adopt the workhouse system at once; because, if you have a dépôt for emigrants, it will afford, as it appears to me, great ground for abuses. Suppose you get 500 or 600 persons in a dépôt for emigration, it will be difficult to apply to them that restriction, and enforce that discipline, which you could do if they were in a workhouse. It may be said, that they are merely passengers—that they are in a sort of public inn or hotel, until they take their passage, and they are not, therefore, to be treated as paupers entirely dependent for support upon the public. Thus, then, they cannot be restricted, nor placed under the same discipline as if they were in a workhouse; and besides, there is no security that they will avail themselves of emigration; for, supposing 300 out of 500, who have been for two or three months in one of those workhouses, are told that the ship is ready in which they were to have embarked, and they refuse to go, what means have you to compel them, unless you resort to that which would be so odious as to be impossible to be carried into effect, that is, oblige men to emigrate? Thus, then, after supporting them in the dépôt, you must let them go at large, and they would

only go to persevere in their usual habits of vagrancy. It appears, therefore, to us, that you could not adopt that part of the recommendation of the Commissioners, without a great deal more of consideration than the plan proposed by the Commissioners appears to us to have received. And deeply impressed as we have been, with the responsibility that attaches to a Government which proposes a law upon this subject, it occurred to us, that the best method of forming a judgment on the subject was, to see whether that law which, as amended, has been applied to England, could be enforced in Ireland with advantage to that country. For this purpose, Mr. Nicholls, one of the Poor-law Commissioners, and who is so well known for his worth, abilities, and intelligence, I requested to go over to Ireland, and ascertain on the spot, whether anything resembling the machinery of the English Poor-law could be applied there. I should mention here, that Mr. Nicholls, who has had great experience upon this subject, had, in one district in this country, adopted an improved method in the working of those laws, even before the amended law was carried; but this also ought to be stated, that in the early part of last year, he drew my attention to the subject of a Poor-law for Ireland, and I have been in constant communication with him on this matter, since the commencement of the Session of 1836. As I was sure that he was qualified by abilities and experience, so was I also aware that he would carry into the examination of this subject equal caution and zeal. Mr. Nicholls, then, proceeded to Ireland, and the result of his inquiries is, that, supposing it was expedient to extend a Poor-law to Ireland, there was no effectual obstacle, no sufficient objection to the establishment of a Poor-law, in many respects resembling the amended Poor-law in England. The reasons of that opinion are given at considerable length in the Report which I have had the honour of laying this day upon the table; and I will now state generally what are the reasons given in that Report, and why I think it is expedient to establish a Poor-law in Ireland, and to describe what is the nature of the Poor-law that I mean to propose. I think there can be no doubt of its expediency, if the House will bear in mind the description which I gave of this country in the reign of Queen Elizabeth—there can be no doubt that there

has prevailed in Ireland many outrages consequent upon vagrancy and destitution, and the people being left without a remedy or relief. It has happened in Ireland (I do not now inquire as to the causes, but the fact cannot be disputed), that while the people themselves—unlike the population here—have not improved in their condition, that the population has increased very much in numbers; that there has been this increase in population, while there has scarcely been an increase in the means of subsistence, and a lowering of the standard of subsistence. So that, after a long period, it is found that there prevails in Ireland, according to the Report of the Poor-law Commissioners of Ireland, such an overplus of labour, that four agricultural labourers in Ireland only produced as much as one agricultural labourer produces in England. That, it is to be observed, cannot fairly be attributed to a want of industry amongst the Irish people; on the contrary, we have it in the evidence of those examined by Mr. Lewis, and particularly from one gentleman of Birmingham, that he never found the Irish labourer to refuse work, or fail to perform it to the utmost of his industry and capability. There is not, then, a want of industry amongst the people. It is the country that has been allowed to be in such a state, that industry cannot succeed in it. It is admitted, that the only subsistence of the peasant is derived from the land which he has—it is taken from his small holding—it is not from the gain of regular wages; and where there are regular wages received in particular districts, these wages are received only by a part, and not by the whole, of the labouring population. The peasant gets his subsistence out of his small holding; the labourers live upon the potatoes raised by themselves out of that small portion of land they get; and it is by means of his possession, and the use of their industry, often very ill-directed, and not by the application of wages for labour, that they are able to maintain existence. The result of this is stated by the Poor-law Commissioners (though that is a statement of which I doubt the accuracy), that there are nearer to three than two millions of people, for a certain portion of the year, in an entire state of destitution. There is no doubt whatever of this, that a large portion of Ireland, especially those who do practise mendicancy



regular law of settlement in Ireland. I am quite convinced that the law of settlement is one of the greatest evils of the Poor-laws of England. It circumscribes the market for industry, it confines it, owing to divisions in parishes, in many cases to a small extent of country; it confines the market for industry to a very great and injurious extent. It likewise led to immense litigation; and any person who had attended the quarter sessions and seen the disputes that arise there between one parish and another as to whether a person had been hired for a year and a day, whether he had been ordered to go home on the day before the expiration of that term, so as to destroy the settlement, or whether he had served a full year and a day, and various other similar questions—any person who had attended to this litigation and those disputes will not have any wish that I should in this bill introduce the question of settlement. If I were to introduce the question of settlement I think it would have these two consequences—one because we cannot immediately say that we will give relief, or indirectly a claim to relief at all to the destitute poor of Ireland; neither can we say in the second place, what is certainly greatly to be desired, that we will at once prohibit altogether and put an end to vagrancy. When the whole of the workhouses are in operation, and when we are enabled to relieve at them all such as are fairly entitled to have relief in the workhouses, then you may say we will not permit vagrancy. First, then, to all destitute persons who seek nothing but subsistence that subsistence we give, and tell them that we will not allow them to disturb the peace and order of society by seeking subsistence by other means. But until you can do this it is not just altogether to prohibit vagrancy, and I therefore do not propose to prohibit persons seeking alms, if they can show that they have been to the workhouse or have applied to the board of the union and have been refused. This, I think, is a necessary transition from one state to another. If the scheme succeeds we shall finally to prohibit vagrancy. The question that arises is a local machinery. At this point, that the board of guardians, to be established in England. I think the rate-payers shall

have the first election, and afterwards, the rate being imposed, any person properly described as a rate-payer shall have the power of voting in the election of the board of guardians. Mr. Nicholls has entered very minutely into the question whether or not we ought to have *ex-officio* guardians in the same manner as in England. The opinion I have come to is, that it is not advisable to introduce a similar provision. In the first place, by the proportion which the *ex-officio* guardians bear to the number elected, the character of the board of guardians is altogether destroyed. I therefore propose that there shall be a smaller number of *ex-officio* guardians, and that they shall not exceed one-third of the number of elected guardians. Mr. Nicholls has likewise examined another question, viz., whether clergymen should be admitted as members of the board of guardians? He states, and, as I think, truly, that you cannot have the ministers of one profession without the ministers of the other; and, in the present state of Ireland, the presence of different ministers of religion on the board of guardians might raise many questions of dispute; and I think, therefore it would be better if the board of guardians were confined altogether to laymen. It must indeed be remarked that from clergymen of all denominations, from Protestants, Roman Catholics, and Presbyterians, Mr. Nichols received assurances of their willingness and anxiety to co-operate with the board, while some of them stated that they would rather be in the position of mediators between the board of guardians and the destitute poor, between the administrators of the law and those whom it would affect, where their exertions would be more efficacious in reconciling the poor to the law, and to those who would be exposed to their angry denunciations, than to the members of the Board. I think then that for these reasons it would be better that they should not be members of the board, but rather remain in that position in which they would be better enabled to use all fair exertion in favour of the law than if they aided in its administration. Now, Sir, with respect to the question of rating, it is proposed that the board of guardians being once constituted, and under the direction of the Commissioners whom I shall afterwards describe, shall impose rates according to the net annual value of the hereditament. The question then arises, and it will be

found fully treated by the Poor-law Commissioners, how much of this rate shall be imposed on the owner, and how much on the occupier? It is proposed by the Bill which I hope to be allowed to introduce, that of the rate levied on full net annual value, one half shall be paid by the tenant and the other half by the owner of the land, that this provision shall be carried through in all gradations, and that when there are many tenants holding, some under others, such tenant who is the lowest occupier shall deduct one-half, and the person to whom he pays it shall have the power of deducting a certain proportion of the half as rate, and shall pay the rate on what he receives from the occupier. So that, in point of fact, all owners liable to be rated, and paying a sufficient amount, shall be entitled to vote for the board of guardians. But with respect to others who hold property under 5*l.*, it is proposed that they shall not be liable to the rate, and shall not have the power of voting for the board of guardians. It is proposed likewise, according to the report, that owners and occupiers shall have a plurality of votes in cases where the property exceeds a certain amount. With respect to the other questions which are treated of in the English Poor-laws, it is not necessary in any Poor-law for Ireland to introduce provisions on these subjects. For instance, regulations as to bastardy need not be introduced, and apprenticeship is not proposed to form part of the law as in England. With respect to the cases of the Mendicity Institution and other charitable institutions it is proposed that they shall be under the direction of the Commissioners, who are to have the conduct and management of the whole administration of the law. With respect to the Commissioners, I think that the safest manner of introducing such a law as I have described is the simple machinery which has been found so advantageous in England, and through the aid of persons fully acquainted with the principles of the law of England, and who have been employed in carrying it into operation. We therefore propose that, instead of forming a separate Commission for Ireland, the Poor-law Commissioners for England shall have the power of intrusting to one or two of the Commissioners, and if there is only one, to any of the assistant-commissioners, the power of sitting in Ireland as a board of Commissioners, in order to carry the law into operation there. It is proposed

that in case it should be necessary to add to the strength of the present Board of Commissioners, if the present number shall not be found equal to the task, then the board shall have an addition of one Commissioner, thus making four. When there are four Commissioners there will be found very probably one or two in Ireland and the others in England. I think this a better mode of proceeding than by establishing a new Board of Commissioners. It is far safer that we should have persons already intimately acquainted with the operation of the law. It is far better that they should form a part of, and have the power of communicating from time to time with, the Board in England, because if we establish a separate Board of Commissioners in Ireland, a totally separate Board, we shall probably, in the course of a few years, find the Commissioners of England and Ireland acting upon totally different principles. According to the testimony of the gentleman at the head of the Commission in England, he believes that three Commissioners only will be able to conduct all the operations required both here and in Ireland. These Commissioners will be intrusted with the power of putting the law into operation from time to time, according as they may see opportunity, in the different districts which they may think most favourable, and then they will proceed to other districts. They will form unions, either of parishes or of districts, or, without attending to the present divisions, they may form unions, and having formed an union, they will proceed to adapt any building that may be standing for the purpose of a workhouse, or they may build a new workhouse if necessary. There is a considerable difference of opinion between some of the persons who have considered this subject with respect to the size of the workhouses and the unions. A gentleman who has published a pamphlet on the subject, written with very great talent, proposed that there should be 500 unions, and that the number of inmates in the workhouses should be limited to 200 in each workhouse. Mr. Nicholls proposes that the unions should be more extensive, that there should not be above 100 unions, and that each should be capable of containing 800 inmates. This calculation is made according to the circuits of Kent, Sussex, Oxford, and Bath. The amount of pauperism in Suffolk is one per cent. of the population. I can mention an instance in

just Kent of a place where the able-bodied persons are 16,000, but there are not more than twenty-four in the workhouse. But suppose in Ireland the workhouses are to be fully occupied, Mr. Nicholls calculates at the whole expense for each person, including lodging, fuel, clothing, and diet, 1s. 6d. per week. We have calculations made by various persons, and several calculations made by order of the Poor-law Commissioners, and the calculation of the expense of the workhouses in England by Dr. Way, and they all come to very much the same conclusion on the subject, viz., that 1s. 6d. per week is quite sufficient. If, then, you take 100 unions, the whole expense will be £312,000. Of course, as an original outlay, we must calculate the expense of workhouses at 700,000. This would be the amount of the whole expense according to this plan. But, Sir, while I consider that this plan is one of great importance, while I consider that it will in many respects improve the condition of the people of Ireland, while I consider that it will have many collateral advantages, as, for instance, accustoming the people to see examples of cleanliness and regularity, order and peace in the workhouses, and likewise, if the board of guardians are well formed, of seeing the different classes of the people acting together with cordiality and confidence, from the magistrate to the lowest of the rate-payers. While I calculate that this plan will have these advantages, I must say that to suppose that merely by machinery of this sort the people are to be saved at once from the state of destitution in which they now are, is quite unreasonable. In order to effect this, we must look forward to having the means of employment in Ireland, and having some vent in emigration, in order to relieve the country during the state of transition. Let it not be supposed that I believe, when I speak of emigration, that the present eight millions of inhabitants living in Ireland may not be very well sustained, and sustained with good and sufficient means, by the soil of Ireland, but I believe that hitherto, with the means of so doing, a practice has prevailed, and still prevails, which will render it unlikely that this operation should have a successful result without some collateral sources for easing the country of her superabundant population. As to the nature of the public works to be engaged upon, that is a point which

I will not discuss now. It appears to me that there are various means open for the application of the labour of the poorer classes which might lead to the happiest result; but at the same time they should be adopted with great judgment and sound discretion. I think that with care and attention we may find materials for public works of such a nature, which, whilst they serve the temporary purpose of employing the time of the indigent, may be the means of opening new sources of industry, and for the profitable investment of capital in Ireland. The opening of improved communications between different districts, for instance, and the improving of bogs and ditches, are questions well worthy of the application of labour and the investment of capital. This, however, as I said before, is a branch of the subject upon which I will not enter at present. It may be remarked that there is no great quantity of capital in Ireland available for such purposes as I have mentioned, but it should be recollected that if we provide means by which a feeling of security, which does not exist at present, may be promoted amongst the owners of property, capital will immediately begin to flow in for investment. I have now to say a few words in reference to emigration, in connexion with the subject before the House. I know there are some who entertain notions upon this subject far beyond those which I am inclined to adopt, in favour of an enlarged system of emigration. It is a scheme entertained by some, that one or two millions of our poor population might be exported to our colonies, and immediately find means of support in the new field of employment there opened to them. Now, putting aside all other difficulties which may be in the way of this desired result, and viewing the attempt merely in respect to the effect of such a proceeding upon the colonists, I think that the ferment created amongst them would be so great as to throw hopeless impediments in the way. It would at once be supposed by them that we were sending in amongst them a vast quantity of our useless population, paupers who conferred no benefit upon the country they were exported from, and, therefore, as they would argue, likely to prove an evil instead of a source of benefit and productiveness to the new soil in which they were to be placed. I know that there is a very great feeling of this kind already prevalent in our colonies, and in some even it

has been thought desirable to exercise a sort of control as to the class of emigrants which should be admitted. Such a plan has recently been recommended to the Colonial-office, and I hope it will be persevered in, particularly not to give large tracts of land indiscriminately to parties proposing to emigrate, at the eminent risk of their not being properly cultivated, and the parties themselves not benefitted by their possession; but to sell the land at what might be considered a fair and good price to persons who, by showing themselves ready to advance a little money upon it, gave the best possible earnest of their intention and ability to improve and render it productive. In one colony alone, that of New South Wales, the sale of lands in this way, during the past year, has amounted to 100,000*l.* and this sum might be employed with success in the conveyance of emigrants. I am aware also that a notion used to be prevalent that persons sent out in this way from amongst the poorer classes of Irish were not of a description to be very desirable or useful to employers; but I am convinced that this feeling of prejudice or jealousy will not long interfere in the way of their employment when it is found that their are many emigrants from Ireland willing and able to cultivate the lands of those who may hire them. With regard to this subject I may state, therefore, that it will be proposed that there shall be an emigration station at the different sea-ports of Ireland, and that the persons proposing to emigrate, having raised a sufficient sum for that purpose, should inform the agent, who would send them to the sea port, where a ship, to be provided by the agent, should be ready to convey them. The Government will pay the expenses of the agent, and also provide some proper officer for the command of the emigrants. By means of these precautions the colonists will be certified that the persons brought amongst them are proper persons for the purpose, and not merely paupers driven away to prevent them from starving in their native land. This is a plan which, if adopted, does of course not contemplate any vast number of persons being sent away together; but it will at the same time afford a vent by which a redundant population—and particularly those who cannot find adequate employment at home may seek it with facility elsewhere. In establishing a system of Poor-laws for Ireland it appears to me that we

must look upon these two subjects—public works and emigration—as means for co-operating with, and perfecting any, such an enactment. We should look also to the general improvement which, we are informed on all hands, is going on in Ireland and we shall find much to hope for in the accomplishment of these objects. If, on the other hand, the whole state and condition of the country were going backward—if the whole revenues of the country were diminishing—there would then, indeed, be some difficulty in such a plan as that I now suggest; but considering, as I do, the whole country to be in the way of improvement, I think there is much to hope for from the plan, and every reason for its adoption. It is proper, however, that the House should understand, that what I have stated in regard to public works and emigration, bears no direct reference to the measure which I now hope to introduce. These subjects form no part of my present object, which is strictly to carry a Poor-law Act for Ireland. They are subjects, therefore, which I merely touch upon now as worthy of consideration as future resources, in co-operation with the measure I now propose. I would observe also, that I do not consider that these are branches of the subject in which the Poor-law guardians could properly be employed. I do not think it would be safe to intrust them with the management of public works and emigration, in addition to the labour and duties of their immediate department, although, at the same time, I think they may be made very useful in diffusing information on the subject. There is one other question collateral to this matter, which, before I sit down, I wish very briefly to touch upon. The Poor-law Commissioners for England, in the end of their Report, make use of the following observations:—

“ It will be observed that the measures which we have suggested are intended to produce rather negative than positive effects; rather to remove the debasing influences to which a large portion of the labouring population is now subject, than to afford new means of prosperity and virtue. We are perfectly aware that for the general diffusion of right principles and habits, we are to look, not so much to any economic arrangement and regulations, as to the influence of a moral and religious education; and important evidence on the subject will be found throughout our appendix. But one great advantage of any measure which shall remove or diminish the evils of the present

system is, that it will in the same degree remove the obstacles which now impede the progress of instruction and intercept its results, and will afford a great scope to the operation of every instrument which may be employed for elevating the intellectual and moral condition of the poorer classes. We believe that if the funds now destined to the purposes of education, many of which are applied in a manner unsuited to the present wants of society, were wisely and economically employed, they would be sufficient to give all the assistance which can be prudently afforded by the State. As the subject is not within our commission we will not dwell on it further, and we have ventured on these few remarks only for the purpose of recording our conviction, that as soon as a good administration of the Poor-laws shall have rendered further improvement possible, the most important duty of the Legislature is to take measures to promote the religious and moral education of the labouring classes."

These are the words with which the Bishop of London, the Bishop of Chester, and Mr. Sturges Bourne, conclude their valuable observations on the Poor-laws of England and Wales; and if the remark is true in regard to England, it is doubly so, in my opinion, in respect to Ireland. I do not wish to enter now upon disputed points connected with this subject, but I have always heard it admitted, even by those who disapprove in general of the present system of national education pursued in Ireland, that it is proper and expedient that the Roman Catholics of Ireland should be educated; and whatever means are to be adopted for so doing, I think it should be such a system of education that the great mass of the people may look to it for improvement and instruction. In administering Poor-laws to Ireland, Parliament should keep this in view, that whatever is good for the moral condition of that country they should endeavour to promote, to extend, and to mature. Not only should we employ ourselves in relieving the indigent, in repressing outrage, and in establishing a feeling of general confidence in rich and poor by so doing, but we should endeavour also to sow the future seeds of virtuous habits, and heighten the character of the poorer classes of Ireland. We should endeavour to give them that wholesome education which will enable them to do their duty to their God and to man; which shall furnish them with motives and incitements to do so; which shall eradicate and destroy the false notions and views of morality which they had formerly entertained, as respects their state as subjects

to the state, and as responsible and immortal creatures. Provided we are all agreed upon the advantages of such an education, and that all should have the benefit of it, let us endeavour to afford it by such means as shall not interfere with their religious opinions. I shall conclude, therefore, by observing, that whilst I look upon the law which I now propose to introduce as one likely to effect very great benefits for Ireland, I look still more strongly hereafter to the fruits of such a system of legislation as that I have briefly hinted at; and I am confident that legislators who shall accomplish such good for Ireland, will receive the reward of their own good opinion, and of the good opinion of the whole of the inhabitants of that country.

Mr. *Smith O'Brien* said, that as he had for many years paid some attention to the measure then before the House, he thought the House would permit him to make a few remarks. He would begin by congratulating the country on a time being at length arrived when the subject was formally considered. He concurred in much of the voluminous statement of the noble Lord, but there were some particulars on which he found himself obliged to differ from him. He thought, a preferable system might be adopted. The first point on which he differed from the noble Lord was, the mode of giving assistance in classes. It appeared to him, that two classes had been designated who were to receive relief; those were the impotent, and those who might be called able-bodied men, and that a different system was to be applied to each case. He thought it would be a great mistake to consider the aged widow, the helpless orphan, or the father of a family, who was reduced by circumstances over which he had no control, as guilty of a crime, and treated accordingly. The system proposed by the noble Lord did not seem to admit any of the kindlier feelings of human nature. There was not the least doubt that a small assistance at their homes would be more agreeable to the poor than a larger aid in a public establishment. In towns, he thought, asylums, or mendicity associations, would prove effectual; but, in the country, domiciliary relief would be most effectual and grateful. He considered the number of persons stated by the noble Lord as requiring relief far too small. He thought, that to name 160,000 persons

would not be fixing the number too high, which was double the computation of the noble Lord. The number of workhouses also was too small. He considered that 320 was the least which could suffice to afford relief to the impotent poor of Ireland. As to the surplus labourers, he thought that the number had been much overrated by the Poor-law Commissioners. He thought, that where a population of surplus labourers was found burdensome, the best mode of affording relief would be by facilitating the means of emigration. The hon. Member for St. Alban's had published an able pamphlet on the subject by the principle of which, if well followed out, plenty of funds would be found from the sale of waste lands to supply all that was wanting to enable emigration to be carried out to a great extent. By that means able-bodied men could be disposed of. As to public works, there were waste lands enough in Ireland which required cultivation. On these, at all events, the poor could be employed. He doubted if that part of the measure would prove acceptable which made the whole of the administration to emanate from the Board of Commissioners in England, and not from a body fixed in Dublin. The Board in England could scarcely know the details on which they were to act, and they would be so fully occupied with their other functions, that they could not spare time to make minute inquiries. As to the rates, he did not think the noble Lord had fixed on the best plan. In the Bill which he had had the honour of proposing to the House last Session, he had fixed, that one-third was to be paid by the landlords, and that, he thought, would be nearer the mark than the noble Lord's plan. As to the plurality of votes. He would reserve his judgment until he was fully acquainted with the details of the noble Lord's proposed scheme. There was one point which he recommended earnestly to the consideration of the noble Lord. He meant the subject of medical charities. It was quite a matter of chance, at present, if medical relief was afforded to the poor in Ireland. They might or might not be established in different parts of Ireland. He hoped the noble Lord would make them an integral part of the Bill. He was sorry to detain the House, but the hints he had thrown out might not be found altogether useless.

Mr. Shaw had listened with much

attention to the statement of the noble Lord. He would reserve for a future and more fitting occasion any lengthened observations he might think it necessary to make on the details of the measure; but he entirely agreed with the noble Lord, that the subject was one both important and difficult, and, at the same time, in the language of the Commissioner's speech, "pressing." Indeed, it was plain, that it could be no longer shrunk from; and all he could say was, and, he believed, in saying so, he represented the sentiments of the great body of the gentry and landed proprietors in Ireland, whom he had the honour to rank amongst his constituents, that he desired to approach this all-important and difficult question with a view to the maturest and most deliberate consideration of it, and without the least mixture of party animosity or political or personal prejudice. He thought that the noble Lord had scarcely appreciated the difficulties, either in principle or practice, of the application of the measure he proposed to the existing condition of Ireland. There was, undoubtedly, a danger in attempting to substitute charity by law for what might be called the law of charity, and superseding by legal enactment the kindlier feelings of benevolence—a risk of weakening the sources of human compassion, at the same time that we increased, rather than diminished, the claims of destitution and distress; but while he felt that there was much of abstract truth in these considerations, the extent and the intensity of existing misery in Ireland, and the peculiar relation between that country and this were such, that he considered the extension of some system of Poor-laws to Ireland could be no longer avoided; and that the principle question now was, how best to guard against abuse, and practically to administer the system in its most improved form in Ireland. In following the noble Lord through his opening speech, he felt disposed to concur with the noble Lord in thinking, that under the difficulties of the case, he had chosen the safest criterion of the objects of relief, when he decided that it should be extended to all the destitute, and to none but the destitute—so as to the workhouse system, that it could alone be attempted on the principle of in-door relief, for that the out-door system would inevitably absorb the whole source of independent labour. He was of opinion,

too, with the noble Lord, that, if possible, the law of settlement, with all its incidental intricacies and endless litigation, should be altogether avoided; and with respect to the department under which the management of the whole should be placed, he (Mr. Shaw) thought the English Poor-law Commissioners the best, not only because the distinguished gentleman at the head of that Board was well acquainted with the circumstances of Ireland, and Mr. Nichols, another of the Commissioners, had recently visited that country, in connexion with the particular measure—but on more general grounds; the practical experience of the present Board—the unity of action throughout the entire system more likely to prevail—and the greater probability of freedom from local partialities and local influences, justly, he thought, recommended that arrangement to the Government. On other points, he found it not so easy to go with the noble Lord; he feared that the noble Lord underrated the demand which would immediately arise upon the funds on the score of pauperism; also, that of finding guardians to be elected by the rate-payers, and well qualified for the important duties which would devolve upon them, and that it would be impossible to diminish, as compared with the English system, the proportion of *ex-officio* guardians. With regard to the Unions, he anticipated much inconvenience, and some objection upon principle, to removing the old ecclesiastical and parish boundaries; these, however, were matters of detail, which would be more properly referred to in a future stage of the Bill; but there was one more which he could not pass by, where he apprehended the noble Lord would find his greatest difficulty, he meant that which related to the *rating*. The noble Lord, as he collected from his remarks, intended that one-half of the rate was to be paid by the occupier, and the other half by all that were in the character of landlords, from the occupier up to what in the Tithe Bill was called, the first estate of inheritance—according to their respective interests; but, from what little experience he had had on that subject, he could assure the noble Lord, that the scale was one with a great number of, and very unequal gradations—and that it was no easy matter to arrive at the top of it. He perfectly concurred in the principle asserted by the noble Lord, that

a sound, moral, and religious education would be the best aid to any system of Poor-laws in Ireland. He feared that he and the noble Lord differed very largely as to the best means of promoting that; but he was persuaded, that a sound religious education could alone afford the necessary moral checks to a redundant population, and lead to a real and lasting improvement in the prudential habits and general character of the people. He rejoiced, however, that the noble Lord (Lord John Russell) had acceded to the proposition of the noble Lord (Lord Stanley) of getting a Committee to inquire into “the working of the system of the National Education Board in Ireland;” and he trusted much good would result from that inquiry. Finally, he agreed with the noble Lord, that every project for the improvement of Ireland must fail, unless first you could obtain security for person and property in that country; and if the noble Lord and his Majesty’s Ministers would direct their attention to well-considered measures for the improvement of Ireland, instead of diverting the public mind from the real causes of its evils and its miseries by abstract questions of non-existing surpluses, and supposed identity of principles of Government, without regard to the actual circumstances of that country, they would find the Irish Members at his side of the House as well inclined to lend them their best assistance as he had no doubt they would prove on the present occasion. He would not then allude to the ancillary measures touched upon by the noble Lord, such as the drainage of bogs, the reclamation of waste lands, and other works of public and national interest, including the very important object of a well-regulated emigration—he trusted these would all go hand in hand with the present measure; but, and without trespassing farther on the House, he would conclude as he had commenced, by expressing his conviction that the landed proprietary of Ireland would be found willing to bear their just share both of the expense and the labour, as regarded its local machinery, of giving a full and a fair trial to that great experiment, which in all sincerity, he trusted would issue in the improved peace, good order, and civilization, of that portion of the united kingdom.

Mr. Denis O’Connor expressed his concurrence in the observations of the right
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land, public works, emigration, &c., had been alluded to, but discussion on them deprecated. He would not now comment on them, but he felt their absolute necessity. He also sincerely concurred in the necessity of elevating the moral character of the people by education. He thanked the Government for turning their attention to these subjects, and trusted that the result would be the amelioration of the condition of the Irish people.

Mr. O'Connell wished to know from the noble Lord what were the regulations which he proposed with regard to work-houses, and the maintenance of their inmates. If he understood the noble Lord rightly, there was to be a certain number, four or five, poorhouses at the commencement, but he did not understand precisely how the funds were to be raised for erecting and maintaining them, and who were to have claims for admission.

Lord John Russell said, it was proposed that at the commencement there should be from ten to fifteen poor-houses, and that all persons applying for relief in the district should be admitted, but the commissioners and a board of guardians were to direct how far the relief was to be extended. There was to be no exclusion of any persons, and the poor were to be supported in the workhouses from rates levied on the occupiers and landlords in the district.

Mr. O'Connell was to understand, then, that certain persons in a district were to be exclusively taxed or rated, and that poor persons coming from any part of Ireland were to have the right of claiming relief from the exclusively taxed. Next, what was the fund from which the 700,000*l.* was to be raised?

Lord John Russell said, the sum was to be raised by loan on the general taxes, and paid by instalments.

Mr. O'Connell next inquired if, after 100 workhouses had been erected, there were to be any law of settlement; and if that were to be a parochial or district settlement?

Lord John Russell said, that was a point to be discussed at a future stage of the measure.

Mr. O'Connell asked, if he were to understand that a certain district was to be taken, and all persons coming into that district were to have the power of claiming relief?

Lord John Russell: Yes.

Mr. O'Connell understood that the ex-

periment would be commenced in certain districts, leaving to all that might come to them the power of claiming relief. He confessed he could not yield to the hopes which the noble Lord had thrown out as to the good results that might arise from that principle; but he, at the same time, felt it to be the duty of every Member in the House to assist in carrying the noble Lord's plan into effect. The Government having once announced their plan, he conceived it would be impossible, and he was sure it would be improper, to impede the course of experiment which they proposed to make. He, therefore, cheerfully acceded to the proposed plan, and would assist in any way he could in working out its details, so as to make them, if possible, practically useful. He was very much afraid, however, that such attempt would be attended with great difficulty. The noble Lord knew this, that if Ireland were to be divided into 100 districts, to have a similar number of poor-houses established, and that in each of these poor-houses the maximum number of inmates was to be 800, that for the entire country that would only give relief to 80,000 destitute persons. Upon what foundation was it, he would ask, that the noble Lord had calculated they would be so few in number? The noble Lord had gone on to state, that he expected he would have but one-half, or probably one-third, that number. For his own part, he looked upon it as utterly impossible that there would be so few a number of claimants for relief. As to the 300,000*l.* a-year, if it were but to afford the smallest prospect of making a provision for the poor of Ireland, he would not hesitate one moment in voting that it should be levied; but the sum was so comparatively small with reference to the amount of pauperism, that he considered it totally inadequate to meet the evil. It had been calculated that 665,000 heads of families were in a state of destitution in Ireland. That was not exactly a calculation, it was a summing-up from each locality. In each locality they had evidence of the quantity of destitution that existed in it. And now let any man look over that evidence, and see whether it were probable that the Commissioners had made exaggerated statements in their report. He had seen it, and found that it contained the evidence of clergymen of both persuasions, of farmers, of country gentlemen, and of the paupers themselves, all of whom furnished the

drive them to seek for employment. But see how that principle would act in Ireland. The laborious classes there were anxious to procure employment. They never refused it; they, in fact, worked for 2*d.* and 3*d.* a-day rather than be idle. He was sure he need not appeal to English Gentlemen to prove that Irishmen were always ready for labour, when they found them coming from the remotest parts of Ireland, from Mayo and Sligo, in some hundreds of thousands, and making their way through Dublin and Liverpool on to Kent in order to procure the earnings of five or six weeks' labour. There was no necessity, therefore, for poor-houses in Ireland in order to stimulate its labouring population to look for work; but there would be that necessity when once they became the only disposers of Irish charity and turned the sources of Irish benevolence into the public channel. That would be an additional way of getting rid of the plough, while they could not leave at large those persons hitherto supported by private contributions. It was utterly impossible, however, to prevent the experiment being made, and they should see what were the best terms upon which to make it. The noble Lord had talked of a rate to be levied on persons having houses or land above the value of 5*l.* a-year. It was to go down to that—5*l.* a-year was to be exempt; but he should like to know what exemption that would be to the tenant. If he possessed a lease he might have, but if he did not, he certainly would not have, any great security that he would not have to pay the rate. He would submit to the noble Lord that it would be infinitely better to simplify the rate and make it upon the rent. However the proposition might be received there, it certainly was not likely to be received in what was called "another place"; but he would nevertheless propose that those who held property without residence in the country should pay a double rate. There was no resident gentleman in Ireland who did not employ a number of the people on wages. Their personal occupation of the land rendered that employment, in many instances, necessary. But the non-resident did not give employment to any except those engaged to make up the landlord's rent. It was the working classes that were destitute, and he did say, upon the principle of justice and fairness, that the man who

held estates in Ireland and thought fit to have his place of residence elsewhere, and thus took away his moral influence from over the minds of the people, and the advantage to be derived from his presence, ought to pay a higher rate than those who by residing on their estates necessarily gave employment to a portion of the labouring population. They should not forget either, that by that very employment, they paid an additional rate, inasmuch as in nine cases out of ten it was not productive of an equivalent amount of benefit. That was another reason why the absentee should be made to pay a higher rate. He would instance the case of Mr. Smith, a gentleman residing near Youghal, who differed from him in politics, but to whose good qualities he readily bore testimony: that gentleman gave continual employment to 700 or 800 persons on his estate, although it could not be said he required the labour of anything like so many. He was thus virtually paying a heavy poor-rate at present. Indeed, he could safely say, there was not a resident gentleman in Ireland who did not expend a very substantial portion of his income on labour; so that if a poor-rate were to be levied, they would be paying both ways. Lord Clare, when speaking of Ireland, had said, that it had been three times forfeited, and he did not know of an estate which had not been originally derived in that way. The successful conquerors of the country had, in three distinct conquests, dispossessed the occupiers of the soil, and having done so, repaired to their estates in England, upon which they resided, but had continued owners of nine-tenths of the soil of Ireland ever since. The destitution which existed there was mainly owing to that circumstance. The income of the country had never accumulated, and could not, under the present order of things. When the question of rate should be brought forward, he should, therefore, divide the House, if necessary, upon his proposition for laying a higher rate on absentees. Many were of opinion that a poor-rate in Ireland would relieve the English labourer, by keeping the Irish labourer at home. There never was a greater mistake. The first thing they would do in Ireland would be to send as many unmarried men to England as they could; and if a man had a family, would it not be much

better for him to go there also, when his family could be easily supported at home by the poor-rate? He would thus under-work the English labourer; so that instead of keeping the Irish labourer at home, a poor law, he contended, would have the opposite effect. The noble Lord had said, that it was pauperism that created the competition for land. That he denied: it was created by a class of persons much beyond them. The only manufacture in Ireland (for so he called it) was that of the land, being the most productive of industry; the consequence of which was, that whatever local capital there existed was at once placed in the acquisition of land; and if they were to take away the 2,300,000 paupers out of the market, he would warrant it there would not be the slightest diminution in the competition for land. The hon. Member for Roscommon had recommended that they should not proceed quickly with this measure. Now his opinion was, that the sooner they carried it into effect the better. They had now opened the question—if it could be realised, they should realise it as soon and as extensively as possible, for by only holding out a hope they would deprive those whom they sought to benefit of that support which they at present depended on and received from the sympathy, the affection, and the kindness of their friends and relatives. He did implore of them to put their hands to work at once and completely. Let them work from day to day, and have some scheme carried into effect without delay; let them not talk to him of ten or fifteen workhouses, but let them build one hundred at once. He would also implore of them to think again upon the subject of emigration. The colonies, it was said, liked it. To be sure they did, because there was no man amongst them who had not jobbed to advantage upon the labour of the emigrants; and why could not they, themselves, succeed? In the sale of lands this year in New South Wales they had realised 100,000*l*. It was the capital of labour upon which the jobbing he alluded to had been carried on. Now, they could produce a labouring population who by their own industry would soon have a capital to purchase land. It was only in this way he would recommend the principle of emigration. He thought the report of last year on the subject ought to be mer-

considered by the

House. If the principle he spoke of were put into execution at once, it would afford great relief, and there would be no difficulty in it if an Act of Parliament were passed resting those lands—he did not speak of the Canadas, but other colonies—in a board of management. There would not be the least difficulty in raising money. The Government should certainly give security, but then they could very safely do so. If they could in this way create emigration to the extent of 50,000 or 100,000 persons now in a state of destitution, and at the same time build workhouses as proposed, they would give a stimulus to the people to relieve the inert mass of pauperism at present existing in Ireland, and they would also afford a prospect of entering upon a Poor-law with a better hope of its being efficient, but efficient or not, a Poor-law they must have, and he would, in all its stages, support the Bill.

Viscount *Howick* was exceedingly happy to find, upon a subject of this kind, so complete an avoidance of all irritation of party politics. He cordially concurred in this great attempt to mitigate the evils with which Ireland was at present afflicted, and he rejoiced, that the hon. and learned Gentleman who had just sat down, like those who preceded him, had expressed his intention of contributing as far as lay in his power to the success of this measure; at the same time he was anxious to remove from the mind of that hon. and learned Member, and if he could from the minds of other hon. Members, the apprehension which they entertained, that the proposed attempt was one of greater difficulty, and one which held out less prospects of success than his noble Friend (Lord John Russell) had anticipated. He was aware, that at the first sight of the evils they had to contend with, they seemed of so very rash a kind, that the remedies they proposed to meet them might not unnaturally appear disproportioned to them. He agreed with the hon. and learned Member for Kilkenny, that supposing the amount of destitution which now prevailed in Ireland were to continue, the workhouses proposed would be utterly inefficient for the purposes proposed. But what were the causes of the destitution and distress now unhappily prevailing in Ireland? The hon. and learned Gentleman had said, and said truly, that the Irish are an industrious

people. It was well known to all the House, that when labour, which failed in its supply in Ireland, was offered them in this country, they came over in shoals, manifesting the strongest desire to maintain themselves by honest industry. It had been proved before the Emigration Committee, which sat in 1827, that the Mendicity Society in this town had given up allowing 6d. a-day for Irish labour, inasmuch as even this low amount of wages was found to bring over to this country persons desirous of employment. This was a striking proof of the industrious habits of the Irish population. That, therefore, being indisputably established, what was the next point for the consideration of the Legislature? Was Ireland wanting in natural resources? Far from it. The hon. and learned Gentleman had told the House, that there was no one part of Ireland which could not be improved by skill, labour, and the application of capital, and be made ten times as productive as it was at present; and further, that one-fourth of the whole surface of the country remained unimproved. Thus, then, were established two important points—first, that there was in Ireland an abundance of labour; and, secondly, an ample field for its beneficial employment. It was true, that in Ireland there was a deficiency of capital. On that subject he could not help observing, that in this country there existed no such deficiency; but, on the contrary, where any scheme presenting even a plausible chance of success was started, millions of English capital were ready to be invested; indeed, no doubt could be entertained, that millions of English capital had lavishly been applied to speculations, both at home and abroad, presenting very remote chances of benefit or success. Why, then, was it that Ireland, possessing natural resources, a wide field for improvement, and an abundance of labour, should still be without the means of improvement and employment? It was as his noble Friend (Lord John Russell) had stated, from the very able report of Mr. Nichols, to be attributed to a vicious system having been established in that country, a disposition in the people to turbulence and violence from existing causes, which it was the duty of the Legislature to endeavour to remove. Any man who had inquired into the subject must know, that the great mass of the

disturbances in Ireland arose from what properly might be called the instinct of self-preservation. There existed in Ireland a permanent conspiracy on the part of the people of Ireland to enforce certain regulations for their self-preservation—they refused to permit the landlords to dispossess their tenants, the masters to dismiss their servants,—and they enforced these prohibitions in a manner which led to dreadful and not unfrequently sanguinary results. Now, those hon. Members who had read a very able work, published last year, by Mr. George Lewis, on the subject of Irish disturbances, will have seen a most able analysis of the causes of this state of things; they will have found, that it was the dread of absolute starvation, of perishing from hunger, was the main cause from which prevailing disturbances in Ireland arose. If that were so, he would ask the hon. and learned Member for Kilkenny, whether it did not follow, that what the Government and the Legislature ought to do was, not perhaps permanently to provide for the poor, but at least to step in and arrest the chances of the causes of disturbance, which, in continued succession, have perpetuated each other. They had, then, to take away from the people of Ireland the prevailing feeling of insecurity in the means of subsistence, and by removing these feelings they would put an end to the disposition to turbulence and outrage. That done, no man could doubt but that the result would be that English capital would flow with abundance into Ireland to take advantage of the cheap labour and other means of improvement, and the employment of capital which that country so amply afforded. This being the case, he contended, that they might calculate upon good effects even by the erection of a comparatively small number of workhouses, because it was not the actual relief given that would keep the people in a state of tranquillity, but it would be the certainty they would feel, that if a necessity should unfortunately arise, relief was there to be obtained. Some proof, that such would be the case was afforded by the state of things now existing in some of the most pauperised districts of the southern counties of England, that under the new system the number of in-door paupers was less than one per cent on the whole population of those parishes. The hon. and learned Mem-

ber for Kilkenny had said, that workhouses in this country were of use, because, by means of them, the idle and indolent were stimulated to habits of industry. But, it seemed to him, that the hon. and learned Member for Kilkenny had overlooked one other result, arising from the system of workhouse relief as now established—namely, the security it afforded to those who really wanted and stood in need of relief. The advantages of the system were twofold—first, the certainty of relief to those who had real claims; and, on the other hand, there was the moral certainty, that unless relief were really wanted, it would not be claimed. He thought, then, that in creating workhouses in Ireland, that the House need not look to the reception of any considerable number of inmates; in his opinion, it would ultimately be found, that the number received into them would be considerably smaller than the numbers in the workhouses of this country; because the hon. and learned Member for Kilkenny had truly said the affections of parent to child, and child to parent, were remarkably strong amongst the poor classes of the Irish population. Unlike the southern districts of England, where a vicious system of relief formerly prevailed, the misery and destitution to which the Irish peasantry had long been exposed had not interfered with or destroyed their natural affections, and he felt confident, that in Ireland, where those feelings and affections remained in all their original force and vigour, a great disposition would prevail amongst its labouring population to prevent their relations and connexions from taking refuge, unless in some time of great distress and destitution, in the proposed asylums; indeed he felt satisfied the Irish people would make considerable personal sacrifices to exempt their needy and distressed connexions from so painful a necessity, and he was sanguine in the belief, that eventually a much smaller proportion of poor would be found in the workhouses of Ireland than were to be found in those of some of the southern counties of England. His own firm conviction further was, that on the passing the proposed Bill it would be necessary to assist its originally coming into operation in the manner which had been mentioned and pointed out by his noble Friend near him (Lord J. Russell). On the subject of emigration he quite agreed with the hon. and learned Member for Kilkenny, that

every facility for affecting and assisting it should be afforded, but he was equally convinced, that the Government and the Legislature would do well to keep that subject perfectly distinct and separate from the Bill now proposed. He was satisfied, that if the course suggested by the hon. Member for Limerick (Mr. S. O'Brien) were adopted, and that emigration was made a part of the present measure, expectations would be raised in the minds of the people of Ireland, that Government was prepared to take that charge upon themselves; and such a course, so far from doing any good, would be productive of very serious injury. Emigration was now going on to a very considerable extent, as would be seen from the returns which he had obtained of the emigration from Ireland, during the last year. From those returns he found there had emigrated from the ports of Ireland during the last year, no less than 23,867 persons. He found also, that, exclusive of minor ports in England, there had sailed from the port of Liverpool, 29,100 emigrants; from the port of Bristol, 1,034. Of these, from all the accounts which had reached him from Glasgow and other minor ports of Great Britain, he might safely assume, that nearly one half were Irish emigrants, and therefore it might be supposed, that last year not less than 39,000 Irish left the land of their birth and emigrated to America.

Mr. O'Connell was understood to remark, that these great numbers might be attributed to the demand for labour, which was created by the destructive fire at New York.

Viscount Howick, such might have been the case, but then it could not be lost sight of, that in the previous year the existence of the cholera at Quebec and Montreal in 1832 created a panic which had tended much to diminish the extent of emigration, and therefore the state of things which existed prior to 1832 was only returned to in 1836. Now, if under this Bill the public should take upon themselves the task and charge of removing emigrants to the colonies, he believed that all those who now emigrated voluntarily and at their own expense, would immediately throw themselves on the public. It would, in short, be a species of out-door relief, which would give occasion to all sorts of abuses. He was sure that the hon. and learned Member for Kilkenny

had frequently heard of the fact, that on the return of Irish labourers visiting this country during the harvest, one of the party would carry back all the earnings of the rest, who then required to be and were passed home as paupers at the expense of this country. In like manner would they claim the means of emigration, if the proposition suggested was adopted. He had only one further observation to make, and that referred to what had fallen from the hon. and learned Member for Kilkenny with reference to the gradual introduction of the proposed measure. The hon. and learned Gentleman did not seem to have understood the observations which had been made on the point by his noble Friend who had this night brought forward the subject. He begged to say that the Bill was a complete and entire measure, and its introduction into Ireland would be gradual in the same manner as the recent change in the Poor-law system had been brought into operation in this country—namely, that they would begin by the creation of a certain number of unions and the erection of a certain number of workhouses, and then proceed in the remaining districts of the country. By these means he certainly thought a fair trial of the measure would be obtained, and a favourable test of the soundness of the principles of the measure would be thus afforded. With regard to the law of settlements, it would be impossible now to establish it; still he had no doubt but that practically the boards of guardians would, in the exercise of the discretion with which they under this Bill would be invested, give relief to all those claimants who were really and *bona fide* inhabitants of their districts, without reference to the nice legal definitions of what constituted a strict settlement. If his anticipations of the effects of this measure were correct, he was entitled confidently to look forward to find at no very distant period, that in any part of Ireland a really destitute and distressed person would be entitled to relief. In conclusion he would say, that by removing the causes of turbulence, Ireland would be brought to a state of peace, happiness, and prosperity, from one of want, distress, and destitution.

Sir Robert Peel said, it was exceedingly agreeable to discuss a question connected with the best interests of Ireland in which there was no party feeling present. He thought the House and the country were

under great obligations to his Majesty's Government for making a definite proposal. So much time, indeed, had been expended in inquiry into the subject, that a proposal for any new inquiry would be tantamount to the admission that that inquiry was of no avail, and that the prosecution of a scheme of Poor-laws for Ireland was hopeless. He believed that the extent of public feeling with respect to the justice and expediency of introducing a system of poor-laws into Ireland, without entailing upon them the evils which had pervaded our own system, but introducing a modified code, was so strong, that it was impossible for the Legislature to refuse to consider the question. He thought, therefore, that they were bound to labour for this purpose. At the same time, if they did feel an interest, as he believed all did, in the welfare of Ireland, they were equally bound to take every precaution that, in acting on a principle of benevolence, they should not visit Ireland with the grievances which they had originally suffered from the former system of Poor-laws in this country. The noble Lord had referred to those measures which he considered auxiliary to the introduction of a system of Poor-laws in Ireland, and from which he anticipated considerable aid; such, for instance, as the affording facilities to emigration, and the undertaking of public works by means advanced from the public funds, for the purpose of creating employment for the able-bodied poor. He was bound to say, that he thought they ought not to be too sanguine in their expectations of relief to be obtained from these sources. He entirely concurred with the noble Lord in the opinion that every facility ought to be given to voluntary emigration; but, at the same time, he thought it of the utmost importance, that the disposal of lands in the colonies should be put on a totally new footing; and that the Government ought not so much to seek a revenue from the disposal of those lands, as to enable parties disposed to purchase, to do so on very reasonable terms. In the next place, he thought that, considering that the lands to be disposed of were situated within some particular colony, the first and chief object the Government should have in view, should be the benefit of that colony. When that was secured, they might adopt any measure that seemed most expedient or most practicable to produce improvement at home. But he very much doubted whether any

benefit derived from the best conducted system of emigration would materially aid in the great object of finding employment for the poor of Ireland, or of diminishing, in any sensible degree, the excess of the supply over the demand for labour. The hon. and learned Gentleman, the Member for Dublin, had asked in the course of his speech, why the Government, in the case of Ireland, did not follow the example of the United States? "See," said the hon. and learned Gentleman, "how widely extensive and wonderfully beneficial is the system of emigration acted upon in the United States of America." No doubt many and great benefits resulted from the system in that country; but it must never be forgotten, that the question of emigration was here vastly different to what it was in America. There the emigration consisted only of a removal from one part of a great continent to another; here no emigration could take place except by a long passage over sea, attended with many expenses, much inconvenience, and the depressing notion of a complete separation and alienation from the land of one's fathers. Observe, too, in our colonies the difference of language, manners, climate, and quality of the soil. All these afforded, in England and Ireland, obstructions to extensive emigration—obstructions not known in the United States. At the same time, he thought that every encouragement should be given to voluntary emigration; he did not believe that any forced emigration would be found of service. Forced emigration, to be advantageous, could only be applied on this principle—that no man should obtain relief or assistance unless he consented to leave his country and to settle in one of the colonies. He did not think that a fit principle to be adopted. At the same time, he entirely concurred with those who were for giving every facility to voluntary emigration. He came next to the subject of public works. It was customary for them all in that House to hail with the utmost satisfaction any proposal for the undertaking of public works in Ireland; and yet the hon. Gentleman who spoke so much in favour of public works was one of those who, in the course of the same speech, would protest against providing in any way for the relief of the poor by the introduction of a system of poor-laws. In both cases, what was the main principle involved? The principle of an interference with the natural demand for labour—the principle of taking

money out of a man's pocket for the purpose of employing it in a manner, and for objects in which he felt no interest, instead of leaving it in his pocket to be employed in such a manner as to him should seem to be most advantageous, and for objects in which he felt a direct interest. He, therefore, was not much disposed to vote millions of the public money for the mere purpose of giving employment in public works; because in a tranquil country, and in a well-organised state of society, he believed all the employment that could be usefully applied, would be given by means of private enterprise and exertion. At the same time, if it could be shown, that by the employment of public money in public works, the foundation of great public improvements would be laid, which could never be obtained without it, then he admitted that a case would be made out for the interference of the Government, and for taxing the people to give employment to the poor. But he was of opinion that public works, undertaken only for the purpose of affording temporary relief to a people suffering from general want of employment, tended only to aggravate the evil they were intended to obviate. It was, besides, unfair to the people employed, because it held out to them a hope that the employment would be permanent, while it was only intended that it should be temporary. Upon the question of public works, there were always two important points to be considered—first, that the work proposed to be undertaken could not be accomplished by individual enterprise—second, that great public benefit would be derived from it. Any aid that the noble Lord (Lord John Russell) expected to derive from the undertaking of public works ought to rest upon those considerations. With respect to the measure at large, as proposed to be introduced by the noble Lord, he should be sorry to say a word that could imply an objection to it, because, upon the first stage of a measure as important as any ever submitted to Parliament, as regarded its ultimate results on the interest and happiness of Ireland, nothing, he conceived, could be so unwise, perhaps so unpardonable, as for any man to pledge himself precipitately as to the course he would pursue. If, therefore, he said a word upon the subject on that occasion, he trusted the noble Lord and the Government would believe that it was not with the slightest hostility against them, or remotest dispo-

sition to oppose the measure but merely a friend having every wish to facilitate the carrying of a measure of the kind, and to make it in every respect as perfect as possible. The hon. and learned Member for Kilkenny had stated, that the Legislature had now no option upon the subject—that having once been introduced, the measure must of necessity be carried. He certainly thought that the Legislature was bound to consider the question of Poor-laws for Ireland; but if he were told because the matter had been broached, that therefore it must at once be proceeded with, and that the exercise of no discretion was to be left to the House, he begged to reply, that he totally dissented from that doctrine. He did not believe that by the mere proposal of the measure any such expectation of undoubted relief would be excited in the minds of the people of Ireland as to take from the Legislature all discretion upon the subject. A part of the noble Lord's proposal was the building of workhouses. If a hundred workhouses were built, he begged to ask what would be the average area of square miles over which each district in which such workhouse was situated would extend? [*Viscount Howick*: Each district will be twenty miles square.] There is a vast difference between twenty square miles and twenty miles square; let me understand distinctly what is intended? [*Lord J. Russell*: Twenty miles square.] That would comprise a space of four hundred square miles. Then, again, did the noble Lord propose that one portion of a family seeking relief should be admitted into the workhouse, and that other portions should be permitted to work, or beg, or do as they pleased; or, as a condition to relief, must the whole of the family be admitted at once?

Lord J. Russell: It is proposed that no relief shall be afforded to one member of a family unless the whole be at the same time admitted to the workhouse.

Sir Robert Peel thought the noble Lord would find that that system would not adapt itself to the other provisions of the Bill. This proposition, of course, was founded on the success which was supposed to have attended the workhouse system in England. He felt that in the present condition of Ireland there was no time for delay; but he thought it much to be regretted, that greater experience of the practical working of the system in England had not been obtained. As re-

garded the introduction of Poor-laws into Ireland, too, it must be remembered that the situation of that country, as compared with England, was widely different. England had been under a system of Poor-laws for 300 years, in the course of which time many grievous abuses had crept in, and much difficulty had existed in removing them. Ireland was a country in which, as yet, no system of Poor-laws had ever existed. It was inferred from the partial experience of the last two years that the new workhouse system had worked well in England; but he did not think the last two years a fair test by which to judge of the operation of the system. During the whole of that time there had been a great demand for labour in consequence of the great works undertaken in this country by the enterprise of private individuals. The system, therefore, had come into operation under very great advantages. The noble Lord stated that he would make no distinction in Ireland between claims that arose from impotency and those which arose from destitution, and he added that he thought no valid distinction could be drawn between the two. He was willing to give the point every consideration; but, speaking from the present impression of his mind, he must say that he thought there was a most material distinction to be drawn between claims arising from lameness, blindness, disease, and extreme old age, where it was evident there were few opportunities of fraud, and claims arising from destitution, which in many cases might be real, but in others might be feigned, or the result of indolence or improvidence. If the system of an extensive dispensary were established, at which the blind, the lame, and the extremely old should be the only claimants for relief, there would be no risk of false claims; and any system adopted in Ireland ought, undoubtedly, to afford instant and substantial relief to all that class of persons. But the moment the claims of the able-bodied man were admitted on account of destitution, from inability to find work, from that instant all test was abandoned by which to ascertain whether the claims were valid or not. The noble Lord was very confident that the workhouse system would afford an effectual check to false claims; and upon that point he had quoted the testimony and opinion of Mr. Nichols. He was as

fully disposed as the noble Lord to attach great weight to the opinion of that gentleman; but at the same time he thought his experience of the working of the English Bill must be too brief to enable him to speak with any certainty as to what the probable operation of a similar system would be in Ireland. But consider what these workhouses would be in the centre of an area of 400 square miles. The advantage of the workhouse system in England was, that it afforded an immediate test of the validity of the claimants. How, embracing so vast a district, could it afford a similar test in Ireland? He feared, too, if the workhouses should become popular in Ireland, that those who lived in the immediate neighbourhood would have the prior claim, so as to prevent those who lived at the greater distance of ten or twenty miles, from any chance of admission at all. Therefore if a rigid law were laid down that no relief should be given except an admission to the workhouse, he was afraid the remedy proposed would be found in practice to be a very partial one. The noble Lord had stated that all those who could not obtain relief within the workhouses would be at liberty to wander about and beg. Had the Government determined that it was impossible to unite with the workhouse system some system of domiciliary relief? The great disadvantage of the workhouse system was its inflexibility. Might not that disadvantage be obviated in some degree by the establishment of a system of domiciliary relief combined with it? As he had stated before, he wished to give this measure his cordial support, which he should undoubtedly do, if, in the course of the further discussion, he should feel convinced that the workhouse system was inseparable from the introduction of Poor-laws into Ireland. All that he was afraid of was, that by the rigid rule of excluding every claim to relief unless administered within the walls of the workhouse, and of allowing vagrancy to be sanctioned by the law, very little practical good would be effected. The noble Lord stated, that the workhouses would not be filled, because the natural affection of the Irish people would induce them to support their poor and more destitute relatives. In that case, he (Sir Robert Peel) thought they would not relieve the class of persons who stood most in need of it. If that feeling obtained generally in Ireland, and if this system

were adopted, he feared that the pressure of charity would fall most heavily on those who were least capable of bearing it. But at that time, and in that early stage of the proceedings, he would not extend his observations. He gave every credit to the Government for bringing the matter forward. As far as he was personally concerned, he was disposed in every way to labour towards, he would not say the literal adoption of the measure as it was then proposed to them, but towards the introduction of a sound system of Poor-laws into Ireland, by which the suffering poor of that country might be relieved, without entailing upon them and upon the richer classes such heavy evils as had arisen in England from an indiscriminate application of relief. With that feeling he should address himself to this measure with exactly the same zeal as if it had been introduced by his own Friends.

Mr. James Grattan was understood to say that the Act of the 11th and 12th of George 3rd, was nothing but a workhouse Act, and that a workhouse system was not so new or so objectionable as the right hon. Baronet seemed to think. He thanked the noble Lord most sincerely for having brought forward his present proposition. For twelve or fourteen years he had been most anxious for the introduction of Poor-laws into Ireland, and he conceived that the proposed measure would work well; at all events, he was convinced that some system of Poor-laws for Ireland was called for, and that the longer the question was delayed, the worse it would be for that country. Every man who had read the reports of the misery that existed in his unhappy country, which indeed was so extreme as scarcely to be equalled in any other country on the face of the globe, must agree with him in that opinion; and it was equally true that the operation of Poor-laws in Ireland would be exceedingly beneficial to England, inasmuch as it would prevent the Irish labourers from coming hither to obtain that employment which they could not get in their own country. With respect to what the hon. and learned Member for Kilkenny had said with regard to absentees being compelled to pay a double rate for the relief of the poor in Ireland, he was not prepared to go so far, but he certainly thought that every absentee ought to pay as much as the resident landlord.

Lord Stanley most cordially agreed in-

the last observation which had fallen from the hon. Gentleman who had just sat down—namely, that it was most important on this occasion, and on all other occasions, when questions relating to Ireland were discussed, to insist that it was just to compel the absentees of Irish estates to take on themselves their fair portion of the public burdens. He did not say that they should supply (for indeed it was impossible that they could do so) only by their pecuniary subscriptions the remedy for the evils which their absence from their property created, but that they should, as far as possible, be compelled to bear their fair proportion of those legitimate claims which devolved upon all landlords. Whether resident or not, they could not escape the responsibility to their own consciences for any neglect of which they were guilty. He came forward as a landlord and a proprietor of land in Ireland, one who was necessarily absent from that country at times, and therefore one to whom the name of absentee had been, and might be, applied. But it had been his humble desire to endeavour, as far as absentee could, to discharge the duties which devolved on him in that capacity. He had never on any occasion, he hoped he need not say from a feeling of short-sighted interest, shrunk from, or endeavoured to avoid those fair burdens which as an Irish landlord he ought to bear. His noble Friend who had introduced the measure had stated two principal objects which he had in view—first, to give to landlords in general an interest in the management of their estates; and secondly, which was a most important object, the prevention of vagrancy and mendicancy. With regard to the second point, it was impossible for any man who had had personal experience in Ireland to exaggerate or overrate the importance of that most mischievous and most fatal pest of all the pests of society there. He was not stating it too strongly, because the general and promiscuous system of relief to all cases of distress, real or fictitious, deserved or undeserved, whether caused by idleness or misfortune, the vagrant habits it engendered, the mischievous poison it instilled into families, the utter improvidence it encouraged, the check it gave to all improvement, its positive discouragement of all industry, foresight, and prudence, the baneful influ-

ence which it exercised on the population of Ireland, and the social and moral condition of the people—that evil compared to the amount of taxation to the extent of 500,000*l.*, or 1,000,000*l.* or even 2,000,000*l.*, made the latter a matter of perfect insignificance. On all occasions when an abstract resolution was mooted in that House, such as that it was expedient to introduce poor-laws into Ireland, he had felt it to be his duty, whether as a Member of the Government or not, to object to that sort of vague motion, believing that it could do nothing but create expectations of hope, which they would not be able to realize. Suppose persons of different political opinions united in voting for such a motion, yet it was found that they could not agree when they came to the details of the question after having so voted, and the consequence was that they had raised expectations which they could not fulfil, and exhibited evils which they could not cure; therefore they had produced mischief only, while they had been actuated by the most charitable feelings, of an earnest desire to do good. But the case was different when there was a specific plan brought forward by Government, on its responsibility (and it was only the Government which could succeed) and grounded on a mature consideration of the subject. He, as a landlord, felt grateful to the Government for having taken upon themselves the trouble and responsibility of introducing this important subject. His noble Friend and his colleagues must be fully sensible of the difficulties they had brought upon themselves by taking up the matter; and he trusted that the subject would be followed out to a satisfactory termination. For his own part it would be his duty, as well as pleasure, to give all his exertions to carry out this measure, without pledging himself to all its details, to a successful result. He had alluded to the state of vagrancy in Ireland, and was anxious to offer some observations on the subject to the House. It had been argued by Gentlemen who spoke against allowing compulsory relief, that by doing so you would check the flow of private benevolence in Ireland. He would speak as an Englishman who had lived in Ireland, and had seen much of the people and country. He could say without hesitation, that he had seen instances of self-devotion on the part of the peasantry of that country

which he was sure could not be met with elsewhere; he had repeatedly met with sacrifices, for the purposes of benevolence and charity, of all the little comforts they possessed, without hesitation, which reflected the highest credit on the humblest classes in Ireland. They considered that unfortunate vagrants were entitled to command relief at their hands, and without hesitation they brought them to their own houses to share the same humble shelter and food as the owner was enabled to afford to his family. He could tell hon. Members that this was not a rare occurrence in Ireland—it was not a casual event, but it was a matter of daily and constant occurrence—and be it recollected that the persons who afforded this aid were themselves steeped to the lips in poverty. Let the House suppose the case of a poor widow left destitute, with a large family, and surrounded with those who hardly knew how to get their bread from day to day, yet in such a district there could not be found a house in which the widow would not find a refuge—nay, more, he would venture to say that there was not a poor family who would refuse to charge themselves with a permanent share of expense towards the support of this family, and this even to an extent beyond their means. Would he check this system of benevolence? He honoured too highly the benevolence thus manifested—he felt too much as a Christian the nature of the feelings from whence it emanated—to endeavour to check its sacred flow. But looking at the matter as a statesman, regarding also the state of the country, and looking to the habits of the people, and recollecting also the necessity of engendering habits of foresight, he felt satisfied that the Legislature must not force on the poor peasantry of the country such a share of the charge of supporting those who were absolutely destitute. High and exalted virtues undoubtedly they were; and the more high and exalted because unseen and unknown. But, while admitting this, it was the duty of the House to recollect that the practice of those virtues produced in the minds of the population a sense that it was not necessary to look to the future, or to make provision beyond the present moment. No doubt this state of things resulted from feelings of a high origin, but if it were not checked by law, it produced abuses in the law, and led to the existence of the

greatest evils in the country. It led to the most pernicious system of imprudence in the habits of the peasantry, and it induced them to give away their last halfpenny, or potato, without knowing where they could supply their own wants and those of their families. This overstrained and exaggerated character of benevolence arose from the peculiar circumstances of the country; for they could not tell that they might not themselves fall into this state of destitution. He saw in this the strongest reason not to strain those feelings, lest the exercise of them might prove injurious to the social system. Therefore, he was prepared to say, let us adopt some system of relief for the utterly destitute. In such a state of things as at present existed in Ireland the state should interfere, and say to the struggling cottagers of Ireland, "You shall not share beyond your means; your richer neighbours shall also contribute their share towards the relief of the most destitute." He agreed also with his Majesty's Government, that the utterly destitute should alone be relieved. He was aware that the most exaggerated anticipations, as well as the most extravagant feelings of alarm, were held by different parties, as to what would be the result of the adoption of poor-laws in Ireland. One party looked upon it as imposing a burden which would swallow up all the property in Ireland, and such might possibly be the effect if they did not look carefully to the operation of the system. On the other hand, they were told that a system of poor-laws would at once lead to the investment of capital in Ireland, to the general employment of the poor, and to a higher rate of wages; it was the duty of that House to do all that could be done by legislation to promote these ends. He could not, however, help observing, that these exaggerated feelings held on one hand and the other, had been attended with the most injurious effects. He had no such anticipation of its vast benefits; he participated in no such feelings of alarm as had been described. He thought that much good might be effected by the adoption of a judicious and sound system. He was persuaded that the destitution to command relief must be absolute, entire, and hopeless—such destitution must alone be the limit of the law. They must on no account hold out expectations of relieving the man who with a few acres of land was distressed, because he had agreed

to pay an amount for rent which he was not able to pay. The adoption of a plan by which relief would be afforded to this class would indeed be a confiscation of all the landed property in Ireland. Such a system would be no real relief to the individual himself; it would not lead to a greater degree of providence for the future, but it would hold out a similar and even a stronger inducement than at present to this class to make the most improvident and absurd bargains; at the same time it would ruin the landlords, and make the conduct of the peasantry still more thoughtless than at present. Now with respect to the dangers which they had to look to — the danger which resulted from the late poor-laws in England was, that there was a systematic laxity in their administration, beyond all example, which produced scenes of evil, of which all men were witnesses, and which necessarily led to the adoption of a check in their administration, which, by a gradual and careful mode of proceeding, would no doubt lead to a great improvement. In Ireland, however, they had a reverse series of changes. In this country, it had been found necessary to contract, as much as possible, the system of relief; so in Ireland it was necessary to set out from the other end of the series, and they must make rules and regulations which they would be able to enlarge. He said this, not from any wish to take from the peasantry or pauper population of Ireland, any advantage enjoyed by the pauper population of England. The House must see how far it was necessary to make restrictions in the one country in the system already in force, and how far they were enabled to relax in the other country. In adopting, therefore, poor-laws for Ireland, care must be taken that they did not go on the opposite line to that which he had just alluded to. Thus they should have a narrow system of relief, in the first instance, which could be enlarged afterwards. His noble Friend proposed to limit relief to the workhouse system. In principle he was induced to agree with his noble Friend; but he thought it necessary to see what this system should be. He did not think that any great inconvenience would result from having these large workhouses in large towns; but he did not think that this would be altogether the case in agricultural districts. In the first instance, many persons might be induced to subject

themselves to the confinement and restraint which necessarily existed in a workhouse, with a view of obtaining a sufficiency of food and clothing; but the feelings of restraint and confinement were so adverse to anything like Irish feelings and habits, that if the workhouse was found to be a great check in England, in inducing the poorer classes to depend on their own exertions, instead of resorting to the parish, it would be found to be a still more powerful check in Ireland. Those great inducements, in the shape of good living, clothing, and lodging, would not have near the same effect in Ireland as in England. In speaking of a workhouse system, it is necessary to examine how the workhouses are to be distributed. He did not wish to trouble the House at such length; but when a great measure was introduced, in which no party feelings were involved on one side or the other, he thought that it would be advisable to throw out at once such suggestions as occurred to him as to any difficulties that might appear in the working of it. He confessed that he had doubts and hesitations as to some parts of the proposed plan, and therefore, what he then stated were observations which he trusted would not be considered as binding upon him. His noble Friend had told the House, that one of the chief objects of the Bill was, the making provision for the relief of destitute vagrants. Unless they meant completely and decidedly to put a stop to, and prevent vagrancy, they could not be successful in effecting their object. To attain this end, it would be absolutely necessary that there should be workhouses within such a distance of each other, that the infirm and aged could readily reach the workhouse, without having to pass a great distance through the country. If you do not get rid of this system of vagrancy, you do not get rid of the great evil which now exists in Ireland; and to effect this object, it was absolutely necessary that the workhouses should not be at too great distances apart. If he understood his noble Friend correctly, the workhouses were to be twenty miles apart; that was, that each workhouse should be in the centre of a square, the radius of which, if he might use the expression, was ten miles. He did not speak mathematically, but he believed that he was correct. His noble Friend appeared to have two objects in view, in the erection of these large workhouses. By having them on a large scale,

his noble Friend believed that, by a system of contract, the paupers would be supported at a less expense, and, also, that the cost of superintendence would be diminished. But his noble Friend had, at the same time, kept out of view what, in his (Lord Stanley's) opinion, could not but prove to be a great evil—he meant the difficulty of getting, in Ireland, proper persons to act on the Board of Guardians. His noble Friend might reply, that even by reducing the distance between the workhouses to five miles, they would still have to contend with the same difficulties in finding fit persons to act. But the difficulty was not diminished by increasing the size of the district; for it did not follow, that because you could not get ten persons in half the distance, that you could get twenty persons in the proposed distance. His noble Friend must be aware, that the very extent of some of the unions in England, was productive of a great deal of mischief. Some persons, the most proper to act as guardians of the poor, would not go out day after day, and week after week, to a considerable distance, to attend the meetings of the Board. This would more especially be the case, in a country in a distracted state; and he was satisfied, that in many parts of Ireland, on this ground, many gentlemen would decline going to a distance from their homes, to attend Board meetings. There were also different motives operating, to induce gentlemen to take upon themselves these offices in the two countries. The object in England was, to reduce a great burden; but in Ireland, by carrying out the proposed system, they would entail a great burden on themselves. He was satisfied that they would not get the persons of the same class in Ireland to attend, day after day, and week after week, as was the case in England. He repeated, if the difficulty to procure the services of proper persons on the Boards of Guardians here was found to be great, it would be still more so in Ireland. He was also satisfied, that the more they extended the size of each workhouse district, the greater the difficulties that would be felt. He would ask his noble Friend then, whether the proposed workhouse districts were too large for the practical working of the system? It should also be recollected, that there was a great want of a proper parochial machinery in Ireland, and therefore he thought that they would have to give greater power

to the Commissioners in Ireland than was given to them in England. There was another part of the plan with respect to which he wished to say a few words, and which was suggested to him by what had fallen from the noble Lord. It was proposed, that utter and entire destitution should be the only ground of relief. Did not this suppose, as a corollary, that entire destitution gave an absolute right to relief? How could they tell a man that he should not go a begging, and at the same time say, that the case was not one of destitution, and relief, therefore, should not be given? Upon whom would they throw the responsibility, to say who had and who had not a right to relief? His noble Friend, he believed, went further, and said that destitution was the sole condition of relief. He said that he would give no absolute right, and the reason was, that he could not do so without having a law of settlement. He would not pledge himself upon the subject, but would wait to hear whether the Government could show the possibility or practicability of introducing any measure—whether it gave to the pauper an absolute right, or not an absolute right, to relief—which should not carry with it the necessity of some law of settlement. Let them not shrink from the difficulty of the case. He knew it was a difficulty. His noble friend had said, “Look at the law of settlement in England, and see what trouble, what litigation, what expense it occasions; therefore, said his noble Friend, simply, let us have no law of settlement at all.” Suppose his noble Friend were to be met with this sort of argument—“See what abuses have prevailed under the old poor-law system in this country; see what ruin, in every direction it has occasioned; therefore let us have no poor-law at all;” would it not be precisely the doctrine which his noble Friend now advanced against the law of settlement? If the House recognised the principle that destitution should be the test of relief, and that that relief should be limited to the workhouse, and if they meant, as a general measure, that it should prevent vagrancy—vagrancy being the greatest evil in Ireland—then they must give to destitution an absolute right and claim upon some fund; and if they gave to destitution an absolute right and claim upon some fund, then they must, by some law of settlement, say upon what fund that claim should be. From this chain of rea-

they came to the details of the Bill, as to the amount to be charged upon the landlord, and the manner in which it was to be distributed among the landlord and tenants; and also as to the means by which they were to pay it—whether they should deduct it from the whole of the landlord's rent, or whether the amount charged upon the landlord should be first paid by the tenant and allowed as a part consideration of the rent—which he should think the most desirable course. But these were questions to be considered by them in Committee, and discussed by them as Members of the House of Commons, who, whatever their opinions might be upon theoretical questions, he hoped when they came to deal with a great question of this kind, concerning which there was but one sole and only interest on both sides of the House, would equally endeavour to carry it through perfectly by friendly argument, and by discussing it warmly, if necessary, but at the same time candidly; and by bowing to the opinion of the majority, and to expediency, when their mutual object was ascertained to be the same. He would say, that was the course the House of Commons ought to pursue on a question of this kind. That was the course which he meant to pursue and in the name of every Member on either side of the House, without distinction of party, he might say that that was the course which all would pursue. With regard to extending the right of relief not only to the impotent but to the able-bodied pauper, he confessed he himself saw no means by which they could draw a line of distinction between the two; limiting, as it was proposed to do, that relief altogether; at all events in the first instance, to that which should be given in workhouses, and workhouses alone. With no exaggerated expectations that this measure would produce unlimited prosperity in Ireland—with no exaggerated expectations that it would entirely relieve even partial, local, much less general distress—while, on the other hand, with no exaggerated apprehensions that it would endanger the rights of the landlord, he, as an Irish landowner, thanked his Majesty's Government for having introduced the measure, and, as an Irish landlord, he would give his aid to bring the measure to as perfect a conclusion as possible. He had omitted to mention one question, which was with respect to the number of vagrants. He hoped, in considering the

question of destitution, his noble Friend would make it understood that no person renting and occupying land should be considered in such a state of destitution as to give him a right to relief. It had been said, that there would be a great influx of paupers at particular times of the year in the workhouses. Undoubtedly this would be the case if they admitted this class of persons; because the small landlords at certain periods of the year, suffer great distress, generally in the months of May, June and July, between the consumption of one crop and the gathering of the other. Now, if men, though holding four or five acres of land, were at those periods to be considered in such a state of destitution (as was no doubt often actually the fact) as to entitle them to come into the workhouse, the workhouses would be inundated and overwhelmed, and the effect would be, that every farthing so paid and expended would be paid into the pockets of the landlord. He did not wish to raise the rent of the Irish landlord, though he believed it was capable of being raised. First, it might be raised by superior cultivation, by a greater extension of the farms, by increased application of capital to those farms, and by a conversion into active labourers of that class of the population who now depended partly upon letting four or five acres as landlords, and partly upon holding three or four acres themselves. He believed that if these changes could be introduced, the rent of Ireland, under a good system of poor-laws, would be susceptible of being materially and honestly raised to the benefit of the landlord, but no less also to the benefit of the tenant. What he wanted to prevent was, a dishonest and fraudulent raising of rents; a system of nominally raising them to an amount which was never intended by the landlords to be levied, but which was intended to screw down the tenantry, and to force from them the last penny their impoverished condition could spare. He thought that to a certain extent the measure introduced by his noble Friend to-night might have the effect of mitigating this great prevailing evil; and whatever might have that effect would be an un-mixed good. Feeling confident that the House would seek sedulously to guard the measure by such salutary provisions as should not allow it to impose an undue charge upon the property of Ireland, and believing also that it would not be attended

with those dangers which some persons had anticipated from it, he should give it his cordial support, and in every stage of its progress lend the Government his humble assistance, not, however, concealing any objections which he might conceive from time to time applicable to it.

Mr. *Richards* said, it gave him great pleasure to perceive the unanimity of the House on that great and important subject. The question really was, whether relief should be afforded the poor of Ireland, or whether servile insurrections should be daily witnessed? The measure of the noble Lord was well calculated to do away with the feeling of insecurity which prevailed on the subject of property in that country, and it would consequently have the certain effect of encouraging the influx of capital into it. Various objections had been urged by the hon. and learned Member for Kilkenny; but, when he spoke on the subject of capital, he seemed to do so as one who had no well-formed notions on it or its results. There could be no doubt that the sum suggested by the noble Lord for carrying his project into effect would be sufficient; for the Mendicity Society of Dublin alone, on a voluntary income of 10,000*l.* a-year, relieved annually 240,000 individuals, by supplying them with work. It was quite plain that the noble Lord understood the subject he had taken in hand in all its bearings; and he was therefore entitled to the confidence of the House and the gratitude of the country for introducing the measure. Before he sat down he wished to state to the House that Dr. Doyle, who might be considered a high authority upon the question of Irish Poor-laws, had not, as had been by some persons erroneously imagined, changed, shortly before his death, the opinions which, during his whole previous life, he had professed upon that subject. By the report of the Irish Poor-law Commissioners, it was evident that the Irish poor were by no means so provident as the English and the Scotch, and that if it was intended to raise them to a better condition in point of comfort, they must also raise them in the scale of society. He would not, however, at so late an hour trespass upon the patience of the House, but would conclude by stating, in concurrence with the opinions of an eminent writer on the state of Ireland—who said that it was wrong to attribute the disorders of the people of that country

to their religious differences—that the first thing to be done towards their amendment was to relieve their wretched condition: that they ought to be raised higher in the social scale; to have justice done to them, and all their well-founded complaints removed. He could only say that the Bill should have his best attention and most cordial support.

Lord *John Russell* rose merely to say, that he felt deeply indebted to hon. Members on both sides of the House for the many valuable suggestions which had been made in the course of the evening. The House might rely upon all these suggestions receiving the best and most mature consideration of his Majesty's Government. He would not now enter into any of the details which had been mentioned, as these would be much better discussed at a future stage. He had every confidence that the Bill would be satisfactory to all parties.

Resolution agreed to, and ordered to be reported.

HOUSE OF LORDS, *Tuesday, February 14, 1837.*

MINUTES.] Bills. Read a first time:—Registration of Marriages.

Petitions presented. By Lords *SUFFIELD*, *HATHERTON*, *HOLLAND*, *BROUGHAM*, and the Earl of *ABERDEEN*, from Sudbury, Hampshire, Newport, Monmouth, and other places, for the Abolition of Church Rates.—By the Earl of *WINCHILSEA*, from Canterbury, that the House will resist all attempts to interfere with its Rights, Independences, and Privileges.

CHURCH RATES.] Lord *Brougham* had a Petition to present from a numerous and most respectable body of his Majesty's subjects. The petition had been drawn up and signed under circumstances of so peculiar a nature, that he thought it necessary, before he requested their Lordships to allow it to be laid on the table, to state from whom it came. It purported to come from the undersigned ministers and laymen, assembled in London as deputies from various parts of the empire, to consult on the best means to be adopted for effecting, by all possible legal and constitutional means, the object of the petition. Though the petition was not signed by more than 200 or 300 deputies, yet he was informed that upwards of 400 deputies were present at the time the meeting was held, and that it was only from the accident of several of them, above 100, leaving town before the petition was prepared, that their names were

not also appended to it. He wished also to state to their Lordships, in what way, and from what places, these persons came to town. They came, in the popular sense of the term, as representing congregations of various religious denominations in different parts of the country. They also represented different bodies of men not being religious congregations. Upwards of 500 of these congregations and meetings had been holden in the country, at which it was agreed to send deputies to town, for the purpose he had already mentioned, though not many more than 400, or 420, actually came. He believed that no portion of his Majesty's subjects, either in character, ability, or station in society, were more respectable than the great body whom those individuals, who had signed the petition on this occasion, represented. He again used that word only in its popular sense; but in one sense of the word, he believed that they strictly, as well as popularly, represented them, for he believed, that in this petition, they spoke the unanimous and strong opinion of all the persons composing those assemblies, which had deputed them to come to town.

Petition to be laid on the table.

PROTECTION OF PROPERTY.—RAILROADS.] The Earl of *Denbigh* presented a Petition from the Committee of the Association for the Protection of Property, at Rugby. It set forth, that in consequence of the London and Birmingham Railway running through the property, situate at, and in the neighbourhood of Rugby, many persons of the most abandoned character, who were employed as labourers on the Railway, assembled in that town and neighbourhood; and that many serious burglaries were committed almost every night against the property of the inhabitants of the towns and villages lying on, or near that line; the petitioners therefore prayed, that when these several Companies should apply to their Lordships' hon. House, their Lordships would agree to insert a clause into any bills that their Lordships might pass, that should require such Companies to afford adequate protection to the property through which the railways passed; and that their Lordships would be pleased to render to the petitioners such further, and other redress, as to their Lordships should seem meet. The noble Earl read a pri-

vate letter he had received; describing two or three cases of outrage committed by the men employed on the London and Birmingham Railway, on property contiguous to the line. On one occasion, they broke into a house and carried away 200*l.* worth of property; and two nights before that, a shop at Long Langford was broken into and entirely gutted; one person had had thirty sheep killed and taken away; and numerous other offences had been committed: he therefore trusted their Lordships would accede to the prayer of the petitioners.

The Marquess of *Salisbury* was glad that the noble Earl had brought this matter before their Lordships, and he rose to bear his testimony in support of the petition. He was a magistrate of a county through which the London and Birmingham Railway passed, and he could assure their Lordships, that at the sessions perpetual complaints were made against the class of men employed in constructing that work. It was his intention, and he thought the most convenient time for doing so, would be on the first occasion any bill of this kind came before the House, to propose the insertion of a clause by which the magistrates acting in the district, through which the Railways or other public works should pass, should have the power to appoint such a police as should be necessary, and charge the expense on the Company. He trusted his Majesty's Government would see the propriety of some such provision being adopted.

The Earl of *Winchelsea* considered the present subject one well worthy of the consideration of their Lordships, and he should give his support to any petition brought forward for the protection of property. There was another point which required some consideration, namely, that many of these speculations were undertaken solely for gambling purposes. The estimates brought before their Lordships were often fallacious. He believed that this very Company—the London and Birmingham Railway Company—was about to apply to Parliament for the power to raise a further sum of money, nearly 2,000,000*l.* beyond that which was asked for in the first instance, to complete the line. Their Lordships owed it to the public at large to guard them against such a proposition, which to him appeared a gross fraud. Their Lordships were often

induced to pass private Bills of this kind on account of the respectability of the names advertised as promoters of the work; but those names were afterwards in general withdrawn, when the shares came to a certain premium. What he had always asked for was, that the projectors of these schemes should be bound to complete the work. He was thoroughly convinced that the original projectors of the Waterloo-bridge Company still holding shares—whatever might be the case with respect to the second and third sets of proprietors, into whose hands the shares had got—had no chance of obtaining one farthing either of interest or capital. Surely nobody could say that the public ought not to be protected against such proceedings. There was another point which ought to come under the consideration of the House; it was this, that many of these railroad bills were passed through Parliament by the grossest deception. By many railroad companies securities were given to individuals, that in the ensuing Session, an application would be made to Parliament for leave to deviate from the line which was originally adopted by them. He knew one instance of this which had occurred in the county of Kent, in which case he had pressed the solicitor until he acknowledged that a bond for 10,000*l.* had been given to a gentleman there, through whose property the original line was to have passed, that leave should be sought from Parliament for a deviation which would remove the line, so that it should pass through property at a distance, belonging to a gentleman who had no idea of anything of the kind being contemplated. He was informed that such an application would be made, and if it were, he would pledge himself to bring forward his letter and the solicitor's answer, and would show that it was one of the grossest frauds—to use the mildest term—ever practised before a Committee of their Lordships' House. He had said so much considering that he owed it to the public; he was, however, no enemy to railroads; on the contrary, he wished to support Bills for them wherever it was prudent to make them.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, February 14, 1837.

Mrs. W. M.] Bills. Read a third time:—Grand Jurors' (Ire-

land).—Read a first time:—Poor Relief (Ireland); Prison Regulations.

Petitions presented. By Mr. BAINES, Mr. CAYLEY, Mr. M'LEOD, Mr. PATTISON, Mr. SERGEANT BLACKBURN, and several other HON. MEMBERS, from FORTES, ESSEX, Kidderminster, and other places, for the Abolition of Church Rates.—By Mr. W. MILES, Mr. GULLY, and Lord FRANCIS EGERTON, from Bristol and other places, for the Repeal of the Duty on Soap.—By Mr. DILLON BROWNE, from Armagh, for the Abolition of Tithes; and for the Ballot and Corporate Reform.—By Mr. VESSEY, from Medical Practitioners, Queen's County, for the Amendment of Grand Jurors' Act.—By Mr. HENRY WILSON, from Stowmarket, for Repeal of Duty on Fire Insurances.—By Messrs. HARDY, HARVEY, and WALTER, from Kingston, Kendal, and other places, for Repeal of Poor-law Amendment Act.

NEW POOR LAW.] Mr. Harvey said, that while he readily recognised the salutary rule which the right hon. Gentleman in the chair had laid down, and generally enforced, precluding all observations on the presentation of petitions, except so far as to state the names of the petitioners and their object, yet he felt assured that the petition he had to present, and its objects, would receive from the House its kind and prompt attention, and would also afford, not only an apology, but a justification, for his calling the attention of the House to its contents, though briefly. He should not have pursued this course, but for the announcement which he regretted had been made by the leader of his Majesty's Government in the House, that it was his intention to restrict the motion of which notice had been given by the hon. Member for Berkshire (Mr. Walter), in a way that he could not help thinking would impair, if not destroy, its utility. He had now to present two petitions, each stating the same matters, and aiming at the same object. One was signed by nearly 10,000 persons residing in the town and neighbourhood of Merthyr Tydvil, and the other signed by 1,500 inhabitants of Kendal, Westmoreland. Both complained of the harsh operation of the Poor-law Act, and more especially of the unconstitutional powers which were for the first time conferred upon commissioners, to create and enforce laws, coeval in their influence and in their effect with the positive powers of legislation. As the subject would shortly come under the consideration of the House, he would not go at length into it at the present time. But when the House called to mind this circumstance, and it ought to be strongly impressed on them that these petitioners, who formed a great mass of the productive industry of the country,

had no direct representatives in the House, and that they were only connected with it by the slender cord of suspicious sympathy, he (Mr. Harvey) could not help thinking that the Speaker would not interdict him while simply stating their case. This law was affecting them most grievously, and, as they thought and as he thought, most cruelly and unjustly. He would not, however, illustrate this position further than by simply calling the attention of the House to the facts, not furnished by the petitioners with the object of harrowing up the feelings of the House or the country, but of showing the real effects of this law upon their humble fortunes. He held in his hand a statement to the effect, that there were in these houses aged persons, who had for many years passed that period when all is sorrow to man—who had reached the age of eighty or ninety years—who had enriched their country by the labour of their youth—fathers and mothers, grandfathers and grandmothers—who had been in the receipt of 2s. a-week, had actually been subjected to a reduction of twenty-five per cent. in their incomes. That was the way in which the House ought to look at the subject.

The *Speaker* requested the hon. Member to confine himself to the facts stated in the petition.

Mr. *Harvey* said, if he confined himself to the facts stated in the petition, and were at liberty to enter into, and dwell on, the facts, he should occupy far more time than by calling attention to the individual circumstances; because, if he took this petition as the text of his remarks, it would, in effect, open the whole history and operation of the Poor-laws, which would come under discussion that day week. But he should be extremely sorry (whilst it was his intention to bow to the just judgment so well exercised) that it should go to the world, that when the poor, the pitiless and the houseless, presented themselves to this House, it was difficult for their humble advocate to obtain a hearing. And, therefore, he would voluntarily yield to the suggestion of the Speaker, rather than that it should be supposed it was by a positive interdict of the House upon the receipt of the petitions of the people. With this remark he would bring up the petition.

Major *Beauclerk* had been requested to support the prayer of the petition, and

would do so as shortly as possible. He perfectly agreed with many of the observations of the hon. Gentleman who had preceded him. He considered the law too harsh in its enactments, and regretted to learn that his Majesty's Government were determined to resist a Committee for a full inquiry into the subject. He should give his support to inquiry, for which he was convinced the country loudly called. If there was nothing to hide, why should they refuse inquiry? He would say no more than express his hope that the opinions of the Administration would change on this question.

Petition laid on the Table.

PROPERTY QUALIFICATION.] Sir *William Molesworth* said: The object of my motion is to repeal the statutes of the 9th of Anne, c. 5, and the 33rd of Geo. 2nd, c. 20, which refer to the property qualification, and the statutes which refer to the qualification of Members of Parliament. I seek to repeal those statutes more on account of their being vicious in principle, than on account of their being productive of very pernicious consequences, though undoubtedly sometimes they are the causes of great individual hardship. Sir, at the period when the first of the statutes received the sanction of the Legislature it was generally considered that a great principle of our representative government was infringed; such, at least is the account given by the contemporary historians. Tindal, in his history of the reign of Queen Anne, says—

“The design of this (Bill) was to exclude courtiers, military men, and merchants from sitting in the House of Commons, in hopes that, this being settled, the land interest would be the prevailing consideration in all their consultations. They did not extend these qualifications to Scotland, it being pretended, that estates there being very small it would not be easy to find men so qualified capable to serve. This was thought to strike at an essential part of our Constitution, touching the freedom of elections, and it had been, as often as attempted, opposed by the Ministry, though it had a fair appearance of securing liberty when all was lodged with men of estates, yet our gentry was become so ignorant and so corrupt, that many apprehended the ill effects of this, and that the interest of trade, which indeed supports that of land, would neither be understood nor regarded.”

The statute 9 Anne, c. 5, declares that

the Member ought to be possessed of a certain property qualification. Without giving any powers for discovering one fact, it merely obliges the Member to swear to his qualification. The statute was found, therefore, to be completely inoperative, for the petitioner had to prove that the Member was not qualified; and it is evident that it is impossible to prove this negative. Many election petitions were presented in the year 1714 under this Act, all of which were abandoned on account of this defect in the law. The law was then amended in a somewhat curious manner, viz., by the standing orders of the House: various attempts were made to confirm the standing orders by statute in the years 1731, 1732, 1733, and 1739; and it was not till the year 1760 that the law was partially amended by the statute 33 George 3rd, c. 20. According to this statute, every Member is obliged to deliver in a paper stating in what parish, &c., and in what county, his qualification lies. This law would likewise be inoperative, or would be most easily evaded, if it were not for the standing orders of the House to which I have just referred, which require the Member petitioned against to state the rental or particular of his qualification, and likewise "by what conveyance or act in law he claims and devises the same, and also the consideration, if any, paid; and the names and places of abode of the witnesses to such conveyance and payment." If these standing orders were to be repealed, the law would become inoperative and be easily evaded. The question generally before the Election Committee is with regard to the validity or invalidity of the deed to which I have referred, and whether the Member be legally or equitably in possession of the property required. Thus a Committee of the House is sometimes called upon to decide the nicest questions in equity; and the decisions of hon. Gentlemen in such cases are seldom as much in accordance with principles of law, as they are with the feelings of political partisanship. Nothing can be easier than to obtain a fictitious qualification. Any gentleman who has a sufficient sum at his banker's, can obtain from his banker a rent-charge as a mere matter of business, for most of the large London bankers possess landed property. If the gentleman who desires to be qualified does not possess a sufficient sum at his immediate disposal, he then

applies to a friend or to an attorney, who generally can find amongst his clients some person of landed property willing to grant a fictitious qualification. A deed is drawn up conveying the rent-charge required, which deed never goes out of the possession of the attorney; in the presence of two witnesses unacquainted with the nature of the transaction, a seeming payment is made of the sum of money which would be required to make the transaction a real one. If there should be a petition, then the nature of the deed and the consideration are stated to the Committee of the House, and the witnesses prove the transaction to be a *bond fide* one. This is the safest and simplest mode of proceeding, though the expense of the stamps renders it rather more costly than a deed of gift, which probably would not be considered to be a *bond fide* transaction, if the majority of the Committee were opposed in political principles to the Member petitioned against. Any respectable attorney will, for a very trifling consideration, procure a fictitious qualification for one of his clients. The question before a Committee can seldom be whether the qualification is a *bond fide* one, but whether the Member is legally or equitably in possession of the property. A person must be very negligent, or his attorney very ignorant, who finds any difficulty under the qualification laws. Nevertheless, many of the Members of the House are not properly qualified. As for a real and *bond fide* qualification, it is well known that one-half of the Members of Parliament, if not more, do not, in reality, possess the amount of landed property required, but sit here in virtue of fictitious qualifications. I applied to one of my friends, an eminent attorney, well acquainted with this subject, for information. I received an answer from him, a portion of which I will read to the House, and the perfect correctness of the statements I have not the slightest hesitation in vouching for:—"If the law were effective, it would unquestionably deprive the community of the services of many of our past and present public men. Certainly many of the old luminaries would never have shone in the British Legislature. Burke, Pitt, Fox, and Sheridan, in my early days, were always notoriously fictitiously qualified. The law has been nearly inoperative as an exclusion. Some few 'conscientious' men have refused to enter the House of Commons on a fraudu-

lent qualification; perhaps a few men of considerable talent have been unable to obtain a fictitious qualification; of the latter there is known only one instance; but he would, if qualified, have represented one of the largest towns in England. Of the number of the House of Commons not legally qualified (the English borough and city Members) I have heard many persons and agents versed in the election system variously speculate. It is generally believed, that one-third at the least have no *bona fide* qualification. On the eve of a dissolution of Parliament, dozens of sham qualifications are made by solicitors, often drawn and settled by counsel. One solicitor in London is known, in 'fashionable circles,' as a gentleman who will 'qualify' any candidate, 'respectably introduced to him,' for 100*l.*, including the stamps. But solicitors of the highest station and unquestionable integrity, do not scruple to manufacture qualifications. It is generally a rent-charge on land or freehold houses. Mr. —, a successful candidate for a county in 1831, when his qualification was demanded on the hustings, is said boldly to have pulled out of his pocket a rent-charge on his noble brother's estate, executed immediately before. I have prepared many of the same waste paper and valueless documents. In 1830, a friend of mine (worth 600,000*l.* in funded and personal property) was negotiating for a western borough, in which a contest was certain. Two days before his leaving London to see his constituents, or rather the burgrave slaves of the boroughmonger he was negotiating with, he bethought himself that he had no qualification. I and his solicitor forthwith in twelve hours gave him one on a lot of old freehold houses. He did not pass his check for the consideration; it was fictitious in that respect. Probably in this case the want of a qualification would never have been suspected. Candidates on the hustings notoriously swear to and state ambiguously described qualifications, and have shifted them when lodged in the House. One well-known case of this species occurred in a cinque port, since the passing of the Reform Bill. Many sham qualifications are made after the returns, and before Members take their seats, their consciences being tender as to declaring themselves qualified on the latter occasion. More of these interregnum qualifications were made previous to the vote for the present

Speaker than at any other time. Many posthumous qualifications are, it is well known, ante-dated; but no honourable attorney will lend himself to such an additional fraud. The usual mode is (for safety) to pay in cash before two witnesses, the lender contriving to return the purchase-money immediately, and which is commonly borrowed of a banker for two or three days. Also the parties provide themselves with an actuary's valuation on the purchaser's life, as giving a more actual character to the transaction. Friends often give promissory notes for the qualification instead of the money. Usually the vender holds possession of the deed. In many cases the witnesses are sent abroad, if a petition be presented. To be brief, and being at the end of my paper, the law is a disgrace to the statute book, and ought to be burned by the common hangman." Having shown that the present law is inapplicable and easily evaded, I contend that it ought not to be amended, but repealed; and in calling upon the House to repeal it, I do not propose an innovation, but to return partially to the ancient system, when there was no property qualification, and the electors were, to a great extent, entitled to choose whomsoever, amongst themselves, they thought fit, and the person so chosen, even against his will, could not refuse to serve. A case of this kind occurred in the year 1624, when Sir Thomas Escourt was elected against his will for Gloucestershire. I find one of the questions before the Committee, according to Glanville, in this case is, whether Sir Thomas Escourt was eligible against his own consent and desire; and it was held clearly "that he was, and that no man, being lawfully chosen, can refuse the place; for the county and commonwealth have such an interest in every man, that when by lawful election he is appointed to this public service, he cannot, by any unwillingness and refusal of his own, make himself incapable, for that were to prefer the will or contentment of a private man before the desire and satisfaction of the whole country; and a ready way to put by the sufficientest men, who are commonly those who least endeavour to obtain the place." The ancient principle of constitutional law is evidently this, that the electoral body should be permitted to select as their representatives the persons whom they consider to be fittest, and that the free

choice of an intelligent body of electors is a fitter proof of the qualification of the member than any test which can be desired in any law; for the fitness of an individual to be a representative depends upon his ability and willingness to perform the duties of a legislator. These are mental qualifications, which can hardly be ensured by any test specified by law. The only tests which have ever been proposed to be employed are either age, profession, or mode of life, or property. As for age, some persons propose to exclude young men, as being apt to be too rash and too extravagant; but for the contrary reasons old men ought to be excluded, as being far too slow and inert. In this respect the constituent body is the best judge, with whom youth has ever been and ever will be, to a certain degree, an objection; if on either side an exclusion be made, it should be, as in the case of judges in America, with regard to old men, in favour of whom generally a prejudice exists. With regard to the qualification of property, it is certainly no test of the intelligence or knowledge of an individual; on the contrary, the possession of considerable property is apt, by the command over pleasures and luxuries which it confers to tempt an individual away from those laborious pursuits by which alone knowledge can be obtained; the ease with which most of the desires of a rich man can be gratified generally prevents his intelligence being sharpened in the same manner as it would be if he could not satisfy his wishes with so little labour, but was obliged carefully to search for the means of attaining his ends. Thus the possession of considerable property is, on the whole, unfavourable to the development of the mental energies, and if property be taken as a test at all, it should, when in considerable amount, rather be considered as a test of disqualification than of being qualified. The qualification of property is generally advocated on the grounds that a person possessing a certain amount of property is said to have a greater stake in the country, and that he is less liable to be biassed by motives arising from his own pecuniary interests. As for the greater stake in the country, the poorest men are more interested in good laws and good government than the richest—a law which destroys the former merely injures the latter. The poor are easily oppressed—the rich

generally can take care of themselves. It is intelligence which teaches the real value of preserving the security of property, and of aiding the accumulation of capital. The mere feeling of clinging to property, which results from the possession of property unaccompanied by intelligence, not unfrequently endangers the security both of property and of capital. It is intelligence, therefore, which is required, and of that property is no test, as I have already shown. As for property being a security for the honesty of any person, I most utterly disbelieve it; undoubtedly a needy man is generally a dishonest man; but need does not depend so much on the amount of a person's property, as on the proportion between his desires and his means of gratifying them. Of this proportion the possession of a certain amount of property is no test. It is said that a poor man is more apt to sacrifice the interests of the community for his own private interests than a rich man. By no means; for all men will sacrifice the interests of the community to their own interests if there be a conflict between those interests, and they can do so with impunity. Now there is as often a conflict between the interests of the rich and the interests of the community as there is between those of the poor man and those of the community. The one may sometimes desire power, and the other money; but all history proves that both generally desire both, and that the only security in such cases is strict responsibility, enforced in the case of Members of Parliament by the greatest publicity given to all their acts, and by frequent elections. It is argued sometimes that a person ought to possess a certain amount of property in order to be enabled to devote his time to his Parliamentary duties. The question here concerns the want of leisure supposed to be indicated by a want of property. That the possession of considerable property is no proof of the individual possessing abundant leisure may easily be proved by the number of learned lawyers in this House, all of whom swear that they possess at least 300*l.* a-year in landed property, and all of whom briefless or not, would equally swear that they never have a moment's leisure from their legal avocations. Upon the ground of want of leisure, all bankers, merchants, all persons in business, should equally be excluded. Who, then, would remain in this august assembly? The country gen-

men to be the representatives of the intelligence, the integrity, the wisdom, and the leisure of the community! This is a consummation for which I should by no means devoutly pray, though Providence has kindly placed me in that most respectable and most favoured class. With regard to the want of leisure, it must always be remembered that a few minutes of the sagacity of one man is worth whole centuries of the dulness of another; of this difference a certain amount of property can be no test; of this the judgment of rational beings can be the only indication; and to the free choice of the constituent body the option ought to be left. It is for this assembly to determine what rules and regulations ought to be enforced upon its members, and if those rules and regulations should be inconsistent with the profession of the member, he would then either abandon his profession or his seat. Very few regulations of this kind exist, though I should think it by no means inadvisable that some rules should be made, by means of which there might be a greater division of employment amongst the Members of this House. I think, Sir, I have sufficiently shown that neither age, nor profession, nor mode of life, nor, least of all, property, are tests either of the intellectual or moral fitness of an individual to be a Member of Parliament; it ought to be left alone to the free choice of the independent electors. For this reason I ask for leave to bring in a Bill to repeal the two statutes to which I have already referred.

Mr. Leader, in seconding the motion, addressed the House as follows: The present law of qualification for Members of Parliament is one which would be very mischievous were it rigidly enforced, and which is very absurd, being as it is almost entirely inefficient. According to the principles of representation, the electors ought to have the power to select as their representatives any man whom they may consider fit to represent them, without having their choice circumscribed within the narrow limits of any pecuniary qualification whatever; but in a great commercial country to compel the electors to select their representatives from persons possessing one particular sort of property, namely, property in land, is so clearly contrary not only to all the principles of representative government, but so repugnant to the interests of the community,

and so glaringly opposed to reason, that it is scarcely credible that any persons should be found in the present day to uphold so unjust and so unreasonable a law. Although easily evaded, the mere existence of the law produces a bad effect in a moral point of view, and has engendered low and mercenary feelings in a great portion of the constituencies, by directing their attention chiefly to a candidate's pecuniary qualifications; for the law requires nothing of a Member but that he should be twenty-one years of age, and of a sufficient landed estate, as if, forsooth, a man's senatorial capacity were to be measured by the acre. It has thus taught many constituencies to look upon the mere wealth of a candidate as the only test of his fitness, and to regard as a dangerous member of society the man who may offer himself for their suffrages unsupported by the possession of much money or of much land. Besides exciting this low and mercenary feeling, it is unjust, as it prevents the electors from exercising their franchise freely in the choice of their representative. You say to the electors, "You may select a representative, but you shall select him from a certain class only." Now, supposing in the class thus separated by the privilege of qualification from the rest of the community the electors cannot find a man fairly and honestly to represent their interests, and that out of the pale of the privileged class they know a man who would in their opinion so represent them—a man who has been to them a good neighbour and a zealous friend—who has gained their esteem by his conduct, and their admiration by his talent—who has proved to them that he has the head to understand, the heart to maintain, and the tongue to enforce their interests, and wishes, and opinions, yet if such a man be not one of the qualified in land he cannot represent them in Parliament. You may say to him in the words of the Roman satirist,

*"Est animus tibi, sunt mores et lingua fidesque
Si quadringentis sex septem millia deant
Miles eris."*

You may be a man of talent, courage, eloquence, and honesty—you may possess the hearts and receive the votes of your friends the electors; but if you have not land enough to qualify you for a seat you never can be a Member of the House of Commons. In such a case the electors have no alternative but to be misrepre-

sented. Another evil of this law is, that where it does not cause blind or mercenary subserviency, it lessens or creates a jealousy on the part of the unqualified and the mass of the people against those who are fortunate enough to possess the necessary qualification. But we are told that it is so easy to evade the law, by procuring a fictitious or a temporary qualification, that no man is really kept out of the House by its operation. Supposing for a moment this to be the case (which it is not) it is but a poor argument in favour of a law that it is so easily evaded as to be almost inoperative. If the law be a good one, that would be an argument for strengthening it; but it cannot be an argument for the continuance of a bad law. As to the origin of this law, and the objects of those who introduced it, a brief consideration of them may be useful, in order chiefly to show, that if ever any necessity existed for such an enactment, that necessity now no longer exists. Up to the commencement of the eighteenth century no pecuniary qualification was required from Members of Parliament. Those honest and independent Members who in the seventeenth century resisted the tyranny of the Stuarts, and laid the foundation of our political freedom, were chosen by their fellow-citizens freely and unrestrictedly; no landed qualification was required from them; yet that man must be indeed sanguine who expects to see assembled within these walls a body of men more zealous in the discharge of their duty, more intelligent or more learned according to the learning of the day, more truly patriotic or more truly fit to represent the opinions of the country. In 1696 a Bill for qualifying Members passed the Commons. The city of London and several other places petitioned against it; amongst others the city of Exeter petitioned to the following effect:—

“That, according to the qualifications of the said Bill, many persons who have not estates in land, though great personal estates, and prudent citizens, will be rendered incapable to serve in Parliament for the said city, and praying that the ancient rights and privileges of the said city may be preserved.”

This petition was received after a division of seventy to fifty-nine. The good citizens of Exeter were not then aware (it seems) of the facility of evading the said law, or perhaps evasion was not so easy in those days. In consequence of these petitions

a rider was added to the Bill enabling any merchant to serve for a place where he should himself be a voter, on making oath that he was worth 5,000*l.* in money, thus rendering the Bill rather less objectionable, as it made it rather less exclusive than the present law. This Bill was, however, rejected by the Lords, but in 1711 a Bill for a similar purpose met with more success in the House of Lords, as well as in the House of Commons, and was passed into a law. This law is the foundation of the present Qualification Act, and the provisions of it must be so well known to every Member of the House, that it would be a mere waste of time to enumerate them. In order, however, to show the object and design of the promoters of the Bill, I have taken a few short extracts on the subject from two well-known authors. In the 31st number of *The Examiner*—not *The Examiner* of the present day—like it in talent, but very different in politics—in *Swift's Examiner* of March, 1711—there is the following notice of the Qualification Bill:—

“As the present House of Commons is the best representative of the nation that has ever been summoned in our memories, so they have taken care in their first Session by that noble Bill of qualification, that future Parliaments should be composed of landed men, and our properties be no more at the mercy of those who have none themselves, or at least only what is only transient or imaginary. If there be any gratitude in posterity the memory of this assembly will be always celebrated.”

However property in the funds, leases, and shipping may have been then considered, they are certainly not now looked upon as “transient and imaginary.” The prophetic powers of so far-seeing a man as Dean Swift are here proved to be but small, for posterity, instead of being grateful for this “noble Bill,” partly evades it and partly wishes to abolish it entirely. Again in the 45th number, June 1711, he says:—

“The Qualification Bill, incapacitating all men to serve in Parliament who have not some estate in land, either in possession or certain reversion, is perhaps the greatest security that ever was contrived for preserving the Constitution, which otherwise might in a little time be wholly at the mercy of the moneyed interest.”

The Bill was not equally acceptable to all persons. Here is the notice of it by Boyer:—

“This Bill was not generally approved, for

many observed, that by restraining the election of knights of shires to estates of 600*l.* a year, and for citizens and burgesses to 300*l.*, men who, by their natural and acquired abilities, experience and skill in business, are the fittest to serve their country in Parliament, may happen to be excluded, and men of never so indifferent parts chosen, if but qualified in land. That this Act subjects the titles as well as the value of a great many estates (upon controverted elections) to the inquisition of the House of Commons; that it may cause the frequent splitting of freeholds either real, to the decay of good families; or occasional, and thereby be a further cause of land stock-jobbing and perjury. That it may prove a great detriment to trade, by excluding the proper trustees for it, and committing the protection of it to the landed men only, which is a great alteration of our Constitution, it being originally intended that corporations should be represented by some of their own party."

From these extracts, it is easy to see that the object of the promoters of the Bill was to enlarge and confirm the power of the landed interest, which was even then, by such enactments, attempting zealously to restrain and keep down the moneyed or trading portions of the community; there may also have been on the part of some of them an honest fear of an increase of power on the part of the Crown, and a sincere desire by this act to uphold the popular or country party against the corrupting influence of the court. It would be quite superfluous to notice the various and mighty changes which have since taken place in the balance of property and power, and which renders this Act utterly useless now in the view in which it was first proposed. The Act of 1711 was, however, found to be so inoperative, that in 1760, another and a more stringent act was proposed and partly passed into a law. It is thus mentioned by Smollett:—"Subterfuges were discovered, by means of which this law (meaning the law of 1711), relating to the qualifications of candidates, was effectually eluded. Those who were not actually possessed of such estates, procured temporary conveyances from their friends and patrons, on condition of their being restored and cancelled after the election. By this scandalous fraud the intention of the Legislature was frustrated," &c. "Through this infamous channel the Ministry had it in their power to thrust into Parliament a set of venal beggars, who, as they depended on their bounty, would always be obsequious to their will, and vote according to direction,

without the least regard to the dictates of conscience, or to the advantage of their country. The ministers attending such a vile collusion; and, in particular, the undue influence which the Crown must have acquired from the practice, were either felt or apprehended by some honest patriots, who, after divers unsuccessful efforts, at length presented to the House a Bill," &c. This Bill was finally passed as the 33rd George 2nd, c. 20. Hon. Members who are versed in the affairs of this House, can say whether this Act has had its intended effect, and prevented all fictitious and temporary qualifications or not. In Hallam's Constitutional History, the whole case is thus briefly and ably stated:—"The country gentlemen who claimed to themselves a character of more independence and patriotism than could be found in any other class, had long endeavoured to protect their ascendancy by excluding the rest of the community from Parliament. This was the principle of the Bill, which, after being frequently attempted, passed into a law during the Tory Administration of Anne, requiring every Member of the Commons, except those for the Universities, to possess as a qualification for his seat a landed estate, above all encumbrances, of 300*l.* a-year. By a later Act of George 2nd, with which it was thought expedient by the Government of the day to gratify the landed interest, this property must be stated on oath by every Member on taking his seat; and, if required, at his election. The law is, however, notoriously evaded, and though much might be urged in favour of rendering a competent income the condition of eligibility, few would be found at present to maintain, that the freehold qualification is not required both unconstitutionally, according to the ancient theory of representation, and absurdly, according to the present state of property in England." Such is a brief, and I believe, a fair sketch of the history of the Qualification Acts. After thus seeing the objects of the promoters of the Act, the preamble is rather amusing: it is "for securing the freedom of Parliaments," when it ought rather to have been, if truth had been regarded, "an act for securing the power of the landed interest, and restraining the freedom of election." The exemptions from the operation of the act also require some comment. First, we find exempted the eldest son or heir

apparent of any Peer or Lord of Parliament, or of any person qualified to serve as a knight of the shire. Now, though the Peer or great proprietor may be a very respectable or a very rich man (it amounts to nearly the same thing in the common acceptance of the term), yet it by no means follows, that his son and heir should inherit his good qualities as well as his privileges; he may have anticipated his reversionary wealth,—he may be the most profligate and the poorest of his class, yet he may dispense with the vulgar form of qualification. But the strangest part of this exemption is, that the very Peer, whose son might claim it might perchance not be himself in the position of a qualified person, for no qualification whatever is required from a man who is made a Member of the House of Lords. The Crown can thus make hereditary legislators from any class, while the people can select their representatives only from one class,—namely, the class qualified by the possession of landed property. The Members for the Universities are next exempted. This exemption was perhaps introduced out of a kind feeling towards the scholars, likely to be returned by those learned bodies, in the idea that scholarship and poverty were frequently companions, or to add one more to their exclusive privileges, or perchance from a profound knowledge of the learned corporations, which led the promoters of the Act to be well assured, that none but rich and powerful men would be considered qualified to represent the seats of learning and religion, or have a chance of gaining the votes of the learned and reverend electors. Lastly, we find the exemption of the Members of that part of Great Britain called Scotland—the plea assigned for this exemption is the smallness of estates in that country; that is, the poverty of the land. Now, notwithstanding the exemption and the plea, it so happens, that no men in this House are superior in any quality which makes men good citizens and able legislators to the Scotch Members. No pecuniary or landed qualification is required from them, and yet they not only possess every other qualification in an eminent degree, but it has been remarked, that of all the Scotch Members, there has scarcely ever been one who was not a man of ample, or at least of independent,

private fortune. It is strange, that the exemption should not have been extended to Irish Members, as well as to Scotch Members; for up to the time of what is called the Union no qualification but residence, and a forty-shilling freehold was required from Members of the Irish House of Commons; and even that qualification had been repealed by 14 George 3rd, c. 58, as having “been found by long usage to be unnecessary, and as having become obsolete.” The same words may justly be applied to our existing acts, with this addition, that they are foolish, mischievous, and inefficient. Nothing has been said, because nothing was required, as to the inefficiency of the law; it is as notorious as the most commonly-received fact, that the law of qualification is a mere legal cobweb which disfigures the statute-book, and which small flies as well as great can break through with perfect ease. Ireland has indeed lost the services of two of her representatives through the operation of the act in this very Parliament—but that was chiefly owing to some oversight in the manner of making out the necessary qualification. These, then (it appears to me), are the reasons for repealing the present qualification law; it is bad in principle—contrary to the ancient constitution—unjust to the electoral body. It is notorious to all men accustomed to parliamentary business, that it is so easily evaded as to be almost entirely inoperative; the object for which it was passed has been entirely defeated; if ever a necessity for it existed, no necessity for it exists now. Its existence in the case of England, Ireland, and Wales, produces no good; its absence in the case of Scotland causes no evil; but its continuance in the statute-book, though almost a dead letter, has caused, and does still cause, a bad moral effect on the constituencies. There is no good reason for allowing it to remain in existence; it has long ceased to have any force; and there are many reasons for its repeal. This being the case, I confidently call on the House to agree to the motion of my hon. Friend, the Member for East Cornwall.

Mr. Arthur Trevor could not avoid expressing his opinion, that a more obnoxious or objectionable measure than that proposed by the hon. Baronet had never been suggested in that House. It was even so mischievous in its tendency, that

he felt justified in at once taking the sense of the House against its admission. The present measure was one of no ordinary importance. The object of it evidently was, to attempt, to lessen the dignity of that most respectable and important class in the country—the country gentry of England. He recollected, that the hon. Baronet had said, that Providence had placed him in that class. He deeply regretted, that the hon. Baronet had so much forgotten the bounty of Providence, as to propose a motion of this kind. With respect to the arguments adduced by the hon. Member for Bridgewater, in support of the motion, he would only say, that he did not consider, that there was any force or weight in them. The hon. Member said, that there had been so many changes since the commencement of the last century, that property had so much increased, and wealth was diffused among so many classes of the community, that they should get rid of the qualification as being altogether unnecessary. Now, in his opinion, this was an additional reason for maintaining the law. Those who aspired to the honour of a seat in that House, should have something like a stake in the country, instead of men without any property being elected the representatives of the people. It was said, that the present law was often evaded; they should not, on this ground, get rid of it, but take such steps as would put it in force. At the present time, when novelty was the order of the day, it might appear to be impolitic to endeavour to oppose what was called the tide of improvement, but which, in his opinion, was nothing more nor less than the tide of innovation and mischievous interference. By getting rid of the qualification, they would open the door for men to get into that House, who would have to legislate on property, in which they had not the least interest. This certainly might be a good argument with those who had no property; but he was sure, that it would have no influence in that House. To such as regarded the maintenance of the dignity of that House, and who also believed, that the security of property would be best upheld by those who had some interest in it, he would say, that he was satisfied, that there was not a single individual who would not divide with him against the proposition of the hon. Baronet. He would only add,

that he was determined to take the sense of the House on this motion.

Mr. Ewart was not going to occupy the time of the House at any length, but he could not suffer the question to go to a vote without making a few observations. He was exceedingly glad that the hon. Member who had just addressed the House had risen to oppose the motion of his hon. Friend, for by doing so he vindicated the former proceedings of the party to which he belonged on this subject. It ought not to be forgotten that it was the Tories of the time of Queen Anne who introduced a Bill imposing a lapsed qualification on Members of that House. He was glad to find that the hon. Member for Durham had risen in opposition to his (Mr. Ewart's) hon. Friend's proposition; for he begged the House to recollect that the hon. Gentleman himself was enabled to sit in that House without a property qualification; he was qualified by being the son of a Peer. The hon. Member had stated that the doors of that House were, under the present law, open to any man of talent in the country who could get a constituency to elect him. This, however, was not the case; for was the hon. Member not aware that one of the most distinguished men of the last century was excluded from that House in consequence of not possessing the proper qualification. Again, there was a recent case of a man of eminent abilities being excluded from the House on this ground to which he was sure the hon. Gentleman could not object on the ground of orthodoxy—he alluded to the case of Dr. Southey, who was elected Member for a borough, and who did not take his seat, because he could not conscientiously swear to the possession of a qualification. The Acts which it was now proposed to repeal were founded on the assumption that the amount of wealth was equivalent to the amount of independence. This was a most absurd and fallacious notion; for a person of comparatively small income, provided he lived within it, was certainly in more independent circumstances than a man of large possessions whose wants exceeded his income. As a remarkable instance of the union of comparative poverty and independence, he would refer to a well-known circumstance connected with the life of that pure-minded and distinguished man, Andrew Marvel a name that could never be forgotten in connexion with the

history of this country. Who could forget the remarkable observation of the Earl of Danby, who waited upon the patriot in his humble lodging for the purpose of corrupting him, and who, on observing his frugal repast, turned to his attendant, and said—"Damn the man; it is impossible to tempt him." Previous to the year 1710, no property qualification was required in a Member of Parliament. In that year the Tory majority of the House of Commons chose to dictate this Bill, which Lord Godolphin and the Whigs of that day, to their honour, resisted to the utmost, and he (Mr. Ewart) was sure that he should find that the Whigs of the present day would follow the example of their ancestors with respect to the object of the present motion. Nothing could be more absurd than that the son of a Peer should be admitted without a qualification, when it was possible that the Peer did not possess any landed property. For instance, he would take the case of the son of a bishop; such a person, if elected a Member, might take his seat without a qualification, *virtute originis*. It appeared that Scotland had been without a pecuniary qualification for its Members, and no country could be more admirably represented than that part of the empire was. Was it not notorious that the Scotch representatives were the best Members in that House always acting independently, and were the constant scourge of the Tory Members opposite? The present state of the law on this subject was contrary to sound principles of morality, and was of not the least practical utility. A property qualification of any description would be evaded in the same way that a land qualification had constantly been. The example of Scotland triumphantly showed that the real question as to a candidate's qualification to sit in Parliament could be left with the utmost safety to the good sense and discretion of the electors; and there was no reason for supposing that the electors of England were less endowed with good sense and discretion on this matter than those of Scotland. He should warmly support the hon. Baronet's motion.

Mr. Warburton remarked, that if he was not mistaken, he heard, during the discussion of the Reform Bill, a noble Lord, then Chancellor of the Exchequer, but now a Member of the other House of Parliament, observe, that a gentleman not possessed of a landed qualification, but

possessed of personal property, never had any difficulty in procuring a colourable qualification. Now, what the noble Lord recommended indirectly, he recommended the House to do directly. If property of any description would procure a qualification for that House, he did not say that they should get rid of a landed qualification, but that they should at least allow another kind of property to confer a qualification as well as landed property. He believed there were many Gentlemen who did not wish to get rid of a qualification altogether, but who admitted the other principle, that every description of property ought to give a qualification. Hon. Members, then, who entertained these sentiments ought not to array themselves against the introduction of this Bill, because when they got into Committee an opportunity would present itself of modifying the Bill by the introduction of clauses framed for the purpose of allowing every description of property to confer a qualification.

Mr. Maclean would only trouble the House with a few words in reply to the observations which had fallen from the hon. Members opposite. For his own part, he could not conceive that the objects for which the qualification in question had been originally introduced were no longer desirable or practicable, nor could he bring himself to believe that circumstances had so materially changed, that the House was called upon to declare that no qualification was necessary for admission among its Members. He might be disposed to entertain the proposition that all property should in this respect be placed on the same footing, but to the second he could not agree—namely, that because he might not be unfriendly to a qualification of this kind, he was bound to permit this Bill to be introduced, that Bill being to abolish all property qualification, for the purpose of modifying it in Committee, by the introduction of clauses enacting that personal property should confer a qualification as well as real estate. But, in point of fact, those who had personal property, rarely were unable to procure a landed qualification. He remembered the case of a Mr. Fairley, who, when he was going up to the poll after dinner, recollected that, although he was possessed of some landed property, he had not enough to give him a qualification, he having at the same time personal property to the amount of 100,000*l*. He

subsequently, after the election, made a *bona fide* purchase of real estate, more than sufficient for a qualification, but it was decided that the purchase was made too late, and that he was disqualified to sit. Now, there was a case which he thought did call on the House for a remedy. He was not prepared to assert that men with sufficient personal property were not equally eligible with those who possessed a qualification arising from landed estate, but he must say that he looked with some suspicion on a Bill which was introduced for the purpose of abolishing all property qualification whatever. If they permitted a Member to be introduced from the body of the *canaille*, if it should so happen, they would have a qualification in the case of the electors, while they had none in the case of the elected. They would, therefore, advance a step, and a very material one, towards universal suffrage. Now, under these circumstances, he thought that the Gentlemen opposite, who were not quite prepared to say that they preferred so extended a system of voting as universal suffrage, should not further that object by supporting the present motion. He could not but admire the new-born zeal of hon. Gentlemen opposite for their practice of the Constitution. It was really delightful to see them, when they were accused of wishing to destroy the Constitution, taking measures to restore it to its pristine vigour, and re-establish the system of representation which formerly prevailed. He had only risen to say a few words, and therefore he would not trespass on the House longer.

Mr. *Hume* observed, that the hon. and learned Member for Oxford seemed greatly alarmed lest this measure should constitute a step to the system of universal suffrage. That was the ancient practice of the Constitution—and yet the hon. and learned Member laughed at his hon. Friend, the Member for Cornwall, because he was in this instance inclined to support our ancient institutions. The difference between his hon. Friend, the Member for Cornwall and the hon. and learned Member for Oxford was, that the former would support such of our ancient institutions as were good, and would abolish such of them as were bad, whilst the latter supported them all indiscriminately and drew no distinction between the good and the bad. He wished to ask the hon. and learned Mem-

ber whether the Constitution of England dated from the 10th of Queen Anne? He contended that those persons who were qualified to elect, ought if a constituency approved of them, to be also qualified to be elected; and that the contrary doctrine—which insisted upon a pecuniary qualification for the elected—imposed a grievous restriction upon the electors. In Scotland the electors were simply called upon to elect an honest man. How could they in Scotland elect an honest man—since they were not bound to elect a rich man? The hon. Member referred in support of his opinions to an extract from a treatise on the electoral system by Mr. Bayley, of Sheffield—a treatise which he eulogised as well worthy the perusal of every Gentleman who wished to do his duty by the country. In that treatise Mr. Bayley said, that “the effect of a pecuniary qualification was, to narrow the choice of the electors, and that it was a limitation which was scarcely ever of any service, whilst on many occasions it very probably did great harm.” He fully agreed with Mr. Bayley in that sentiment. It did harm, and great harm for it excluded from Parliament many moral and religious men who were too independent to be influenced by a court, and too intelligent to be deluded by the artifices of a sophistical Minister. “It had given rise,” continued Mr. Bayley, “to perjury to a very great extent;” and that was, in his opinion, a sufficient reason why it ought to be abolished. He called upon those who arrogated to themselves all the virtue, and sanctity, and religion of the House to join with him in getting rid of this abominable system of falsehood and perjury. He had his eye upon several Gentlemen who had always religion in their mouths, and who yet were staunch supporters of the present system. With their eyes turned up and their hands turned out, they were perpetually exclaiming, ‘Will you not obey the dictates of God? Will, you not acknowledge an over-ruling Providence?’ He should look upon such gestures and such language as sheer hypocrisy, if they did not join in the attempt to abolish a system which led to such continual perjury. The present law did not prohibit the electors from electing as their representatives a fool, a gambler, a seducer of innocence, a liar and a swindler, provided he had the necessary amount of landed property. No matter what his misconduct might be, no matter how ignorant and how illiterate he might prove, the electors

were not prohibited from sending any man who had the necessary property qualification to Parliament—they were only prohibited from electing the moral, and religious, and independent man, who had not the necessary amount of dirty acres. In conclusion, he insisted that there was no use in imposing a pecuniary qualification which was every day evaded, and he therefore hoped that the House would give his hon. Friend leave to introduce his Bill abolishing qualifications for Members of Parliament altogether.

Lord *F. Egerton* observed, that the hon. Member for Middlesex had laid down the proposition that whoever was fit to be an elector was also fit to be elected. Now, if that were true, the converse of his proposition was not unlikely to be true also—namely, that as the qualification of the elected was abolished, the same rule ought to be applied to the qualification of the elector.

Mr. *Hume*, in explanation, observed, that what he had said was, that the persons qualified to elect might, if the electors thought fit, be elected.

Lord *F. Egerton* had understood the hon. Member to say so, and was arguing that the effect of his proposition was to do away with the qualification of the electors, as well as with that of the elected. The one proposition followed as a corollary from the other, and that being the case, he should oppose the introduction of the present measure, as it looked like the first step to universal suffrage.

Mr. *O'Connell* said, that when universal suffrage should be proposed to the adoption of the House,—and he hoped that it would soon be proposed to its adoption,—the argument against it must be founded on stronger reasons than the imaginary fears expressed by the hon. Members opposite, if they intended it to prove successful. He should certainly support the present motion. Scotland had at present no pecuniary qualification. Ireland had no pecuniary qualification up to the period of the Union. England had no pecuniary qualification in the reign of the Edwards, the Henries, the Charleses, and the Jameses; and it was not till the glorious reign of Queen Anne that it was imposed. It was introduced at that time for party purposes, was it right to keep it up for party purposes now? It had been said that “mischief was so precious a thing that it ought not to be thrown away or wasted needlessly.” He would say to the

hon. Member for Durham, who had that evening made what he called his first attempt at opposition, that opposition was so precious a thing that it ought not to be wasted or thrown away upon any measure affecting the rights of those whom he had been pleased to call the “lower orders,” and whom the hon. and learned Member for Oxford had styled the *canaille*. All Englishmen were equal in the eyes of the law. What Englishman was, or could be, lower than the hon. Member for Durham?

Mr. *Arthur Trevor* asserted, that he had not said one word in his speech about the lower orders.

Mr. *Maclean* admitted that he had used the word “*canaille*,” but the House knew well what he meant by it. Was there not a *canaille* in every country?

Mr. *O'Connell* appealed to the speech of the hon. and learned Member for Oxford, in support of his notion, that the hon. Member for Durham had used the words “lower orders.” He repeated, that the hon. Member had talked about the lower orders. He believed that the hon. Member had also said, that there was a tag-rag and bob-tail.

Mr. *Arthur Trevor*: I appeal to you, Mr. Speaker, whether the hon. and learned Member for Kilkenny is authorised by the usages of Parliament, in imputing to me *ad libitum*, expressions which I never used, and which I have already disclaimed. I did not speak of the lower orders. What I said was, that one of the evils likely to accrue from the introduction of the present measure was this—that a mendicant in the streets might be—I did not say that he would be—sent into this House to legislate for those who had millions of property. I never used any such expression as tag-rag and bob-tail. The phrase belongs to the hon. and learned Member's own vocabulary.

Mr. *O'Connell* admitted that he might have been mistaken on the point; but, if so, his mistake had also been shared in by the hon. and learned Member for Oxford. [Mr. *Maclean*: “No.”] The hon. and learned Member for Oxford, however, admitted that he had used the word, “*canaille*.” Now he objected to the use of the word “*canaille*” quite as much as he did to the words “lower orders.” It was an expression which ought not to be applied to any portion of the freemen of England. He wanted a plain answer to

this question—"Does the possession of a pecuniary qualification increase the moral value of the party enjoying it?" He also wanted to know whether there was not a tendency in human nature to respect wealth, and whether wealth had not a preponderating influence, when it was directed against the rivalry of the poor? The wealthy man, in a contest with the poor man, had inducements to offer which were not within the poor man's reach. Was it not then clear, that if the poor man succeeded against the rich man, in a popular election, he must compensate by the higher qualities of talent and virtue for his want of wealth? If elected under such disadvantages, would he not enter the House with a stamp of merit impressed on him, by his constituents raising him high above the standard of mere wealth? He contended, that they ought to leave to the people of England the same unrestricted choice of representatives that was now enjoyed by the people of Scotland. Had the hon. Members opposite, who, in their eagerness to get up Conservative operative societies, had found it expedient to court and flatter the "*canaille*"—had those hon. Members a right to place themselves in the gap, and say, "a Bill for abolishing pecuniary qualifications for Members of Parliament shall not be brought in?" Such language was not couched in that spirit of courtesy which the hon. Members opposite had displayed of late towards the people, for the purpose of cajoling them out of their votes. He advised them not to set the people again at defiance, by stating that, however intelligent, however moral, and however virtuous they might be, they should have no entrance into that House, unless they were blessed with the gifts of fortune. He hoped that the hon. Gentlemen opposite would allow this Bill to be brought in.

Lord John Russell said, that he had certainly come down to the House prepared to support the motion of the hon. Member for Cornwall, had it been couched in the same terms in which it was entered in the order-book—that is, had it been a Bill to amend, and not to abolish, the laws with regard to the property qualification of Members of Parliament. He had come down prepared to contend, that it was not expedient to make laws which you did not wish, and which you did not expect to be obeyed. No one, he believed, now thought it necessary that a Member of Parliament

for a city or borough should possess 300*l.* a-year in landed property. All seemed to be agreed that a merchant worth 500,000*l.*, should have a right to sit in the House, even though he were not in possession of an acre of land. He did not think it expedient that they should hold out to the country, that they were determined to retain on the statute-book a law, which was, or might be, the constant subject of evasion. Besides, the present law was not a part of our ancient constitution. He believed that our cities and boroughs anciently sent to Parliament as their representatives, men who were, strictly speaking, citizens and burgesses, and who, as such, followed some trade or profession, and were not persons enjoying a landed qualification. How had the change with respect to qualification been brought about? It was effected in the reign of Queen Anne, owing to the jealousy which then unfortunately prevailed between the landed and the trading interest. The trading interest was known to be favourable to the Hanoverian succession, and to those principles of liberal policy which did not suit the taste of the landed gentry. To check the increase of the trading influence, the landed interest introduced into our Parliamentary system an innovation, whereby the citizens and burgesses representing our cities and boroughs were no longer citizens and burgesses in the strict sense of the term, but gentlemen with landed qualifications. He thought that it would be a great improvement, if the House were to adopt some such amendment of the law of qualification, as that which had been proposed by the hon. Member for Bridport. It scarcely ever happened that a Gentleman took his seat in that House, without being in possession of some property, but it happened very often, that gentlemen took their seats in it in consequence of evading, and, he might even say, of committing a fraud upon, the law. He therefore agreed with the hon. Member for Bridport, that it would be better to amend the law relating to the pecuniary qualification of Members of Parliament, than to abolish it altogether. He did not apprehend that any great evil would ensue, even if the property qualification were to be abolished altogether, for he believed that the sense of the people of England might fairly be trusted with the election of their representatives. He thought it, however, better to have a Bill

introduced, amending the present law of qualification, in which the changes necessary to be made might be considered in detail in the Committee, than to have the property qualification abolished at once altogether. That being his opinion, he could hardly bring himself to vote for the motion of the hon. Member for Cornwall, in its present form.

Sir William Molesworth said, that the terms of the motion, of which he had given notice, had been erroneously entered in the order-book. There had been some mistake about them; for he had never intended to bring in any other Bill than that on which his motion was founded, and that was a Bill for abolishing the property qualification altogether.

Mr. Charles Buller recommended his hon. Friend, the Member for Cornwall, to adopt the suggestion thrown out by the noble Lord, at the head of his Majesty's Government, as it was likely to lead to a practical result, and, as the present was not a time for disputing about the splitting of straws, he thought that there ought to be as few lies on the statute-book as possible, and this Property Qualification Act was a very great lie indeed. The proposition of the noble Lord opposite, as to the necessity of electors being without qualification if the elected were, was a striking *non sequitur*, and amounted to as great an absurdity as the proposition of Dr. Johnson—

“Who drives fat oxen should himself be fat.”

Gentlemen on the other side of the House seemed to think, that a Member of Parliament who had little or no property, could not be honest. Now, in the course of his short political life, he had met with some dishonest politicians in that House, and he must say this, that some of the richest men in Parliament, had been the dirtiest and shabbiest fellows in politics that he had ever known. He might not be a disinterested witness on this point, as he himself was known to be a poor man.

Viscount Ebrington also recommended the hon. Member for Cornwall to adopt the suggestion of his noble Friend below him, and to bring in a Bill in conformity with the terms in which his motion was entered in the order-book. At the same time, if the hon. Member for Cornwall were not prepared to accede to that suggestion, he should be prepared to give his vote in favour of the hon. Member's present proposition. In former times, when

Peers of Parliament nominated Members for cities and boroughs, at their pleasure, and when one facetious Peer threatened to send his black servant as a Member into that House, a property qualification might have been of some service; but it could not be of any service now that the people had recovered their place in the constitution, and were enabled to choose their own representatives. When he knew that men of high honour, but of small fortune, did not scruple to accept a property qualification from their friends, and to swear at the table that they had a sufficient property qualification, although they had taken it on the express understanding that they were not to touch any portion of its proceeds,—when he knew that there had been hundreds of such cases in former Parliaments, and that there might be hundreds of such cases in this Parliament, he could not refrain from thinking that it was high time to make a change in the law on the subject. If he wanted another reason for getting rid of this strange anomaly in the law of England and Ireland, he could find a sufficient one in the example of Scotland. He would ask, what Members of the House were better qualified to perform their Parliamentary duties, what Members were more enlightened or more independent, than those who were sent to them from Scotland, and from whom no pecuniary qualification was demanded? Considering the present law, then, to be mischievous in its effects, and to be still more mischievous, in being deemed, by common consent, inoperative, he should certainly vote in favour of the motion of the hon. Member for Cornwall, in case he pressed it to a division. Before he sat down, he could not help calling upon the House to look at some late proceedings of their own. It was not more than three or four nights since a Committee had been appointed to inquire into the fabrication of fictitious votes in Scotland. Now, with what consistency could they examine into the fabrication of fictitious votes, on behalf of the electors, when they refused to entertain a measure for getting rid of fictitious qualifications on the part of the elected?

Mr. Wakley should not have said a word upon the present occasion, had it not been for an expression which had fallen from the hon. Member for Durham. That hon. Member, in opposing the introduction of this Bill, had asked this ques-

tion—"Why are we sent here? Are we not sent here to protect the landed, and the monied, and the commercial interests of the country?" What a question was that for a legislator to ask! Was that all that hon. Members were sent to that House for? Were they not sent there to protect the rights and liberties of the people of England? [*Hear! hear!*] The hon. Member for Durham cried "Hear, hear," but these were points which the hon. Member had entirely forgotten and omitted from his speech.

Mr. Arthur Trevor rose to order, but

The *Speaker* informed him, that it was not in his power to enter into any explanation of his words then, without the leave of the hon. Member for Finsbury, who was in possession of the House. When that hon. Member had concluded his observations, then would be the time for the hon. Member for Durham to explain.

Mr. *Wakley* would intimate to the hon. Member for Durham, that the people required their rights and liberties to be protected in that House, and what rights were more important than the rights of labour? and yet they were wholly unrepresented in that House. He repeated, that they were unrepresented in that House. Why, were not the working men of this country in a constant state of anxiety, from the belief that they were wronged in that House, and that they had no one scarcely in it to champion their cause? He should be glad to see some working men sitting in that House—for sure he was, that the country would never be in a permanent state of peace until some working men did sit within its walls. If such men had seats in that House, they would learn something of the difficulties which obstructed the course of legislation, and having acquired that knowledge, would communicate to their friends out of doors, the various obstacles which stood in the way of making good, sound, and useful legislation. There were not thousands, but millions, of workmen, who felt that they were not adequately represented in that House. Why, he would ask, was 300*l.* a-year fixed as a property qualification for a Member of Parliament? Because it was supposed that those who had 300*l.* a-year within, would sympathise with those who had 300*l.* a-year without the walls of Parliament. He was astounded that the hon. Gentlemen opposite, who had made such immense exertions during the autumn to

get up Conservative operative associations,—in which he could say, from his own knowledge of the feelings of the working classes, that they had miserably failed,—he was astounded, he repeated, that those hon. Gentlemen should not exhibit some sympathy with the working classes, by allowing the introduction of this Bill, which would operate so much to their advantage. He hoped, notwithstanding what had fallen from the noble Lord, that he should, upon reflection, be induced to vote for the motion of the hon. Baronet. The noble Lord would find himself grossly deceived, if he thought that the course he was pursuing could conciliate Members on the other side of the House; such a course could not conciliate enemies, and was greatly calculated to shake the confidence of friends. Its effect upon the people would be, to excite in their minds a feeling that they had been betrayed, and he did not hesitate to say, that until a radical change took place in the constitution of that House, the opinion would be very generally entertained out of doors, that the people were not fairly represented.

Mr. *A. Trevor* begged to say, that he had described that House as representing the landed, the commercial, and the monied interests of the United Kingdom; and, he added, that hon. Members were bound to protect the rights, privileges, and immunities of those who had sent them to Parliament.

Sir *W. Molesworth* briefly replied, he could not comply with the request of the noble Lord; but, under the influence of a strong feeling of duty, must take the sense of the House on the question which he had brought under its consideration. He should call upon the House to pronounce its decision upon the broad principle involved in his motion. He should call upon them to determine whether the free choice of intelligent men did not constitute a better qualification to sit in that House, than the possession of any amount of property.

The House divided on the original motion:—Ayes 104; Noes 133: Majority 29.

List of the AYES.

Adam, Admiral
Attwood, T.
Bagshaw, John
Baines, Edward
Barclay, David
Barnard, E. G.

Beauclerk, Major
Bernal, Ralph
Blackburne, John
Blake, M. J.
Bodkin, J.
Bowring, Dr.

Brabazon, Sir W.
 Brady, D. C.
 Bridgman, Hewitt
 Brotherton, J.
 Buckingham, J. S.
 Buller, Charles
 Bulwer, Edw. E. L.
 Butler, hon. P.
 Campbell, Sir J.
 Chalmers, P.
 Chichester, J. P. B.
 Clay, W.
 Divett, E.
 Duncombe, T.
 Ebrington, Lord
 Elphinstone, H.
 Ewart, W.
 Fion, W. F.
 Fitzsimon, C.
 Fort, John
 Gaskell, Daniel
 Gillon, W. D.
 Grattan, Henry
 Grote, George
 Gully, John
 Half, B.
 Hastie, A.
 Hawes, B.
 Hawkins, J. H.
 Hector, C. J.
 Holland, Edward
 Hume, J.
 Hutt, W.
 James, W.
 Jervis, John
 Lister, E. C.
 Lushington, Charles
 Lynch, A. H.
 M'Leod, R.
 Maher, John
 Marjoribanks, S.
 Marshall, William
 Marsland, Henry
 Mullins, F. W.
 Murray, J. A.
 Nagle, Sir R.
 O'Brien, C.

O'Connell, D.
 O'Connell, J.
 O'Connell, M. J.
 O'Connell, Morgan
 Oliphant, Lawrence
 Ord, W. H.
 Oswald, James
 Palmer, Gen.
 Parrott, Jasper
 Pattison, J.
 Philips, Mark
 Ponsonby, hon. J.
 Potter, R.
 Poulter, J. S.
 Power, J.
 Pryme, George
 Roche, William
 Roche, D.
 Roebuck, John A.
 Ruthven, E.
 Scholefield, Joshua
 Sharpe, General
 Steuart, R.
 Strangways, hon. J.
 Strickland, Sir G.
 Strutt, Edward
 Stuart, Lord D.
 Stuart, Lord J.
 Stuart, V.
 Talfourd, Sergeant
 Tancred, H. W.
 Thompson, Colonel
 Thornley, Thomas
 Tulk, C. A.
 Villers, C. P.
 Wakley, T.
 Walker, C. A.
 Wallace, Robert
 Warburton, H.
 Ward, H. G.
 Whalley, Sir S.
 White, Samuel
 Wilks, John
 Williams, W.

TELLERS.

Molesworth, Sir W.
 Leader, J. T.

List of the NOES.

Ainsworth, P.
 Alston, R.
 Ashley, Lord
 Attwood, M.
 Bailey, J.
 Barclay, Charles
 Baring, Francis T.
 Baring, T.
 Beckett, Sir J.
 Bentinck, Lord G.
 Bethell, Richard
 Bewes, T.
 Blackstone, W. S.
 Bonham, R. Francis
 Borthwick, Peter
 Bramston, T. W.
 Brownrigg, S.
 Bruce, C. L. C.

Byng, G. S.
 Canning, hon. C.
 Canning, Sir S.
 Chisholm, A.
 Clerk, Sir G.
 Clive, hon. R. H.
 Colborne, N. W. R.
 Cole, hon. A. H.
 Collier, John
 Compton, H. C.
 Conolly, E. M.
 Corry, hon. H. T. L.
 Cowper, hon. W. F.
 Crawley, S.
 Dalbiac, Sir C.
 Donkin, Sir R.
 Duffield, Thomas
 Duncombe, hon. W.

Eastnor, Viscount
 Eaton, Richard J.
 Egerton, Lord Fran.
 Fancourt, Major
 Fector, John Minet
 Fielden, W.
 Fitzsimon, N.
 Fleetwood, Peter H.
 Follett, Sir W. Webb
 Forster, C. S.
 Freshfield, J.
 Gaskell, J. Milnes.
 Gordon, R.
 Graham, Sir J.
 Greene, T.
 Grey, Sir G.
 Grimston, Viscount
 Grimston, hon. E. H.
 Halford, H.
 Halse, James
 Hamilton, Lord C.
 Handley, H.
 Hardy, J.
 Harland, W. Charles
 Heathcote, G. J.
 Henniker, Lord
 Hinde, J. H.
 Hodges, T. L.
 Hogg, James Weir
 Hotham, Lord
 Howard, R.
 Howard, P. H.
 Howick, Viscount
 Humphrey, J.
 Jackson, Sergeant
 Jephson, C. D. O.
 Jones, T.
 Irton, Samuel
 Kerrison, Sir Edw.
 Kirk, Peter
 Knight, H. G.
 Law, hon. C. E.
 Lawson, Andrew
 Lefevre, C. S.
 Lefroy, Anthony
 Lefroy, Thomas
 Lewis, David
 Longfield, R.
 Lucas, Edward
 Lygon, hon. Gen.

Mackinnon, W. A.
 Maule, hon. F.
 Miles, William
 Mordaunt, Sir J., Bt.
 Nicholl, Dr.
 Norreys, Lord
 North, Frederick
 O'Ferrall, R. M.
 Ossulston, Lord
 Parker, John
 Patten, John Wilson
 Perceval, Col.
 Philipps, Charles M.
 Plumtre, John P.
 Pringle, A.
 Reid, Sir J. R.
 Richards, J.
 Richards, R.
 Rickford, W.
 Robinson, G. R.
 Ross, Charles
 Rushbrooke, Col.
 Russell, Lord J.
 Sanderson, R.
 Sandon, Lord
 Scott, Sir E. D.
 Scourfield, W. H.
 Shaw, rt. hon. F.
 Sheppard, T.
 Shirley, E. J.
 Somerset, Lord G.
 Stanley, E. J.
 Stewart, John
 Sturt, Henry Charles
 Trevor, hon. G.
 Troubridge, Sir T.
 Vere, Sir C. B., Bt.
 Vesey, hon. T.
 Vyvyan, Sir R. R.
 Walter, John
 Williams, Robert
 Wilson, H.
 Wood, Colonel
 Worsley, Lord
 Wortley, J. S.
 Wynn, rt. hon. C. W.
 Young, G. F.

TELLERS.

Trevor, hon. A.
 Maclean, D.

PATENT LAWS.] Mr. Mackinnon moved for leave to bring in a Bill to alter and amend the Patent Laws, and for better securing to individuals the benefit of their inventions. He would first remind the House of the importance in a commercial and manufacturing country of stimulating ingenious and enterprising men to devote their minds to improved means of practising the useful arts, and of otherwise promoting social advancement by their inventions. It was scarcely necessary for him to suggest that facilitating the acquisition of patents was amongst the most

effective modes of advancing the best interests of society. He admitted, that notwithstanding the imperfect condition of the law of patents, there had been a vast accumulation of ingenious inventions, but he desired to know why any penalty or inconvenience should attach to the acquisition of a patent beyond what was barely necessary, especially in a country the prosperity of which so materially depended upon the encouragement of ingenuity and enterprise. Some years ago, it was said, that the weight of the public debt would for a long time to come, so oppress the energies of England, that she could never again hope to see prosperous days. We now owed 800,000,000*l.* of debt, yet we were prosperous, and why? It was surely no sudden improvement of our soil, no unexpected acquisition of territory. It was chiefly effected through the wonderful improvements which had been made in our manufactures, and if the Legislature denied that facility to the taking out of patents, which clearly ought not to be denied, they must abandon the hope of that further extension of improvements by which alone our commercial and manufacturing eminence could be maintained at its present level. There was no express statute according to which patents might be granted—he meant that the granting of them did not rest upon a foundation of statute law, for the statute of James I*st.*, merely went to enable the King to relax existing monopolies, and to grant certain privileges for twenty-one years. The expense which attended the taking out of patents, at present, was enormous, and ought to be lessened. When an individual wanted to protect any right to which his inventions fairly entitled him, it was necessary that he should present a petition setting forth that the invention was his own; it then became requisite, that he should obtain a warrant under the King's sign manual, and to get this he had frequently to go about from office to office, and be exposed to a vast amount of trouble for a period varying from six to eight months, and before he could extend his patent rights to Great Britain, Ireland, and the colonies, he must be at an expense of from 350*l.* to 360*l.* It was really very hard that a public benefactor, for inventors of the class to whom he referred were public benefactors, should have for so long a time to dance attendance after the Attorney-General, a public functionary

who, besides his other official duties, had his attention distracted by the claims of his clients, of his constituents, and of his duties in the House of Commons. The change which he proposed to introduce would embrace the appointment of three Commissioners by the Crown, with power to receive, consider, and decide upon petitions for patents to be granted with the King's sign manual, those Commissioners having power to make, with the sanction of the Lord Chancellor, such bye-laws relative to expediting the grant of such patents as from time to time they might see necessary. The hon. Gentleman read an extract from the evidence given by Mr. John Smith, a Sheffield manufacturer, before the Committee on arts and manufactures, in which the system of piracy practised by certain individuals connected with the Sheffield trade was strongly reprobated, and in which it was further alleged, that the manufacturers must give up their patents altogether, unless legislative protection be extended to them. The hon. Gentleman also proposed, that the same gentleman, in whom would be vested the power of conceding patents, should be also Commissioners for granting licences to persons who were the inventors of original designs, models, drawings, and casts; and that they should have the power of opening a gallery, in which such designs, models, &c., should be exhibited to the public; that a certain sum (say 1*s.* or more) should be charged to the public for liberty to inspect the contents of this gallery; and that the individuals applying for such licence be liable to an expense of from 8*l.* to 10*l.* for registering such designs, casts, and drawings. Upon the registry being made, and the specified sum paid by the applicant for a licence, he proposed that a certificate should be given to him, by virtue of which he would enjoy the exclusive right to his invention for one year, and obtain the advantage of having it exhibited for a season. Such a plan as this, he thought, if adopted, was likely to bring a larger sum into the Exchequer. It was a portion of his plan to give compensation to those who now received fees upon the registration of patents. At present he believed that the amount paid on patents, in stamp duties, and other duties was, on an average for the last ten years, 9,950*l.* a year. Assuming that it was 10,000*l.* a year, and the amount of perquisites 20,000*l.* the

whole amount for which compensation was to be given was 30,000*l*. That was the whole amount for which the Commissioners could be called upon by the Chancellor of the Exchequer and others. He believed, that, under the plan laid down in his Bill, the Commissioners would receive, not 30,000*l*. but 120,000*l*. a year. Assuming that the expense of the Commission, the payment of the secretary and other officers, the maintenance of the gallery and other items, amount to 10,000*l*., then there would be 40,000*l*. to be deducted, and 80,000*l*. left for the benefit of the public. It was, he thought, of the utmost importance, that some such a measure as this should be adopted, but while he proposed it he was perfectly conscious it never could be carried without the co-operation of his Majesty's Government. The hon. Member concluded by moving for leave to bring in a Bill to alter and amend the patent laws, and for the better securing to individuals the benefit of their inventions.

The *Attorney-General* did not rise for the purpose of opposing the motion. He felt the importance of the subject; and he was one who considered it most desirable that those who made discoveries, and were the authors of new inventions, should have an easy manner of availing themselves of their discoveries, and the full benefit of their inventions. At the same time, he begged to assure the hon. Member, that there had been for some time a commission appointed by his Majesty's Government, and which was presided over by the hon. Member for Chester, the attention of which was directed to this subject. He believed that without any expensive establishment, such as that which had been suggested, the machinery which was now in existence would be perfectly effectual. He thought that whatever sum was to be paid should be paid at one office, and upon that being done the patent to be taken out. He intended to examine the Bill with candour, but he thought from what he had heard of it, that he could hardly give it his support, however anxious he was to remove the evil of which such just complaints were made.

Dr. *Bowring* thought this a subject of the greatest importance. There could be no doubt that the present patent-law required many extensive changes. He was afraid that the machinery proposed by the hon. Gentleman (Mr. Mackinnon)

could not be rendered available for this purpose. The Bill appeared to him to proceed upon an erroneous principle; and he thought that the machinery would be cumbrous, inefficient, and, at the same time, very expensive. If patents were to be protected at all, they should meet with a quick and safe protection. Nothing could be done with the present machinery and the present tribunals, and he thanked the hon. Member for calling the attention of the House to the subject.

Mr. *Ewart* was also of opinion that the fees upon the registration of patents, &c., were too expensive as proposed by this Bill. The defects of the Bill, however, had better be discussed in a future stage.

Leave given. Bill brought in, and read a first time.

CASE OF MR. DILLON.] Mr. *Hardy*, pursuant to notice, begged to call the attention of the House to the case of Mr. John Dillon, from whose petition it appeared, that in the year 1822 he was a coast-guard officer in the county of Cork, in Ireland. While there, he was the means of capturing a smuggling vessel off the port of Kinsale. It was stated that, on the night of the 2d of February, 1822, he discovered a vessel which he believed to be a smuggler, off the coast, and he put off two boats, the one with four oars, the other with six, to ascertain in what circumstances she was. On coming near to where she was, it was found that there were forty or fifty hands on board, and with that force Mr. Dillon found himself unable to contend, at all events, to such an extent as to attempt boarding the vessel; but he kept his boats at a little distance, and he threw in several shots which obliged the commander to put into Kinsale, where she was seized by the Custom-house officers, condemned, and sold for a sum of 53,000*l*. Mr. Dillon upon this, put in his claim for salvage, and he was told, that until the decision of an appeal against the condemnation of the vessel, he could not have a decisive answer. In that suit persons were examined who were not of the six-oared boat, in which Mr. Dillon himself was, but of the four-oared one which was in his company. The appeal failed, and when Mr. Dillon again applied, he was told that complaints were lodged of his conduct in the transaction by some of the crew of his boats, yet he was upon the fullest inquiry acquitted. However, he

pose a clause to the effect, that in case of any contract not being completed in the specified time, notice should be given to the contractor; and if, after ten days, he should confess or deny the charge, it should be competent for a jury, at the General Sessions, to assess the amount required to complete the contract, and levy it on the sureties. That, he thought, would give the jury a grand remedy.

Clause agreed to.

Bill read a third time and passed.

HOUSE OF COMMONS,

Wednesday, February 15, 1837.

MINUTES.] Bills. Read a second time:—Court of Chancery.—Read a first time:—East-India Officers; Charity Commissioners; Shire Halls; Patents for Inventions.

Petitions presented. By Mr. LAW HOBBS, from the Landowners of Kent, for Revision of Tithe Act.—By Sir W. FOLLETT, from the Legal Profession, Somerset, for Repeal of Duty on Attorneys' Certificates.—By Mr. ALDERMAN THOMPSON, from Sunderland, for Municipal Corporations Bill.—By Mr. ROXBURGH, from the Labourers at Romney Iron Works, for Amendment of Poor-law Act.—By Mr. CLIVE, from Funkeopers and Publicans in Salop, for Consolidation of all laws that govern their Trade.

VOTES OF MEMBERS.] Mr. *Harvey* felt it his duty, as well to his constituents as to the House, to call attention to the irregularities which occurred in printing the lists of votes given by hon. Members. These mistakes and omissions were extremely to be deprecated, inasmuch as the whole value of the lists depended on their correctness, the constituents of hon. Members being anxious to ascertain exactly how they divided. He had attended in his place the whole of last evening, and had voted in favour of the motion of the hon. Member for East Cornwall, yet his name did not occur in the votes. He hoped that some means would be adopted to prevent the recurrence of these irregularities.

The *Speaker* thought, that the irregularities which now occasionally occurred might be obviated if each hon. Member were to mention his own name as he came into the House on a division.

Mr. *Harvey* could only say, that he had announced his name last night, most emphatically, both going out and coming in.

MARLOW CHURCH RATES.] Sir W. R. Clayton rose to present a petition from the large and populous parish of Marlow, Bucks, signed by 434 persons of the greatest respectability, and praying the

abolition of church-rates; and more especially that, as the House was now about to legislate on the subject, a serious consideration should be given to the very heavy and grievous burden under which they now suffered, in consequence of an Act which passed the House in April, 1831, which directs the churchwardens and trustees for building a new church at Marlow to raise an annual rate of two shillings in the pound for forty years for this purpose, being six times as much as the rate levied for other purposes. This additional burden they positively could not pay; and they humbly and respectfully prayed the House to take this case, and the case of other parishes similarly situated, into their consideration. The petitioners already contributed to the Dean and Chapter of Gloucester, a sum arising from tithes, of 942*l.* per annum, besides property belonging to other Dean and Chapters, amounting in the whole to 1,679*l.* 4*s.* 6*d.* That the rectory and advowson was granted by Edward 1st, on the dissolution of the monastery of Tewkesbury, to the Dean and Chapter of Gloucester, on the condition of their keeping in complete repair the chancel, premises, &c., not one farthing of this sum had the Dean and Chapter contributed, and they had repeatedly refused their aid. The petitioners humbly hoped, that the conditions might be enforced, and that a fair proportion should be allotted of the 942*l.* per annum, towards the expenses of building the church.

MUNICIPAL CORPORATIONS (ENGLAND).] Mr. Alderman *Thompson* presented a petition from Sunderland, praying the inconveniences suffered by the burgesses from the operation of the Municipal Corporation Bill might be remedied by the Bill for amending that Act about to be introduced. They had a charter as far back as the 12th century, which had been renewed in the year 1634; but the election of mayor and aldermen had gradually fallen into desuetude, and when the Municipal Corporation Bill passed, the corporation consisted of freemen only. On proceeding to the election under that Bill, they had appointed the head freeman presiding officer, the competency of which officer was afterwards questioned, and great expense thereby incurred. There were 50,000 inhabitants who were anxious that municipal rights

should be exercised by the borough. A public meeting had also been held in its favour, and out of 1,400 burgesses on the burgess-roll, 1,200 had signed the petition; of the remainder there were 130 absent or sick, who were favourable to it, so that he might say, that both burgesses and inhabitants were unanimous in wishing that the Municipal Corporation Act might be so amended as to repress the vexatious course of legal proceedings which had been adopted, and confer on them the privileges to which the House had declared them entitled.

Petition laid on the table.

Sir *E. Knatchbull* had a petition of great importance, both as regarded the law and the petitioners, to present before the House should resolve itself into Committee on the Municipal Corporations Bill. He was also desirous of drawing the attention of his Majesty's Ministers to this subject, and he therefore regretted, that although it was five o'clock, that not one of them was present except the right hon. Baronet, the President of the Board of Control, to whom he thought it would not be right to appeal. This petition was from certain burgesses of Hythe, in Kent, and he trusted that his Majesty's Ministers would deem it necessary to relieve them. The main point in the petition was this,—there were fifteen persons in Hythe who had claimed to have their names inserted in the burgess roll, but whose applications had been rejected. These persons applied to the Court of King's Bench, which on looking into the law declared itself unable to assist them; the wrong done to these persons was therefore unredressed, and from that House they expected redress. It would be in the recollection of the House, that all persons rated to the poor, and paying a certain amount of rates, were eligible: now the petitioners had made their claim, but were rejected; not, however, because they had not paid their rates, not because the amount of rates paid was insufficient to qualify, not because the notices had not been duly made, but because with those notices the Reform Act shilling had not been tendered. Now, see the importance of this case, those fifteen persons could have turned the election of mayor, nay, they actually would have turned it. They had got no redress, and he doubted not most properly so, from the Court of King's Bench, and he hoped that House would

give it them. There were two or three other points, though this was the main one, which he would not press were it not for the *animus* of the party which they exhibited.

Mr. *Roebuck* rose to order; if other hon. Members were prevented from speaking by the rules of the House, why should the right hon. Baronet be exempted?

Sir *E. Knatchbull* was the last person in the world to interfere with the rules of the House, but when he found that parties had suffered injustice for which they could obtain no redress by the ordinary methods, he certainly would stand forward to obtain them that redress from the House of Commons. He wished to find whether it was the intention of the hon. and learned Gentleman or of Government, to introduce into the Bill about to be committed any provision for the redress of the grievances under which the petitioners and others in similar situations were now labouring. He would move that the petition be printed; and unless the hon. and learned Gentleman contemplated some provision on this subject, he should take an early opportunity of calling the attention of the House to the question.

The *Attorney-General* said, the petition was a highly proper petition to be presented, and to be submitted to the consideration of the House. But it was not his intention to enter upon the subject of that petition on the present occasion; it did not fall within the scope of this Bill, which related to an entirely different subject. With respect to the decision of the Court of King's Bench, it might possibly, he conceived, be erroneous. At all events, he was aware that these abuses had existed for some time in the borough of Hythe, and that complaints had been made against the officers of that corporation. But the proper remedy would be obtained by means of a criminal information. He was ready to co-operate most earnestly with the right hon. Baronet in any measure that would prevent these abuses; and it was his intention to introduce a clause in the Bill which would have the effect of putting a stop to the very expensive and vexatious litigation which had arisen out of cases connected with the working of the Municipal Corporations Act. To that clause no opposition would, he anticipated, be offered in that House, nor, he believed, in

to be registered as burgesses in the borough of Hythe, had been omitted from the burgess roll by the mayor. If there were no remedy for this, and if the matter were of such a simple nature, why did not his hon. and learned Friend, the Member for Exeter, introduce a clause in Committee to remove the ground of complaint, instead of then getting up a discussion? He was sure if the remedy were so simple, it would at once receive the sanction of all parties; but he trusted that the Attorney-General would not consent to postpone the progress of his Bill, for every day was a matter of importance in checking the present expensive litigation.

Mr. *Cresset Pelham* contended, that his Majesty's Government, who introduced the Municipal Corporations Act, were answerable for evils such as had been complained of, that had grown up through its operation, and they were bound to supply a remedy. The Municipal Bill had promoted in every place where it had been in operation the most objectionable party spirit.

Sir *Edward Knatchbull* trusted that there would be no objection to the bringing up the petition, and having it printed with the votes. He would draw up a clause such as had been suggested by his hon. and learned Friend (Sir W. Follett), who he trusted would render him his able assistance for the purpose. If then the present clauses of the Bill went through the Committee, he trusted that the Attorney-General would consent to the Chairman reporting progress, and asking leave to sit again, when he (Sir Edward Knatchbull) would introduce his clause.

The Attorney-General could not consent to any such arrangement, as the right hon. Baronet could introduce his clause on the report being brought up. He should be happy to render him any assistance in his power in drawing up the clause.

Petition laid on the table.

The Order of the Day for the House to go into a Committee on the Municipal Corporations Act Amendment Bill was read.

Sir *Robert Peel* would avail himself of that opportunity, before going into Committee, of asking a question of the Attorney-General with reference to the Municipal Corporations Act. That Act directed that the town-clerk of every

borough should make out a list of all persons who, at the time of passing the Act, had been admitted burgesses or freemen, and that their rights should be respected; it also directed that all persons who should hereafter become entitled to be admitted burgesses or freemen, and who should claim to be admitted, should, on establishing their claims, be enrolled in the list of freemen for the borough. There was, however, a third class of persons, with respect to whom it did not appear that any provision was made: he meant persons who were entitled and duly qualified to be enrolled before the passing of the Act, but who had not had their names inserted in the burgess-roll. Instances had occurred where persons thus situated had been refused when they applied to be enrolled as freemen. He knew of a case in point, where the presiding officer of a corporation had refused to acknowledge such persons as freemen because they had not been registered before the passing of the Act. He thought that some provision should be made for such cases; at any rate if there were any doubt, the law ought to be made clear on the subject.

The Attorney-General thought that in such cases as had been stated by the right hon. Baronet there could be no doubt as to the right, and that the claims of the freemen must be allowed. If it were admitted that all existing freemen should retain their rights, and that all hereafter entitled should also be enrolled, it was likewise evidently intended that those persons entitled to be enrolled as freemen, but who had not been so registered, should have their rights preserved. He was not aware that there was any doubt on the subject, but he would turn his attention to the point, and take steps to meet the case alluded to by the right hon. Baronet.

Sir *Robert Peel* was perfectly satisfied with the explanation of the hon. and learned Gentleman. If he looked at the 5th clause of the Act he would at once see the point.

Mr. *Scarlett* objected to proceeding with Acts of Parliament which were merely intended to prevent the friends of the Government feeling the effects of their own negligence. This was a most objectionable mode of proceeding.

Sir W. *Follett* was at a loss to understand the object in view in introducing

the last clause into the Bill; he trusted, therefore, his learned friend would explain it before the House went into Committee. By one of the clauses of the Municipal Act, if the inhabitant householders of any town in England and Wales petitioned the King to grant to them a charter of incorporation, the King, by the advice of his Privy Council, was empowered to extend the powers and provisions of the Act to such place. The last clause of the Bill before the House states, that "it shall be lawful for his Majesty, if he shall think fit, by the advice of his Privy Council, to grant and extend to the inhabitants of any town or borough in England and Wales, in the manner provided by the Act, all the powers and provisions contained in it, although such town or borough may or may not be a corporate town or borough, or may or may not be named in the schedules to the said Act for regulating corporations." If it was intended by this to alter the provisions of the Municipal Corporations Act, by which it was rendered necessary that the inhabitants of a town should petition for a charter of incorporation before the provisions of the Act could be extended to them, and to enable the Crown without any such application to confer a charter, he thought that the proposition was objectionable. If his hon. and learned Friend, the Attorney-General, intended to make such an important change in an Act of Parliament, he ought to have stated it to the House. He could not understand the clause if it were not intended to allow the King to grant a charter to a town without the permission of its inhabitants.

The *Attorney-General* thought, that it would be more convenient to discuss the details of the Bill in Committee. The object of the clause, however, was to enable the King to grant charters to towns which were included in the Act, or not, as the case might be. Several towns were mentioned in the Act which required charters, but which could not be granted as the law now stood. The case of Sunderland was a remarkable instance of the kind. The clause in the Municipal Corporations Act, referred to by his learned Friend, only enabled the King to grant charters to towns not mentioned in the Act. The consequence was, that the King could not grant a charter to Sunderland, because it had been a corporation before; he could not grant charters to Hereford

or Ipswich, in which places the corporations had been dissolved in consequence of negligence; and the clause was framed with a view to enable the King to grant charters in such cases. Again, there were several places which were now corporations to which the advantages of the Municipal Act could not be extended, because being corporations the King had not the power to grant them charters. The Act could only be extended to such places as Birmingham and Dudley, which were not corporations.

Sir *William Follett* had no doubt that such was the object of his learned Friend, but from reading the clause over nobody could draw such an inference. He presumed there would be no objection to the introduction into the Bill of some restriction, as in the former Act, whereby no place should be incorporated except on petition from the inhabitants.

The *Attorney-General* said, there would be no objection to such a restriction being introduced.

The House went into Committee.

Clauses 1 to 9 inclusive were agreed to.

On clause 10 being put, Sir E. Knatchbull moved that it be postponed.

The *Attorney-General* could not agree to the proposition.

The Committee divided on the amendment:—Ayes 78; Noes 88; Majority 10.

List of the AYES.

Arbuthnot, hon. H.	Fremantle, Sir T.
Bailey, J.	Gaskell, J. M.
Beckett, rt. hon. Sir J.	Gladstone, W. E.
Bell, Matthew	Geary, Sir W.
Bentinck, Lord G.	Gordon, hon. W.
Blackstone, W. S.	Graham, rt. hon. Sir J.
Bolling, W.	Grimston, Lord Visct.
Borthwick, Peter	Grimston, hon. E. H.
Bradshaw, J.	Hamilton, G. A.
Bramston, T. W.	Hamilton, Lord C.
Brownrigg, S.	Hardinge, rt. hon. Sir H.
Bruce, C. L. C.	Hardy, J.
Canning, hon. C. J.	Hind, J. H.
Canning, rt. hon. Sir S.	Hogg, J. W.
Chandos, Marquess of	Houstoun, G.
Chaplin, Colonel	Jackson, Mr. Sergeant
Clerk, Sir George	Inglis, Sir R. H.
Compton, Henry C.	Johnstone, Sir J.
Corry, rt. hon. H.	Jones, W.
Dalbiac, Sir C.	Knatchbull, rt. hon.
Duffield, T.	Sir E.
Elley, Sir John	Knight, H. G.
Fector, John Minet	Law, hon. C. E.
Finch, George	Lawson, A.
Forester, hon. G.	Lefroy, rt. hon. T.
Forster, C. S.	Lincoln, Earl of

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Lowther, J. F.
Maclean, D.
Miles, W.
Miles, P. J.
Nicholl, Dr.
Palmer, R.
Peel, rt. hon. Sir R.
Pelham, J. C.
Pemberton, T.
Perceval, Colonel
Pringle, A.
Richards, J.
Richards, R.
Ross, C.
Rushbrooke, Colonel

Scarlett, hon. R.
Shaw, rt. hon. F.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, Lord
Trevor, hon. A.
Twiss, H.
Vere, Sir C. B.
Vesey, hon. T.
Vyvyan, Sir R.
Weyland, Major
Wortley, hon. J. S.

TELLERS.
Follett, Sir W.
Pollock, Sir. F.

List of the Noes.

Alston, Rowland
Angerstein, John
Anson, hon. Colonel
Attwood, Thomas
Begshaw, John
Baines, Edward
Barclay, David
Baring, F. T.
Barnard, E. G.
Bewes, T.
Biddulph, R.
Bowring, Dr.
Brady, D. C.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bayley, E. S.
Copeland, W. T.
Dalmézy, Lord
Elphinstone, Howard
Fazakerley, John N.
Fitzsimon, Nicholas
Fleetwood, P. H.
Gaskell, D.
Grattan, H.
Grey, Sir George
Grote, George
Gully, John
Harland, W. C.
Hawkins, John H.
Hector, C. J.
Howard, F. H.
Humphery, John
Hutt, William
Ingham, Robert
Lambton, Hedworth
Lefevre, Charles S.
Lister, Ellis Cunliffe
Macnamara, Major
Maher, J.
Marjoribanks, S.
Marsland, H.
Maule, hon. F.
Morpeth, Lord Visct.
Morrison, J.
Murray, rt. hon. J. A.

Musgrave, Sir R.
North, F.
O'Brien, C.
O'Brien, W. Smith
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
Parker, J.
Parry, Sir L. P. J.
Pattison, J.
Phillips, M.
Philipps, C. March
Potter, Richard
Power, James
Rice, right hon. T. S.
Rippon, Cuthbert
Rundle, John
Russell, Lord John
Scott, Sir E. Dolman
Seymour, Lord
Smith, R. V.
Stanley, E. J.
Steuart, R.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Talfourd, Mr. Serg.
Taucher, H. W.
Thompson, Mr. Ald.
Thornley, T.
Townley, R. O.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. K. Kemeys
Villiers, C. P.
Walker, C. A.
Warbarton, H.
Wason, R.
Whalley, Sir S.
Williams, W.
Wood, C.
Young, G. F.

TELLERS.
Attorney General, Mr.
Ward, Mr.

it originally stood vacancies in the council could not be filled up unless those vacancies amounted to two-thirds of the whole number. That which he proposed by the 1st clause submitted to the Committee was, to make provision that there should be an election for the purpose of filling up each vacancy as it occurred.

Lord Stanley recollected that this question was discussed when the measure first came under the consideration of Parliament, and it was met, as he thought, by insuperable objections, one of which was, that the frequent recurrence of these elections would keep corporate towns in a constant state of excitement; it must clearly then be the better way to have none but general elections, and at these any vacancies which took place might be filled up as well as the places of those who went out of the council by rotation.

Mr. Jervis was favourable to the clause, as tending to prevent excitement; for, as the law at present stood, the moment a vacancy took place the excitement of canvassing and electioneering commenced, and never ceased till after the election. It would, therefore, be the best course at once to proceed with the choice of a person to fill each vacancy as it arose.

Sir W. Fullett observed, that the clause relating to this matter in the original Act was extremely vague, and from its language it would be difficult to say when vacancies ought to be filled up; but he objected to more than one election in the year. By the Act, there must be one in November, and that occasion, as he thought, would be the most suitable for the filling up of vacancies.

The clause was added to the Bill.

Mr. Hodgson Hinde moved a clause providing for the support of hospitals for poor freemen, their widows, and daughters, in all cases where such had been maintained out of the funds of any corporation, but where no specific endowment had been made.

The Attorney-General thought it would be monstrous to give the power of rating all the inhabitants for such a purpose.

Mr. Hodgson Hinde was willing to limit the levy to those cases where parties were liable before the passing of the Act.

Viscount Howick objected to the clause as one of gross injustice, and observed, that besides being unjust it was inexpedient, for the maintenance of such establishments frequently led those who expected ad-

Remaining clauses were agreed to.
 The Attorney General had some additional clauses to propose. By the Act as

vantage from them to a disregard in youth and middle life of those provident habits by which alone they could secure a competency in old age.

Colonel *Sibthorp* supported the clause. He had heard much of the friends of the people, but he thought that those were the real friends of the people who supported their privileges. He protested against the doctrine that the prospect of the asylum of an hospital in after life would tend to make freemen improvident or idle. Because men were poor they were not the less honest. He sincerely wished to see every hon. Member of that House as respectable, as honest, and as upright in life as many freemen were, to his knowledge. It would tend to their credit and advantage in this life, and to their happiness hereafter. He might be laughed at, and so might the claims of the honest freemen, but he believed that those hon. Gentlemen who were now so ready to laugh, had not been less ready to court the suffrages of those very freemen preparatory to their appearing at the hustings. He thought it but just that hon. Members should betray no reluctance to pay out of their pockets for the legitimate maintenance of those who in their turn had supported them.

Mr. *A. Trevor* supported the clause. He hoped his hon. Friend would take the sense of the Committee upon the clause which he proposed to introduce, and by a division of the House show the people who were their real, and who their pretended, friends.

Mr. *Maclean* also supported the clause; and considered that the opponents of its introduction had exhibited themselves as the patrons of a summary injustice. He was of opinion that the motion of his hon. Friend (Mr. Hodgson Hinde) did him infinite credit. He denied the allegation that its adoption would tend to the production among the freemen of improvident habits. He was surprised to hear the noble Lord the Member for Northumberland deduce such an argument from the erroneously supposed tendency to improvidence. Was that argument one which the noble Lord would wish to see given forth to the world? He was no less surprised at the violent abuse which hon. Members had thought fit to direct against a set of men whom they had previously used as constituents.

The Committee divided:—Ayes 48; Noes 91: Majority 43.

List of the AYES.

Agnew, Sir A. Bart.	Lefroy, Thomas
Bell, Matthew	Lowther, J.
Bentinck, Lord G.	Martin, J.
Bowles, G. R.	Neeld, John
Brownrigg, S.	Owen, Hugh
Chaplin, Col.	Palmer, Robert
Clerk, Sir G.	Pemberton, Thomas
Clive, hon. R. H.	Price, S. G.
Conolly, E. M.	Richards, J.
Dalbiac, Sir C.	Richards, R.
Duffield, Thomas	Ross, Charles
Elley, Sir J.	Scarlett, hon. R.
Finch George	Shaw, right hon. F.
Follett, Sir W. Webb	Shirley, E. J.
Forster, C. S.	Sibthorp, Colonel
Grant, hon. Colonel	Thomas, Colonel
Grimston, Viscount	Trevor, hon. A.
Grimston, hon. E. H.	Twiss, H.
Hamilton, G. A.	Vere, Sir C. B., Bart.
Hardy, J.	Vesey, hon. T.
Jackson, Sergeant	Weyland, Major
Jones, Wilson	Young, G. F.
Jones, T.	
Knatchbull, Sir E.	
Law, hon. C. E.	
Lawson, Andrew	

TELLERS.

Hinde, J. H.
Maclean, D.

List of the NOES.

Adam, Admiral	Howard, P. H.
Angerstein, John	Howick, Viscount
Attwood, T.	Hutt, Wm.
Bagshaw, John	Jephson, C. D. O.
Baines, Edward	Lefevre, C. S.
Barclay, David	Lennox, Lord G.
Baring, Francis T.	Lister, E. C.
Barnard, E. G.	Lushington, Charles
Barry, G. S.	Maher, John
Beaucherk, Major	Marjoribanks, S.
Bewes, T.	Marsland, H.
Blackburne, John	Maule, hon. F.
Blake, M. J.	Morrison, J.
Bodkin, J.	Mostyn, hon. E. L.
Brady, D. C.	Murray, J. A.
Brodie, W. B.	Musgrave, Sir R., Bt.
Brotherton, J.	O'Brien, C.
Browne, R. D.	O'Ferrall, R. M.
Burdon, W.	Palmerston, Lord
Butler, hon. P.	Parker, John
Campbell, Sir J.	Parrott, Jasper
Chalmers, P.	Parry, Sir L. P.
Clive, Edward Bolton	Philips, Mark
Collier, J.	Phillippe, Charles M.
Copeland, W. T.	Potter, R.
Elphinstone, H.	Poulter, J. S.
Ewart, W.	Pryme, George
Fergusson, R. C.	Rippon, C.
Fleetwood, Peter H.	Robinson, G. R.
Gaskell, Daniel	Roche, D.
Gordon, R.	Rundle, J.
Goring, H. D.	Scholefield, Joshua
Grattan, Henry	Scott, Sir E. D.
Grote, George	Seymour, Lord
Gully, John	Stanley, E. J.
Hawkins, J. H.	Strickland, Sir G.
Hector, C. J.	Stuart, Lord D.
Hodges, T. L.	Sturt, Henry Chas.

Talfourd, Sergeant
 Tancred, H. W.
 Thompson, Alderman
 Thornley, Thomas
 Troubridge, Sir E. T.
 Tulk, C. A.
 Villiers, C. P.
 Walker, C. A.
 Warburton, H.

Ward, H. G.
 Wason, R.
 Whalley, Sir S.
 Wilde, Sergeant
 Williams, W. A.
 Wyse, Thomas
 TELLERS.
 Steuart, R.
 Rolfe, Sir R. M.

The House resumed. The report to be received.

IRISH AND SCOTCH VAGRANTS.]

Mr. Robert Palmer moved the second reading of the Irish and Scotch Vagrants Removal Bill. He should briefly state what the object of the measure was, which he had obtained leave to bring in a week ago. It was merely a renewal of an Act which had been in operation for the last three years, and he should propose, in order to give hon. Members an opportunity of examining the details, that it should be committed that day se'nnight. Enormous expense had been previously imposed upon the various counties around London which were charged with the expense of passing those vagrants; and he held in his hand a list of eight or nine counties through which the great roads leading from London to Bristol and Liverpool ran, which would show the House the amount. In the county of Berks, under the former law, there had been passed in the year 1832 no less than 4,559 persons, at an expense of 1,139*l.*, although the county had nothing whatever to do with these paupers. In the first year after the passing of the new Act, 1834, there had been only one individual passed, at an expense of 3*l.* In the year 1832, 7,000 and odd persons had been passed by the county of Buckingham, and in Middlesex, in the same year, the number had been 9,576 persons, at an expense of 2,950*l.*, while in the same county, the first year after the passing of the new Act, the number had been only 734, at a cost of 1,112*l.* In Middlesex, during the last two years, it appeared from the returns of the county treasurer that the numbers were in 1835, 456 persons, at a cost of 777*l.*, and in 1836, 734, at a cost of 1,200*l.* It appeared, therefore, that the saving was most extensive, and he hoped the present Session would not be allowed to terminate, without a renewal of that most useful measure, otherwise the evils of the old system would be brought again into operation. He had been urged by Sir F. Roe, and other

police-magistrates, to attend to the passing of the Bill, as it had been found very generally useful, and, under those circumstances, he trusted no opposition would be given, but that the House would, if they thought fit, make it a permanent measure, to save the trouble of renewing it every Session.

The Lord Advocate was by no means hostile to the Bill, but he was quite ignorant of its details. How was it possible, he could be otherwise when the Bill was not in the hands of hon. Members? It appeared that it was against the people of Scotland its provisions were particularly directed—and how were they to become acquainted with its provisions, if it were to be hurried through the House? All he wanted was, that time should be given to examine its details, for the people of Scotland he would contend had a right to know what the legislation of that House was, with respect to them. He suggested, therefore, that the hon. Member should postpone the second reading to a future day.

Mr. Hawes thought, the hon. and learned Lord had assigned no good grounds for his opposition. In the borough which he had the honour to represent, it had been found very useful, and he should therefore give it his cordial support.

Mr. Young believed, there was no real point of difference between the hon. Members on both sides of the House. As the hon. and learned Lord Advocate had no objection to the principle of the Bill, but only asked a little time, he thought there could be no objection on the part of the hon. Member for Berkshire.

Mr. Cutlar Fergusson was quite sure there would be no real ground of opposition if time was allowed in order that the people of Scotland might examine the details of the Bill.

Sir Thomas Fremantle hoped the House would secure the passing of the Bill during the present Session. He did not see why there should be any jealousy upon the subject among the people of Scotland, for it was not a Scotch but an English Bill. It merely provided that the Scotch and Irish vagrants should be sent home—and the sole question was in what way the expense should be borne by the people of England. The Bill had been hitherto found to proceed remarkably well. It had been a *vexata questio* for many years, and been introduced as an experiment after two Committees had sat upon the subject,

and no complaint had hitherto been made of its operation. He trusted the House would make it a permanent measure.

Mr. Palmer had no wish to hurry the Bill through the House, but he was not aware that a law which had been three years in force could be unknown to the hon. and learned Member opposite. The whole the Bill did was, to alter the mode in which the expense of conveying home these paupers was levied and appropriated—so that instead of the charge being thrown upon the several counties through which they passed, it should be borne by those parishes where the parties became chargeable.

Bill read a second time.

HOUSE OF LORDS,

Thursday, February 16, 1837.

MINUTES.] Bills. Read a second time:—Registration of Marriages.—Read a first time:—Grand Juries (Ireland).

Petitions presented. By Lord SUFFIELD, from Great Yarmouth, for Abolition of Church Rates.—By the Earl of CARLISLE, the Marquess of LANSDOWNE, Lords BROUGHAM and ASHBURTON, from Anglessea, Newport, Hackney, and several other places, for Abolition of Church Rates.—By the Earl of BANDON, from various places, for the Amendment of Irish Grand Juries Bill.

HOUSE OF COMMONS,

Thursday, February 16, 1837.

MINUTES.] Petitions presented. By Mr. BRODIE and several other Hon. MEMBERS, from Aylebury and several other places, for the Abolition of Church Rates.—By Mr. THOMAS ATTWOOD, Mr. BARLOW HOY, and other Hon. MEMBERS, from various places, for Amendment of Law of Friendly Societies.—By Lord JAMES STUART and other Hon. MEMBERS, from Ayr and other places, for Repeal of Duty on Soap.—By Mr. HENRY GRATTAN and Mr. O'CONNELL, from various places, for Abolition of Tithes.—By Mr. O'CONNELL, from Godmanstown and Killeulen, for Poor Laws (Ireland).—By Mr. HENRY GRATTAN and Mr. O'CONNELL, from Dublin and other places, for Municipal Corporations (Ireland), and for the Ballot.—By Mr. E. J. STANLEY, from Chester and Stafford, for Amendment of Law relating to Innkeepers.—By Mr. O'CONNELL, from Godmanstown, Killeulen, for Reform of House of Lords.—By the ATTORNEY-GENERAL, from Richmond, York, Edinburgh, and other places, for Repeal of Duty on Fire Insurances.

TITHE COMMUTATION ACT (ENGLAND).] Sir Edward Knatchbull would ask a question of the noble Lord opposite, touching the Act passed last year, for the Commutation of Tithes. An opinion had gone abroad, that his Majesty's Government had discovered several faults in the working of this Act, which they were disposed to remove, by introducing some remedial measure. Now, he wished to know whether the Government had any such intention?

Lord John Russell was well aware that

such a report had gone abroad, but from what sources it had issued, he could not conceive. The Commissioners had uniformly expressed their satisfaction with the present measure, and his Majesty's Government had certainly not received any information from other quarters, which would lead them to doubt the correctness of the opinion of those Gentlemen. He would therefore say, that the Government had no such intention as that alluded to by the right hon. Baronet.

Mr. Hodges was compelled to express his regret at the reply of the noble Lord; there were clauses with respect to rating which required alteration.

Subject dropped.

PRIVILEGES—MR. LECHMERE CHARLTON—REPORT.] Mr. Williams Wynn brought up the Report of the Committee appointed to inquire into the case of Mr. Lechmere Charlton, which was read as follows:—

"In reporting upon the question which has been referred to your Committee, they propose to follow the course which usually has been adopted upon such occasions, of first stating the circumstances of the particular case, and afterwards the law and usages of Parliament, as it appears to apply to them.

"The warrant for Mr. Charlton's commitment to the Fleet, and the order of Court on which it was founded, were produced to the Committee, and it appeared that he was committed by the Lord Chancellor for writing a letter, addressed to William Brougham, Esq., one of the Masters of the High Court of Chancery, containing matters scandalous with respect to the said Master, and an attempt improperly to influence his conduct in the matter pending before him, 'which the said Lord Chancellor deemed to be a contempt of the Court of Chancery.' The order not proceeding to set forth the letter in question, or to specify the parts of it on which these charges were grounded, your Committee therefore directed the letter to be produced, inasmuch as they considered, that although the Lord Chancellor had the power to declare what he deemed to be a contempt of the High Court of Chancery, it was necessary that the House of Commons, as the sole and exclusive judge of its own privileges, should be informed of the particulars of the contempt, before they could decide whether the contempt was of such a character as would justify the imprisonment of a Member. They also summoned Mr. Charlton before them, and afforded him an opportunity of fully stating his case.

"Upon the whole examination, the letter appears to your Committee to be expressed in an intemperate and improper manner. The letter, however, was occasioned by information

derived from the solicitor in the cause, the correctness of which Mr. Charlton had no reason to doubt; but they are of opinion that it is offensive to the Master, and thereby to the authority of the Court under which he acted, and was an attempt improperly to influence his conduct in the matter pending before him, with a view to obtain a further hearing, to which, if applied for in a proper manner, Mr. Charlton would have been entitled.

"It was found, in the course of the investigation, that Mr. Joseph Parkes, the solicitor for the parties, who appeared before the Master, in opposition to Mr. Charlton's clients, had, during the interval which occurred between the issue of the warrant and its execution, written a letter, at the request of a third person, containing the following assurance—'Mr. Charlton may take my honour, and I have never yet violated it, that he is perfectly secure in coming to my house, to see if we can adjust the Ludlow matters,' and that Mr. Charlton did afterwards, in consequence, attend a meeting at the house of Mr. Parkes, without any interruption, or attempt to execute the warrant by the officers who held it. Your Committee, therefore, felt it necessary to ascertain whether the execution of a process issued on the ground of punishing a contempt of the Court of Chancery, had in any manner been allowed to be enforced or suspended, at the discretion of one of the litigant parties, or to be rendered subservient to his objects. This inquiry has tended considerably to lengthen their proceedings, but the result has satisfied them, that no power had ever been given by any person, or exercised by the solicitor, for that purpose.

"Upon the law and usage of Parliament, as affecting this case, your Committee beg leave to refer to the statement contained in the Report of the Committee of Privileges in the case of the Hon. William Long Wellesley, presented to the House on the 26th of July 1831, the precedents cited in which they will not here repeat.

"The Committee are deeply impressed with the difficulty and importance of the question referred to them, in the absence of authorities to which they can refer, as clearly in point, and directly bearing on this particular case. It will be seen, from the early cases, that the ancient definition of privilege of Parliament is, that it belongs to every Member of the House, except in cases of treason, felony, or refusing to give surety of the peace. These exceptions, by the statement of the Commons in 1641, are further extended to all indictable offences; by their resolution in 1697 to forcible entries and detainers; and, in 1763, in conformity with the principle of the declaration of 1641, and of a subsequent resolution in 1673, to printing and publishing seditious libels; to which may be added, the resolution of the Lords in 1757, that privilege shall not protect Peers against process to enforce the *habeas corpus*.

"The ordinary process for contempts against persons having privilege of Parliament, or of Peerage, has not been that of attachment of the person, but that of sequestration of the whole property, which has been found sufficient to vindicate the authority of the courts, even in cases of some aggravation.

"It is stated by Blackstone, that 'contempts committed even by Peers, when enormous, and accompanied with violence, such as forcible rescues, and the like, or when they import disobedience to the King's writs of prohibition, *habeas corpus*, and the rest, are punishable by attachment;' and the same doctrine has, on different occasions, been expressed by other writers, and by judges of high authority.

"The only cases, however, in which attachments have been found by the Committee to have been actually issued against privileged persons, are that of Earl Ferrers, by the King's Bench, and that of Mr. Long Wellesley, by the Court of Chancery, already referred to. The former was a case of disobedience to a writ of *habeas corpus*, to which, while the discussion was pending, it had been declared by the House of Lords privilege of Parliament did not extend; the other was that of the forcible removal of a ward of the Court of Chancery, and placing her out of the jurisdiction of the Court, which obviously could only be checked by the most prompt and efficacious remedy.

"Since the sitting of the last Committee of Privileges, the Act of 2 and 3 William 4th, c. 93, entitled, 'An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland,' has passed, by which contempts of the Ecclesiastical Courts, 'in face of the Court, or any other contempt towards such Court, or the process thereof, are directed to be signified to the Lord Chancellor, who is to issue a writ *de contumace capiendo*, for taking into custody persons charged with such contempt,' in case such person 'shall not be a Peer, Lord of Parliament, or Member of the House of Commons.'

"Under all the circumstances of the case, your Committee are of opinion, that Mr. Charlton's claim to be discharged from imprisonment, by reason of privilege of Parliament, ought not to be admitted.

"February 16, 1837."

Report laid on the Table.

Mr. Williams Wynn then said, that he had been further directed by the Committee, to call the attention of the House to a paragraph in one of the morning newspapers, reflecting upon the full attendance of Members at the Committee, as being caused solely by party and political feeling. During the time that he had sat in Parliament, he had never seen a Committee more fully attended, and the report which had been just read, would show that the

Committee could have been influenced by no other motive, than an anxiety to act with justice and impartiality. The accusation therefore was, in his opinion, a case which called for the interference of the House. In ordinary Committees, such calumnies might be safely passed by, because their proceedings were open to the public; but the investigation of a Committee of Privileges being carried on in private, there was no other opportunity of contradicting the imputations which had been cast upon the motives of hon. Members, than by bringing the paragraph immediately under the notice of the House. The effect of it was, to impeach the character of a Committee sitting judicially, and therefore tended directly to obstruct the course of justice. The passage of which he, as the organ of the Committee, was directed to complain, was as follows. The right hon. Gentleman read the following passage from the *Morning Chronicle*:—"We directed attention, ten days ago, to the indecent conduct of the Tories on the question respecting the claim of privilege by Mr. E. Lechmere Charlton, against the process of the Lord Chancellor, for a gross contempt of Court. This conduct is repeated by the Tories, who are notoriously 'whipping' the Committee of Privileges. That Committee, being substantially open to all Members of the House of Commons, is, it would seem, to take the place of packed special juries of former times; and such is the rage of party spirit, that even a grave and responsible judicial enquiry is to be turned into an arena of political faction. The Tory 'whippers-in,' who are well-known under that denomination, daily display the utmost industry in the exercise of their honourable vocation. It matters not whether the authority of the Great Seal, or a great constitutional question be at issue, everything now is to be sacrificed to party feeling, and party objects. The simple matter of reference to this Committee, is the consideration of all matters touching privilege; and the consideration of the letters to the Speaker from the Lord Chancellor and Mr. Charlton. On this simple inquiry the Committee has now sate in secret and solemn conclave, a full fortnight. The Lord Chancellor either has or has not the power of committing a Member of the House of Commons for contempt. No man of common sense doubts that a violation of law, or a contempt of the courts

of justice, is aggravated in the case of a Member of the Legislature, and not 'privileged.' It requires little knowledge of Parliamentary history, and legal decisions, to be able to pronounce that, as in the case of Mr. Long Wellesley, the Court of Chancery ought not to be overridden by the House of Commons. With respect to the particular 'contempt' assigned by the Lord Chancellor against Mr. Charlton, we apprehend that the Privilege Committee is no appellate jurisdiction. It is for the judge to decide what is a 'contempt' of his court and authority. In the present instance, the perpetrator is, we understand, a petitioner and counsel of the Court. In such relations, he is surely amenable to the jurisdiction of the Court in which he petitions and practises. But the 'whippers-in' now inform us, that this peculiar Committee is not only to decide whether Mr. Charlton is 'privileged,' but is also to determine, whether his offence is or is not, a 'contempt' of the Court of Chancery—that is to say, they are to usurp the functions of the judge! Mr. Charlton's letters to Mr. W. Brougham, and to the Lord Chancellor, may be acceptable, as a matter of taste, to the Tories, but the 'whippers-in' will find it hard to persuade the country, or the House of Commons collectively, that his epistles are not vulgar, as well as subversive of the course of justice. In charity to the hon. Member; they may desire to use him for ulterior objects; but, whatever the report of a 'whipped' Committee; they will fail in persuading a reformed House of Commons, that the Lord Chancellor of England, and the highest judicial officers of the realm, are to be insulted with impunity, or that the municipal rights of a populous borough are to be sacrificed to the old nuisance of borough-mongering. If the 'whip' is to decide this constitutional and important reference, we hope it will be applied on both sides of the House. Certainly it is the duty of every Liberal to attend this day, in order that Parliament itself, as well as the Lord Chancellor, may not be brought into 'contempt.'" The right hon. Gentleman then moved, after handing in the *Morning Chronicle* of Thursday, Feb. 16, to the clerk at the table, that John Black; the printer and proprietor of the *Morning Chronicle*, be summoned to attend at the bar of the House the next day.

Lord John Russell could have wished

that the right hon. Gentleman had taken some further time for consideration before he adopted this proceeding. However, if the right hon. Gentleman, as he appeared to be, was only the organ of the Committee of Privileges, then he must say that the Committee, in wishing to press this matter, had not in his judgment, taken a course which was either worthy or expedient. The House had been accustomed now for some years to indulge public writers in a great latitude of observation; and the custom which formerly prevailed of Members taking offence at some paragraph or other, and calling the publisher to the bar, had fallen into disuse. He must say, that for the last two or three years, if any complaint of this kind was to be made, those who had most often cause to complain were the majority of that House. There were no terms of abuse, no terms by which men could be vilified or lowered in the estimation of their fellow country-men, which had not been applied to the majority of that House. But, to pass over minor observations of this description he would refer to a charge delivered by a Lord Bishop, in which after representing the majority of the House and their proceedings to be under the guidance of a faction who wished to destroy all the institutions and establishments of the country, said that certain Members of that House who were sufficiently designated by the reverend Prelate professing the Roman Catholic faith, had been guilty of treachery and perjury. He must say, that if they were to take notice of breaches of privilege of this kind, they ought not to lose a moment in vindicating the honour of those Members of the House, who for giving their votes in Parliament, and for nothing else, had been declared by the right rev. Prelate in his charge to his clergy to have been guilty of treachery and perjury. For his own part, though when he read that pamphlet he thought it as gross a breach of privilege as had ever been committed, yet he was convinced that the Members who were attacked and the House would do better to treat it with utter contempt, and not take any notice of such proceedings, but act according to their own sentiments of what was their duty as Members of the Legislature. Were they, then, now to be told that they ought to take up cases of this kind, in which a journalist had thought proper to state that some Members of the Committee

of privileges had been "whipped up," and that the Committee was in some degree influenced by party spirit? Even supposing that there was some foundation for that charge, what did it amount to? Why, merely that party feeling prevailed in that House, which could hardly escape its influence, while so much party spirit existed in the country, and that some Members of the Committee had attended more from party spirit than from a desire to give a fair and dispassionate consideration to the question before it. He would not enter into the consideration of the course which the Committee had pursued during the investigation. He thought that their best vindication was in the Report which had been presented. They had given as their opinion—an opinion from which he, on the only occasion on which he attended at the Committee, differed—that they were bound to sift the entire charge against Mr. Charlton, and examine the letters addressed to the Master and the Lord Chancellor. He differed from them in that respect, but these Gentlemen said that they were bound to protect the Members of that House in the enjoyment of their just privileges, and that an inquiry was necessary. He believed that they had come to a correct decision, in declaring that Mr. Charlton's privilege of Parliament ought not to protect him under the circumstances, and he must say that having so acted, to prosecute the writer of a paragraph in a newspaper was really beneath the dignity of the House. He was told that there were paragraphs on the opposite side with regard to the divisions in the Committee, either attacking or ridiculing, he did not know which, his hon. and learned Friend the Attorney-General for the part he had taken. If, therefore, the House should resolve to call before it the writer of the paragraph in the *Morning Chronicle*, they would be obliged to order the attendance of the printers of the *Morning Post* and the *John Bull*, and see what were the observations which had been made with respect to the conduct of the House of Commons. He really did hope that the Committee would be satisfied with what had been done, and would not think of carrying the proceedings further. If the Committee wanted any defence, it was contained in their own report. It was very inconvenient to take notice of all observations on the character and conduct

of the Members of the House when acting in the performance of their duty. He really hoped the matter would not be further proceeded with, and that it would not be necessary to discuss the question, but that the sense of the House would be against it.

Mr. *Præd* was not going to oppose himself to the sense of the House on this motion, but having been regular in his attendance at the Committee he wished to say a few words. The noble Lord had attempted to defend one violation of their privileges, by referring to what the noble Lord called another. He could not however conceive the least analogy between the case cited by the noble Lord and that to which his right hon. Friend had called the attention of the House. At all events, the discussion of a question of very grave importance was not to be approached in the manner in which the noble Lord, as he thought with very mistaken taste, had treated it to-night. He was very sorry that two questions of very serious Parliamentary importance should have been received with levity, but he assured them, whatever reception might be given to the observations he had to offer, that it would not disturb his self-possession. He trusted, at the same time, that he should not himself say anything offensive to the feelings of any individual, or discourteous to the House at large. With submission to the noble Lord, he would submit to him a case a little more analogous to the case then under their consideration. An individual had written a private letter offensive to a person exercising the functions of a judge in a particular case, and calculated improperly to influence his decision in a matter pending before him. For writing that letter the Lord Chancellor had committed that individual to an indefinite imprisonment, and he now stood committed to the Fleet for writing that offensive private letter, calculated to produce an influence upon the decision of the proper judge, until the Lord Chancellor should make a further order. But here was a paragraph in a newspaper published, calculated improperly to influence the Members of the Committee of Privileges in the discharge of a judicial duty, and he must say, that the writer of the paragraph ought to have some kind of regard to the subject which formed the matter for the investigation of the Committee. It did appear to him, that as the

Committee was a strictly private one, and carried on its proceedings with closed doors, an inquiry was necessary in this case, because the writer almost assumed that he derived his information from some Member of the Committee, and it occurred to him that there was no other opportunity of pointing out the gross and scandalous nature of the paragraph than by adopting this mode of proceeding. For his own part, having been most assiduous in his attendance on the Committee, he would say, that on his honour as a Gentleman and Member of Parliament, he believed that there was not a shadow of foundation for one single innuendo contained in the paragraph in question.

Mr. *Wynn* had no wish to press the motion, but he had brought it forward in the exercise of an indispensable duty, as Chairman of the Committee. He would not enter into any argument on the question, but it appeared to him that the present case was widely different from any which the noble Lord had cited, inasmuch as it represented a Committee of the House of Commons sitting upon a judicial question as a packed special jury. It was infinitely more offensive than any of the publications which had been mentioned. He could only appeal to hon. Members opposite, who had attended the Committee, to declare whether they believed that any Members of it were actuated by an undue political bias. He had sat in the chair, and he certainly could declare, as his hon. and learned Friend (Mr. *Præd*) had done, on his honour as a Gentleman and Member of Parliament, that he had seen nothing of the kind.

Motion by leave withdrawn.

PRIVILEGES PUBLICATION.] Lord *J. Russell* next rose to move for a Select Committee on a subject certainly of very great importance, but on which, at that stage of the proceedings, he did not think it right to address the House at any length. With regard to their privileges, it appeared to him that they had now come pretty nearly to what was, as he thought, a proper position for them to hold — namely, that they possessed every privilege necessary for carrying on their proceedings freely and undisturbed, while they did not wish to carry them beyond that limit. In former times it might have been necessary to pu-

nish a judge for invading their privileges, because then the prerogative of the Crown had been employed for the purpose of interfering with the proceedings of the House. But those times had long since gone by, and at present it was only necessary for them to take such proceedings as would enable them to carry on their discussions or debates, and attend to the business of the country, without disturbance in the exercise of their function. These were powers which all courts ought to possess, and which all courts assumed. The question to which he wished immediately to call the attention of the House was the proceedings which had taken place in the Court of King's Bench with respect to the publication of papers ordered to be printed by the House. Now, he thought it could not be denied that the House must have a certain latitude in that respect, and that they ought to prescribe for themselves what that latitude ought to be. In ordering any papers to be printed and published, it was, he thought, hardly necessary to argue that their distribution ought not to be confined to Members of the House, because, if they took such a limit they would evidently be without the means of proceeding and judging in many cases for which they had to legislate. It was one of the most important privileges of the subject, that all men should have the right to make their complaints known to that House, and if the House received all complaints that were made, some of them which were not capable of proof might, in the eye of the law, be considered libels. But it would be impossible for the House to lay down a limit so as to prevent complaints being made to the House, and by the House transmitted to the public; if its proceedings were not known, it would be impossible for the House to legislate for the country. Then arose the question whether if the House made its proceedings in any way public, it was to do as in former times—publish them under the authority of the Speaker of the House, or in any other way? Both methods were, as he believed, publications in point of law. The issue of 1,200 copies of any report by order of the Speaker was as much a publication as a sale of any number of copies; and he could not see, for his part, the grounds upon which the issue by order of the Speaker should be considered a fair and permitted proceeding, and the publication of them by way of sale, and under the

authority of the House, should bring the printer into a court of justice, and he be made to suffer damages by action at law. But before they came to any decided opinion on the subject, they would find it more advantageous to have a Select Committee for the purpose of stating to the House what precedents had arisen, and what was the law and practice of Parliament with respect to the publication of their proceedings. The question which had arisen was one which fairly brought the matter in dispute under the consideration of Parliament. It had originated in the publication of a report which he had himself presented to the House, not by command from his Majesty, but in pursuance of an Act of Parliament, which directed that the reports of the inspectors of prisons should be laid before Parliament. The inspectors had stated what cases of abuse they had discovered, and the reasons which had induced them to call attention to such abuses; and if they had not done so, how was that House to apply a remedy to a public grievance? There was no stepping out of their way on the part of the inspectors; no wish on their part or his who laid the report on the table to injure a private individual, and, therefore, he thought, that if in such cases it were not allowable for the House to publish its proceedings, and they were to submit to such a restraint on their power, they would be setting a precedent by which their usefulness as members of the Legislature would be very much curtailed, and in a great degree destroyed, and they would leave persons acting under their orders liable to penalties and forfeitures in the courts of law. He would not detain the House by citing any precedents now; he wished rather to wait till the Committee had made their report, and, therefore, he would conclude by moving—“That a Select Committee be appointed to ascertain the law and practice of Parliament respecting the circulation and publication of papers printed by order of the House both prior to, and since, the order for the sale of such papers.”

Mr. Williams Wynn would be very sorry to enter into any argument founded on the particular circumstances of this case, which were stronger than all others which had occurred with respect to the attempt made to limit the privileges of the House; but he must say, that if there was one case which afforded a fuller

justification than others for the exercise of their authority, that was to be found in the present. The House, in consequence of complaints that had been made respecting prison discipline had passed an Act directing inspectors to be appointed, who from time to time should make reports to the House. A report from those inspectors being printed and laid before the House by the Secretary of State, in order that the report should be of service, it was essential that it should be circulated through the country. He might be allowed further to say, that it was essential also by publication to permit those who found themselves censured in any respect to defend themselves and obtain an opportunity of making a counter statement. He really felt bound to say, that this case seemed to him to form one of the best vindications that could be made out of the expediency of ordering publications of this kind to be sold, even if they had not the practice of Parliament for the last 150 years in their favour.

Motion agreed to, and Committee appointed.

PLURALITIES.] Lord *John Russell* moved for leave to bring in a Bill to restrain and regulate Pluralities, and to enforce residence in certain cases. He did not think that it was then necessary for him to go into any lengthened explanation of the Bill, as it was nearly similar to an Act which was introduced last year, and which passed the House of Lords and went through some of its stages in that House. The chief object was, to prevent the holding pluralities in all cases where the livings were ten miles apart. He thought that it would be much better to discuss the Bill after it had been brought in and printed; for instance, on the second reading. He concluded with moving for leave to bring in a Bill to restrain and regulate pluralities, and to enforce residence in certain cases.

Mr. *Hume* concurred with the noble Lord, that it would be better to discuss the merits of the Bill at a future stage; but he begged to protest against any measure that would have the effect of legalising pluralities. He never could sanction them, but would abolish them altogether; and on the next occasion he was determined to take the sense of the House upon the subject. He rose to make these few observations, lest, as happened last year, his silence

might be construed as assenting to this and the other Church Bill.

Motion agreed to.

BENEFIT SOCIETIES.] Mr. *Barlow* rose, in pursuance of the notice he had given, to call the attention of the House to the number of petitions presented from various parts of the country with respect to benefit societies. He was of opinion that it would be of great advantage that the laws by which they were governed were embodied in an Act, and that this Act should be so framed that, while it imposed checks sufficient to prevent abuse, it did not unnecessarily restrain them, or deprive them of the power of managing their property. He had endeavoured in the last Session to obtain a Committee to inquire into the nature of these societies generally, and the Chancellor of the Exchequer, requested a postponement of his motion, on the ground of the important business which remained to be done at the end of the Session, but did not oppose the motion on any other grounds. He would now ask what more important business could the House have before it than this, which regarded the interest of 12,000 or 16,000, societies, the number of members of which was about two millions?—and it might be fairly calculated that the interests of at least 3,000,000 of individuals were involved directly in the welfare of those societies. The members of them wished to set aside, in the days of their youth and strength, a portion of their earnings which would assist them in old age and sickness, and thus be enabled to stand aloof from the assistance of poor-laws, charitable institutions, or of alms. He considered, therefore, that they were worthy of encouragement, and instead of being controlled and restrained by one barrister, that they should be allowed to frame their own rules, which should be sufficient for their government when signed by the magistrates at quarter sessions, or by a barrister of four or five years' standing. The extension of those bodies would tend to remove a heavy burthen from the poor-rates; for the Members wished to keep themselves independent of the workhouse, to keep aloof from the relief provided by the Poor-laws, and instead of being restrained or embarrassed in their operation by the laws, they ought to be encouraged by those laws; and, in his opinion, the more they were left to themselves in

the management of their property, it would be so much the better. He thought that they ought to be allowed to frame their own laws, and when those laws received the sanction of the magistrates at quarter sessions, such laws, so sanctioned, would, he was certain, be found well adapted to promote the good government of those societies and to secure the objects which the members had in view. The mode at present in operation tended to fetter their operation, and to restrain their increase; and the variety of laws which were now in force, and which distracted and bewildered simple men, by their apparently contradictory character, had in many instances, prevented the formation of benefit societies. If, then, those who had forwarded petitions to that House were right, and if their complaints were well founded, the House ought to alter the law, and to substitute some easy method which would be understood, without difficulty, by all men. Now, the truth of the allegations contained in the petitions could only be ascertained after full and fair inquiry, and he therefore hoped that a Committee would be granted, upon the report of which a comprehensive measure could be framed for the regulation of those important institutions. At present there were twelve or thirteen Acts relating to benefit societies, and in his opinion all those Acts ought to be repealed, and one of a more simple and general character introduced in their place. The rules of those societies ought not to be placed in the power of a barrister, residing at a distance perhaps from the spot where the institution was formed; nor ought they to be strictly assimilated to each other, for local peculiarities would necessarily demand a body of regulations adapted to those peculiarities, and no barrister could, however able he might be, form one general table which would be applicable to every case. He therefore trusted that the noble Lord would allow a Committee; that he would grant those institutions the protection craved in the petitions which had been presented; and that he would, in short, allow them to do what they pleased with their own. It was his wish to aid his industrious countrymen; he had no personal object in view in bringing the subject before the House, and he hoped that the praiseworthy efforts of the humbler classes of their countrymen to assist each other, and to keep themselves independent of the Poor-laws, would meet with every encour-

agement from that House. The hon. Gentleman concluded by moving for the appointment of a Committee.

Mr. Poulett Thomson said, it was because he felt deeply the importance of benefit societies, that he would entreat the House not to grant the Committee which the hon. Gentleman had moved for. During the last few years several Committees had sat for the purpose of inquiring into the operation of the laws for the regulation of benefit societies: and the result had been, that a Bill was brought in by a noble friend of his, who was now a Member of the upper House, and that Bill having passed both Houses of Parliament was now the Act by which those societies were regulated. The hon. Member had talked much of the petitions and complaints made against that act; but what was the fact? Since 1829 only one petition had been presented from Scotland, one from Ireland, and about twenty from England. Now, what was the number of benefit societies in the United Kingdom? It did not fall much short of 5,000. If, then, there had been only from twenty to twenty five petitions presented to the House since the year 1829, there were, he thought, good grounds for concluding that the members of those societies were satisfied with the laws affecting the regulation of those institutions. He was convinced that to appoint a Committee, or to propose to alter the laws, would be productive, instead of a good, of a very bad, effect. To adopt such measures would create great anxiety in the minds of the members, and give rise to doubts which would retard the increase of those societies, and prevent many from joining those which were already formed, though they might be inclined at present to enroll themselves as members. The hon. Gentleman complained of grievances; but where was the hardship? By the Act, certain privileges were granted to those societies, and all that it required was, that if they chose to avail themselves of those privileges they should conform to certain things which the Act enjoined. Any Gentleman who had attended to the subject, and who had considered the operations of those societies before and since the passing of the Act, could not doubt that it had proved extremely beneficial. As far as he could understand the matter, the effect of that Act had been to give increased confidence to the members of those societies, and ad-

ditional security to the poor man that his funds would not be wasted improperly. He would call the attention of the House to one fact, which he thought proved the beneficial tendency of the Act. Within a period of six years the contributors and the amount of contributions had nearly doubled. In 1829, the number of contributors was 300,000, and the amount of money lodged 13,000,000*l.*; while by the last returns it appeared that the number of contributors was 600,000, and the amount contributed upwards of 20,000,000*l.* He objected to the appointment of a Committee, because the moment the subject was touched upon by one, alarm and insecurity would pervade the minds of the poorer class of society, who were the principal contributors. If the hon. Member thought any alteration of the existing law necessary, let him bring in a Bill for the purpose, and he (Mr. P. Thomson) for one would not oppose its introduction, but would give it his best consideration. The adoption of such a course would not create that alarm which would result from the appointment of a Select Committee. No information had reached him that such a Bill was necessary or would be productive of good, or would be one to which he could give his sanction; but he considered that a more preferable course for the hon. Member to follow than the one which he now called upon the House to adopt.

Colonel Wood regretted the determination of the right hon. Gentleman not to grant a Committee. He thought the increase in the number of benefit societies, and their growing importance, formed a new reason for the appointment of a Committee; while the introduction of the recent measure of Poor-laws, which had thrown the poorer classes of society so much upon their own resources, rendered it a matter of the utmost importance to secure for the poor, annuities in their old age. In his opinion, benefit societies supplied those annuities on an extensive scale; and to have those institutions well regulated was an object worthy of the attention of that House. According to Mr. Price's tables the members, on the payment, periodically, of a trifling sum in their youth, were secured in the enjoyment of 6*s.* a-week when they reached sixty-five years of age, and 12*s.* a-week after seventy. If, then, the poor were not to look to the workhouse for relief, they ought to be encouraged to lay up a portion of their earnings, in the days of

youth and strength, to secure them independence in their old age; and that House ought not to refuse a remedy for the grievances of which they complained, or to consider of a plan for extending the benefits which those societies were calculated to confer upon the industrious poor.

Mr. Hume was sorry that a Committee was refused. When the hon. Gentleman (Mr. Hoy) brought forward a similar motion last Session, the only objection on the part of Ministers was want of time; and he distinctly understood that a pledge had been given, that no opposition would, in this Session, be offered to the appointment of a Committee. He did think, that what had fallen from hon. Members on the opposite side of the House, regarding the changes which the Poor-laws were operating in society, was deserving of the most serious consideration; and if a Committee were granted, some scheme might be devised which, by means of those benefit societies, would render the lower classes of the people more independent of the relief afforded by the workhouse to the poor. He doubted whether legislation would be of any advantage to the larger societies; but there were smaller ones which did not come within the strict rule, and they could not avail themselves of the advantages enjoyed by others. He was aware that nothing could be more advantageous than to give every possible encouragement to provident societies. He had received from forty to fifty deputations from different societies, whose petitions he had presented, who approved of the Bill as a whole, but wishing that some amendment of it should take place. He agreed with the right hon. Gentleman (Mr. P. Thomson) that it would be extremely improper to put this subject at sea, but an inquiry ought to be granted. He knew at least 100 societies that required it, and whose affairs could not be provided for by the working of the present Bill. Why, he wished to know, was there an objection to inquiry? Where was the danger? The only objection that could be stated was loss of time. If the Committee was granted, the hon. Member would have an opportunity of bringing forward the alleged grievances; and if they turned out not to be of a character that required redress, the House would not be bound to act upon them. But if any benefit could be conferred, why should it not be done?

with ecclesiastical duty as highly detrimental to the interests of religion, and as incompatible with the episcopal character. The reputation of Lord Henley as a writer upon Church Reform, was well known to the House, and that noble Lord most distinctly recommended that the Bishops should not retain their seats in the Upper House of Parliament. That eminent person, Mr. Knox, a high Churchman, whose correspondence with Bishop Jebb, must be known to many hon. Members, observed in another work—"The dignities, titles, and emoluments of our establishment obviously constitute as severe a test of virtue as the mind of man could well be tried by; and that these objects minister to the bad passions of thousands, must be admitted." Such were the sentiments of an enlightened clergyman of the Established Church. In those sentiments he was sure many members of the Established Church, both lay and clerical, cordially concurred. But he would read an extract from a pamphlet, published a few months ago, entitled *Fundamental Church Reform*. This tract, he premised, was written by a clergyman, who had not announced his name, though the finger of fame had pointed at the author. Young, noble, liberal, erudite, eloquent, and pious, a hundred mitres could not add to his impressiveness in the pulpit, nor increase his Christian influence. The writer remarks, speaking of the Bishops, "Some of our Bishops are still too wealthy. Should it be said that their wealth is needed to maintain their dignity as Spiritual Peers, it may be replied, that their Spiritual Peage is worse than their wealth. They ought to retire from Parliament, and then their wealth would be no longer requisite. Retire they will before long. Public opinion cannot long permit such a hindrance to their usefulness. Of all the irrational practices defended by some, and allowed by multitudes, just because we are so much creatures of habit, this is one of the most irrational. In every view of the case it is mischievous. It makes the whole bench a moral Maelstrom, sucking even remote circles of the clergy into a gulf of worldly ambition. To the Bishops themselves the temptation to worldliness must be almost insuperable."

... "Sometimes by voting with Ministers against popular opinion" (the rev. Gentleman must refer to other times), "however conscientiously, they have dis-

gusted many. They have increased that disgust by their professional defence of our establishment; but when, except in one or two illustrious instances of individual fidelity have they defended evangelical religion, or taught the House of Lords to base all legislation on a reverence for God and for his word? It has stamped the Church with an aspect of secularity highly detrimental to its spiritual influence. It has accustomed the more licentious journals to throw unmeasured contempt upon the whole episcopal order. It has made Bishops courtiers, it has estranged them from their clergy; with the dignity of Peers they have assumed, perhaps unavoidably, a forbidding superiority over their brethren; they can never be brotherly—they can scarcely be paternal. On all accounts, therefore, their retirement from the House of Lords is much to be desired; and the Bishop, who, in his place in Parliament, superior to self-interest and prejudice, and the animosity which might be caused in the minds of a few, should move this removal, would deserve to have his name enrolled among those of the most distinguished patriots."

Such were the sentiments of an enlightened clergyman, in the substance of which immense numbers of churchmen, clerical as well as lay, cordially participated. Those were the observations he admitted of an anonymous clergyman; but what said the Rev. E. Duncombe, Rector of Newcastle-upon-Tyne, in a pamphlet, entitled *A Guide to Church Reform*? He hoped the House would bear with him whilst he read a little more on the subject. Mr. Duncombe said "Pomp, and form, and absence, have supplanted the authoritative powers of respect, and presence, and affection. Instead of flying to a diocesan with the dependent love and anxiety of children, many of his clergy approach him with fear and trembling, enter his palace and await his coming with nervous apprehension and breathless palpitations, and quit it grateful that the interview is over." And again—"Our Bishops hold merely their formal and periodical intercourse with their clergy, are rarely ever seen, still more rarely known, by the laity of their dioceses."—Besides the very good authority he had already referred to, he begged to draw the attention of the House to the evidence afforded on this subject by a dignitary of the Established Church. "A good and

honest Bishop," says a canon residentiary of St. Paul's, who has lately written a pamphlet, commenting on the acts of the ecclesiastical commission (I thank God there are many who deserve that character), "ought to suspect himself, and carefully to watch his own heart. He is all of a sudden elevated from being a tutor, dining at an early hour with his pupil (and occasionally, it is believed, on cold meat), to be a spiritual Lord; he is dressed in a magnificent dress, decorated with a title, flattered by chaplains, and surrounded by little people, looking up for the things which he has to give away; and this often happens to a man who has had no opportunity of seeing the world, whose parents were in very humble life, and who has given up all his thoughts to the frogs of Aristophanes and the targum of Onkelos. How is it possible that such a man should not lose his head, that he should not swell, that he should not be guilty of a thousand follies, and worry and tease to death (before he recovers his common sense), a hundred men as good, and as wise, and as able as himself?" Various writers, at various periods, amongst the laity, amongst the subordinate clergy—of episcopal, nay, of archiepiscopal rank—had expressed their objections to the union of ecclesiastical with secular dignity. Archbishop Leighton would not allow his household, or any over whom he had authority, to address him, my Lord Bishop, and when strangers so addressed him, he never failed to express his displeasure. That eminent Prelate, as well as the various other authorities to which he had referred in support of his motion, considered the title of Lord as a distinction, the tendency of which was directly the reverse of favourable to the interests of the Established Church; so far from securing the affections, it did not even command the respect of the people. And this could hardly be matter of surprise, for the influence of such distinctions naturally was, to engender loftiness of demeanour, contemptuousness, and arrogance—habits which they carried with them, even into the sanctuary. He would suppose that any Member of that House happened to go into a provincial cathedral, he would naturally ask, who was that stately personage habited in robes of white and black, with lawn sleeves, walking up the aisle, accompanied by his dean and chapter, and his vicars choral, preceded and fol-

lowed by the inferior officers of the cathedral; the organ, which should peal in honour of the Creator, sending forth its notes to welcome the creature. If any one inquired for whom all this pomp was produced, in whose honour this splendid and imposing ceremonial was gone through, the reply could hardly be, that it was in honour of one of the representatives and successors of the apostles; such a reply would be hardly consistent with the general character and aspect of the spectacle then presented to view, and yet it would be nevertheless true that that elevated dignity claimed to be the successor, representative, and imitator, of the humblest of mankind. He repeated, that if the inquiry were made, the answer would be, that the personage in question was no other than the Lord Bishop of the Diocese, who was now welcomed with all this homage, after seven or eight months absence; who had arrived from his London mansion at his country palace, and as a part of the ceremonial, was then mounting his throne in the house of God, to be gazed at, and revered as something above humanity, exempt from the frailties and imperfections of our common nature. While seated on that throne, if his thoughts wandered to the last vote he might have given in Parliament, it would probably turn out to have been one tending to disturb the peace of 8,000,000 of his fellow-creatures, and to plunge into desolation and blood a whole people, and yet if he were called on to defend such a vote, he would say, that it had been given in the service of God, and in the faithful discharge of his sacred office. Returning, however, to the grand ceremonial going forward in the cathedral, he would say, there might be scoffers found in that assembly who would think that its gorgeousness ill accorded with the humility and self-denial which were generally thought to be one of the most important duties of a Christian Minister to inculcate by his precepts and enforce by his example. Might not a person, on leaving such an assembly as that, contrast, without occasioning much surprise, the humility of the apostles with the magnificence of their successors? It was a magnificence sufficient to dazzle one of the most virtuous and amiable men that ever sat on the episcopal bench—the late Bishop Jebb, as appears from his correspondence with Sir R. Inglis, in which, within the compass of one short passage, he twice

referred to his enthronement as a matter in which he felt a deep interest. With the permission of the House, he would take the liberty of reading to them the passage to which he referred. It was really not beside the question under discussion; and he considered it in many points of view, to be both interesting and important. The hon. Member read the following extract from a letter of the right rev. Prelate:—"This is the first day I was able to set apart for being enthroned in the cathedral of Limerick. On many accounts—political, moral, and religious—I do not like the reducing this, which ought to be a solemnity, into an unimportant form; matters, therefore, were so arranged, that the chapter, headed by the dean, met me at the cathedral door, a short time before the hour of daily service, which immediately followed the act of enthronement, and thus one had something more than a legal and official ceremony." Thus it appears that, in the opinion of this good Bishop—he who so extolled the humility of that "human seraph" Archbishop Leighton—political ends were to be promoted, and religion benefited by his unusual ceremonious enthronement. The following year he left his diocese or pastoral duty in the month of January, and did not return to it till September. The exercise of their baronial duties greatly interfered with the clerical offices of Bishops; it was impossible that a Bishop could attend to the duties of his diocese and to his duties as a member of the Legislature at the same time. But the evil was rendered still greater, as it happened, that it was almost always found, that the bench of Bishops opposed every measure of a liberal tendency, or which enlisted on its side the feelings of the people; that, in fact, they invariably opposed every proposition that had for its object the extension of liberty, civil or religious. It was not the custom of any other Protestant clergy to mix up baronial and ecclesiastical privileges. In the Church of Scotland there was no union of civil and ecclesiastical offices; and as an instance of the rigour with which this principle was enforced, he might mention, that Lord Belhaven was compelled to give up the office of elder when he undertook the office of Lord High Commissioner of the General Assembly. Neither was the English form of Church Government permitted in Denmark, Swe-

den, or the United States, or amongst the Protestant Bishops of Germany. The Established Church in England was the only church, except the Roman Catholic Church, which suffered the heads of the church to intermeddle in political affairs. But in some Roman Catholic countries, the Bishops were prevented entirely from interfering in political affairs and the consequence was that they enjoyed the reverence and respect of all classes and parties in the country. If the Bishops of the Church of England followed this example, they would meet with the same reverence and respect. Let them remain in their dioceses, let them promote education, let them exalt their clergy, and apply themselves devotedly to those duties to which, by the most solemn pledge, they were bound. They would then, no longer be assailed; they would meet their reward in the affection and reverence of a whole people. When he used the expression of "exalting the clergy," he meant it in a very different sense from that in which it had been lately used in the address of a certain prelate at an ordination. The charge to which he alluded, comprised forty-eight octavo pages, forty-one of which were occupied in a political discussion of certain Acts of Parliament passed last Session, one of which, especially, this political Prelate, described as "degrading and corrupting," as "wholly unnecessary," "as pregnant with the most disastrous consequences to the Church of England," as replete with danger and mischief; and he charges the members of the Ecclesiastical Commission with "a proneness to extend their own powers, a mischievous latitude and laxity in construing the terms in which their trust is confided to them; a violation, in short, of both the letter and the spirit of the commission under which they act." He would ask whether charges of this description were calculated to increase the respect of the people for the Established Church? And let it be remembered, that the Acts thus described, thus commented upon, received the sanction of his Majesty, who was not only the political, but the spiritual head of the Church. He was not surprised, when the heads of the Church thus took the lead, that the inferior clergy should follow the example of their superiors, and become notorious, from the dean down to the lowest curate, for their addiction to politics. There could

not be a better proof of this than the fact, that Dr. Hampden, a most eminent, learned, and pious man—was made the victim of clerical vengeance, because he dared to advocate the admission of Dissenters to the University. A political bias extended through the whole of the clergy from the highest to the lowest. In the case of Dr. Hampden, the clergy of the University of Oxford and the Vice-Chancellor, objected to the appointment, although it was sanctioned by his Majesty; and they had seen many instances lately, in which the clergy of the Established Church had shown disrespect to his Majesty's representative. The people saw these things, and saw them with regret, and they attributed them in a great measure, if not entirely, to the political character given to the Church by the admission of Bishops into the House of Lords. The hon. Member concluded by moving the following resolution:—"That it is the opinion of this House, that the sitting of the Bishops in Parliament is unfavourable in its operation to the general interests of the Christian religion in this country, and tends to alienate the affections of the people from the Established Church."

Mr. *Hawes* rose to second the motion; he did so most cordially, under the conviction that by so doing, he was giving the best support to the religious character of the Established Church; and, at the same time, acting upon the soundest principles of religious liberty. It was, in his opinion, contrary to the doctrines of religious liberty that any one sect or denomination of Christians should possess political powers which others did not enjoy. Those who had advocated the Test and Corporation Acts, and the measure of Catholic Emancipation, but who now opposed Government, ought to have known that the vantage ground which the friends of religious liberty had thereby obtained would be made the most of on every occasion in their power. They should not be surprised, therefore, at the motion which was now made. Lord Henley had stated in his pamphlet on the subject of Church Reform, that the strength of the Church should rest in the heart and good esteem of the people, and ought not to be polluted by politics. It was mischievous to the Church, therefore, as well as injurious to the State, for the Church to mingle in politics. If any argument were wanted to prove this, he would point to the Church

of England, and ask what had it gained by its political supporters? and then to the Church of Scotland, and ask whether that Church was not every way as secure as the Church of England, although she had no Parliamentary privileges? Look at the Dissenters of England also—was there any lack of defenders for their rights? Not at all. He was convinced, that if the Church of England left her defence in the hands of laymen, instead of taking it into her own hands, it would be much better for her.

Mr. *Hume* presumed that the arguments which had been used by the hon. Mover and Seconder on this occasion were such as could not be answered, at least nobody on the other side seemed prepared to answer them. He rose, therefore, chiefly with a view to claim the vote of the noble Lord, the Secretary for the Home Department. The same arguments which the noble Lord had used the other night, in giving his candid opinion that clergymen ought not to belong to the commission of the peace—applied to Bishops sitting in Parliament. The noble Lord had impressed upon the House, that the duties of clergymen were inconsistent with the commission of the peace. If that argument were true as respected clergymen in general, he thought it peculiarly applicable to the Bishops, who had plenty of duties to attend to if they chose, and were well paid for it. Now, he would first put this question to the noble Lord: whether, upon the same principle he had formerly laid down, the presence of the Bishops in the House of Lords was not inconsistent with their sacred duties? The Bishops had always acted the part of political agents in the House for the Government which had preferred them. This was not precisely true, perhaps, of late years, for latterly the Bishops had been generally opposed to the Government. But let them look back at the history of former years, and they would find that for ages the Bishops had been the constant supporters of Government in everything that it proposed militating against the people, instead of interposing as peace-makers between it and the people over whom it sought to tyrannise. The Bishops had always been the aiders and abettors of tyranny. Did any one deny it? He defied any of the hon. Gentlemen opposite to point out a single instance where the Bishops, as a body (he did not deny that

there had been some honourable exceptions occasionally), had not always been forward in aiding and abetting against the people, and every reform to which they aspired. They had opposed the abolition of the Slave-trade; they had thrown impediments in the way of the education of the people, while, on the contrary, they ought to have considered their own immediate business; and, as for every improvement in the internal state of the country, he defied any hon. Member to show that the majority of the Bishops had ever always aided and abetted it. By such conduct, the Church had essentially diminished the strength of its hold on the country, and the sooner the practice of Bishops sitting in Parliament was done away with, the sooner the Bishops were sent back to the duties of their dioceses, the better it would be for themselves, for the establishment to which they belonged, and for the community at large.

Lord John Russell: Sir, as the hon. Member for Middlesex has taken upon himself to state my opinions, I shall take the liberty of denying the accuracy of his report, and at the same time take the opportunity of informing the House what are my opinions in my own way. The hon. Gentleman who brings forward this motion in so doing brings forward a proposal for a change in a very essential principle of the British Constitution, which, as he must be aware, recognises "the Lords spiritual and temporal and the Commons, in Parliament assembled." The change which the hon. Member proposes to make in this constitution is of a very essential and prominent nature. It is not like the change which we effected when we passed the Reform Bill, which was done upon the ground that the House of Commons, which ought to represent the people, did not sufficiently do so, and that it did not perform the functions which it ought to perform, and in consequence of which it became necessary to make it more in accordance with the ancient Constitution. Now there is no such claim, there are no such pretensions, in support of the present motion. It is a motion to alter one of the most ancient points in the constitution of these realms, and to resort upon new grounds to a new constitution of Parliament. I say, therefore, that to such a change I am averse, unless I have the strongest reasons, not vague and undetermined, but strong and well defined reasons

in its support. Now the reasons by which the hon. Gentleman sought to advocate his proposal are altogether vague, desultory, and unsatisfactory. The hon. Gentleman began by talking of removing the Bishops from the House of Lords; but appeared to be altogether uncertain with what object towards the Church, and where his object would end. The hon. Gentleman quoted Bishop Leighton, and then pointed to the Scotch Church, where there are no Bishops, in contrast with the pomp with which the Bishop is installed in this country, and the state of his enthronement on attending a cathedral, which ceremonies and state I have seen attendant upon the person of as good a man as ever lived in this or any other country. Now, to what do these allusions tend? Do they tend to the question of the removal of the Bishops from the House of Lords? Not at all; but to the establishment of the Presbyterian system of the Church of Scotland. The hon. Gentleman then referred to the United States, where there was no Church Establishment at all. When the hon. Gentleman, therefore, proposes to me to have no longer a Parliament of Lords' spiritual and temporal and of Commons, but one only of Lords temporal and Commons, the arguments he uses lead at once to two altogether distinct considerations, namely, in the first place, to a Church in which there are no bishops; and in the second, to a State where there is no church establishment. Now I must own it appears to me that if these are the grounds upon which the hon. Member proposes the change he particularises in his motion, these grounds are not sufficient to support that motion, nor will the change he wishes in it be sufficient to answer the hon. Gentleman's purpose. This change, if agreed to, must lead to farther change, and I must own that such a change once commenced, I cannot see any point at which we may consistently stop short of the constitution of the United States, in which there is no established church. The hon. Gentleman who makes this motion, and the hon. Member for Middlesex, argue that there must be a distinction between civil and spiritual functions. The hon. gentleman should recollect, however, that in this country the head of the government and the head of the Church are one. The King is the head of the Church, and the Government of the

Church becomes that of the Government of the country; it is impossible, therefore, with such a Constitution to have the complete distinction of civil and spiritual functions which the hon. Gentlemen desire. Such a distinction cannot exist consistently with a church establishment. It is a very different thing for the Duke of Wellington to have said that in the appointments of magistrates it was advisable not to select clergymen where laymen could be found to do the purpose; this is a totally different principle from that proposed by the hon. Gentleman to remove the Bishops from their seats and their duties in the House of Lords. The Established Church is a distinct part of the constitution of this country. The Bishops, by holding seats in Parliament, are the acknowledged representatives of that part of our constitution. If they are to be excluded from their seats, I then do not see by what rule we could exclude the other orders of the clergy from seats in the House of Commons. It appears to me, however, that the Bishops are that portion of the clergy which can best execute the political duties of the Church, and that with the least disturbance or interruption of their spiritual functions, many of these duties being of such a nature that they can be attended to when absent from their dioceses, whilst the inconvenience attendant upon clergymen leaving the flocks of their respective parishes would be very great. However this may be, I must say I know not upon what grounds we should pretend to exclude this great body of men altogether from the privilege of being represented in Parliament, considering the property that belongs to them, and the station they hold in the country. Would it not be exceedingly unfair in Parliament to discuss and pass measures affecting all these interests—as tithes, and advowsons, and ecclesiastical property in general—and to say that on all these great questions they would not allow those who are most deeply interested in them to take any part? With respect to the total distinction and distribution of civil and political functions I own that all experience is against it, for it has been found that persons who have religious functions to perform have not confined themselves to the exercise of those functions, but have frequently taken part in political contests. But if this is a characteristic of Bishops, does not the same description apply to Dissenters? Since I have been connected

with the Government, I have heard of applications to the Lord Chancellor for livings of which he had the patronage, and may therefore take the liberty of stating how these applications are made, and also the manner in which the patronage was given. I know that both in the time of the former Lord Chancellor as well as the present Lord Chancellor, such a case as this has frequently occurred. Application has been made in favour of a deserving clergyman or a curate of fifteen or twenty years' standing, and it has been urged that he was a gentleman greatly beloved, that he attended to all the spiritual wants of his flock, and that all parties were anxious that the vacant living should be given to him, and he was appointed. But might not those who contend that civil and religious functions should be separated raise their voice against such a practice, and say that though the curate is not a violent partisan, his brother, or his nephew, or his cousin is, and that the living ought not to be given to an individual connected with a person of such political opinions? With regard to the Dissenters, I know many ministers of the different sects for whom I have the greatest respect and regard; I know how much they attend to the spiritual interests of the Church to which they belong; but if I were to select those who are most respected, and if I am asked whether they separated religious functions from political, I am glad to say they do not. I am glad to say, that so long as I have taken a share in politics, I have found the Dissenting ministers the warmest friends of political liberty, and whenever the rights of their fellow-subjects have been in danger, they have always been eager to promote the cause of political freedom, and I give them credit for it. To the proposition of the hon. Member I must therefore object, because in a country like this, where political and ecclesiastical duties are so intermingled, I cannot see how, by dint of resolutions, we are to reach the millennium, and have a certain number of persons of the Established church ministers of religion—solely and exclusively devoted to religious interests, with their eyes constantly directed to what is above—and another set of persons who shall in like manner confine themselves to political interests. The hon. Member who moved the resolutions said the Bishops had for many years voted against measures in favour of political

exceed the minority of last Session, that minority had exceeded that of the preceding Session. The principle was working its way silently; there was a current underneath, the people's minds were changing on the subject, and the public feeling would eventually carry the question through the House.

Mr. *Charles Buller* was disappointed with the speech of the noble Lord, because at an early part of the evening the noble Lord had made a capital speech on their side when he described a right rev. Prelate as a libeller and a calumniator. It was strange, therefore, that he could fix on none but one right rev. Prelate, and he was astonished at his chivalry in running a tilt on behalf of one whom he had so described. The noble Lord had asked the usual question when any reform was proposed—how far would they carry the plan? He would give a plain answer: the answer of the Radicals was—they would carry the Bishops to the door of the House of Lords, and let them go whither they liked. The most decent course they could take would be to go to their dioceses. The noble Lord had spoken of Presbyterianism, and said if the Established Church were Presbyterian there would be no Bishops in the House of Lords; but did not the noble Lord know that in France the Bishops had no seats in the Upper House? And the same was the case in Spain. The Bishops in these countries had no legislative functions to perform, and why should not our Bishops be placed in the same position? Formerly there were three estates in this country. These were Lords, Commons, and Clergy; for the Clergy had a separate chamber, and were as much entitled to legislation as the Commons or Lords. That, however, had been done away with when the Convocation was abolished; and he was glad it had been abolished. The effect of the disposition of the clergy to meddle in political matters had frequently been most injurious to the cause of liberal principles. If the noble Lord were disposed to deny this fact, he (Mr. Buller) would refer him to a late contested election for Devonshire. At that election the noble Lord was defeated by a majority of six hundred; and he had understood that more than six hundred persons voted on that occasion against the noble Lord. The noble Lord was, therefore, one instance in his own person

of the evils resulting from allowing political to mix themselves with ecclesiastical considerations. At the same time, if they took the Bishops away from the House of Lords, he should have no objection to let some of the clergy into the House of Commons. Indeed he should be glad to see them there; for he was sure they would be less noisy there than elsewhere. In his opinion it was most unfitting that the First Lord of the Treasury should have religious patronage to be used for political purposes; and if any hon. Member would move for the abolition of such patronage, that hon. Member should have his support. While that patronage existed, what could be expected but that, as the noble Lord had stated, Bishops elevated to the bench by a Tory Government should support Tory principles, and that Bishops elevated to the bench by a Whig Government should support Whig principles? Let them look through the annals of the House of Lords, and they would find that the Bishops did not possess one legislative claim on the gratitude of the people. On the gratitude of Governments they had many claims; none on the gratitude of the people. On the contrary, whenever any question was brought forward which agitated and interested the people of England, the Bishops were always found banded together as one man to defeat the wishes of the people. They had opposed the abolition of slavery. [No.] He said they had. Let the lists of the divisions on that question in the House of Lords be examined, and that would prove to be the case. On all questions of religious toleration the Bishops had shown their hostility to liberal principles. He was for excluding Bishops from the House of Lords on a principle recognised by the Constitution in other matters. Why were Bishops not dealt with as Judges were? Judges were excluded from the arena of politics. They were all excluded with the exception of the Lord High Chancellor. He really could not understand the cause of this extraordinary denial. His argument was, that there was only one Judge recognised as such in the House of Lords, namely the Lord High Chancellor, and his legal merged in his official functions. Other Judges might be raised to the peerage, but they did not sit in the House of Lords as Judges. Members of the legal profession were told, "If you become Judges you must sepa-

and yourselves from political discussions and contentions." This was most fitting; but surely, if it were necessary to adhere to such a principle with those who only superintended the temporal concerns of the people, it must be necessary to adhere to it with those who superintended the spiritual concerns of the people. If it were necessary to guard the character of the judges from imputation, it was surely no less necessary to guard the character of the Bishops from imputation. The tendency of the present system was to make all once bad Bishops and bad Peers. Instead of attending exclusively to the discharge of their important duties, the Bishops were now at the end and back of the First Lord of the Treasury. Hopes of promotion were held out to them as the reward of political services. The hon. Gentlemen opposite might not think it worth while, or they might not think it prudent, to argue this question. They might, perhaps, be desirous to leave to the noble Lord the unpopular task of defending the Bishops against the feelings of the people. It was of little importance what they did. Let them go on in the way they were going. The question itself was making a rapid progress in the country; and he had no doubt that ten years hence the majority in its favour would be greater than the majority against it might perhaps be on the present occasion.

Sir Robert Peel said, that if any unpopularity were attached to the most decided opposition to the motion of the hon. Member for Ashburton, to his full share of that unpopularity, he begged leave to put in a distinct claim. Feeling as he did upon the subject, he certainly would not be guilty of so base an action, as to leave the whole of the unpopularity with the noble Lord. It might not serve the noble Lord for him (Sir Robert Peel) to say so; but he must declare, that he never heard a speech delivered in a more manly manner than the speech of the noble Lord, or one which reflected greater credit on the noble Lord's abilities and judgment. For if it were true, as had been asserted by the hon. Member for Liskeard, that the noble Lord had lost his election for Devonshire, by the votes of 600 clergymen, and it being undoubtedly true, that a large majority of the bishops were opposed to the present Government, the noble Lord had set a most laudable example of the conduct which, under such

circumstances, ought to be pursued by every man, and every Minister; and had not allowed any personal feeling to prevent him from frankly avowing his opinion on a great constitutional question like that under the consideration of the House. There was one objection to the motion of the hon. Member for Ashburton, which struck him (Sir R. Peel) as being at once fatal to it. The hon. Gentleman asked them to proceed, not by a legislative measure, but by a resolution. The hon. Gentleman asked the House of Commons to agree to a resolution, depriving a portion of one branch of the Legislature of its functions and privileges. Now what right had they to take any such step? If the hon. Gentleman were desirous of involving the House of Commons in a dilemma, he could not succeed more completely, than by persuading them to pass a resolution which, if passed, would have no effect whatever, but would be nearly a piece of waste paper. In former questions of a similar nature, it had always been proposed to proceed by Bill. But the hon. Member for Ashburton proposed by a resolution, to effect that which he despaired of effecting by Bill. Why should the House of Commons risk bringing their own resolution—he would not say into contempt—but why should they pass a resolution which must prove invalid and unavailing? The noble Lord had justly observed, that the inferences to be drawn from the reasoning of the hon. Member, led to much more serious and extensive consequences than the hon. Member himself seemed to be aware of. Not only, however, was that the case with the speech of the hon. Mover, every argument which had been used by the hon. Gentleman, who seconded the motion, went the length of showing the expediency, not merely of removing the Bishops from the House of Lords, but of abolishing the establishment. The hon. Gentleman said, that when Parliament repealed the Test and Corporation Acts, they established the principle, that no religious creed should have any advantage over any other. He (Sir R. Peel) had never heard such a principle maintained. The hon. Gentleman also contended, that the same thing took place on passing the Bill for the relief of the Roman Catholics. He (Sir R. Peel) had never heard so before; but he had heard the direct contrary. It would, indeed, be a great discouragement to any attempt to

relieve any portion of the people from civil disabilities, if the House were to be told, "You must not stop here; you must carry your measure infinitely further, and stop only with the destruction of the National Church." Because the Test and Corporation Acts were repealed, because relief was granted to the Roman Catholics, was it thence to be inferred, that no one religious creed should have an advantage in this country over any other? It was evident, that if these hon. Gentlemen were to succeed in expelling the Bishops from the House of Lords, their next step would be, to propose that the Protestant clergy should no longer hold the exclusive possession of church temporalities. The hon. Member for Liverpool had mistaken, not only the argument, but the statements of the noble Lord. The noble Lord had never talked of any rapid changes on the part of Bishops, from Whig to Tory, or from Tory to Whig principles. The noble Lord had never talked of Bishops rewarding their patrons by mean political subservency. What was the fact? That while human nature remained what human nature now was, and always had been, men possessed of patronage would, *ceteris paribus*, exercise that patronage in favour of those who agreed with them in opinion. And nothing could be more reasonable. Why, if his Majesty's present Government were to depart from that usage, and were *ceteris paribus*, to select political opponents for Bishops, would not the House hear the loudest reprobation of such a proceeding? Undoubtedly, the noble Lord stated, that during the long continuance of a Tory Government in power, the Bishops generally professed Tory principles. But did the noble Lord add, that that was out of servility to their patrons? Not at all. They were originally selected for advancement to the bench of Bishops, because they were supposed to hold certain political opinions. They did hold those opinions; and they continued to hold them. But it was said by the hon. Member for Middlesex, that after they had become Bishops, the hope of translation to more lucrative sees would tempt them to change their political opinions, and to maintain the principles of any new Government. Had his Majesty's present Government found that to be the case? The political opinions which they held, at the time of their original appointment, they still held and acted upon. The hope of translation had

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no effect upon them: there was not one of them who had voted that black was white. All, therefore, that their worst enemies could allege against them was, that they were consistent, bigoted politicians, who obstinately adhered to their own opinions. As to the separation of the civil from the religious duties of the clergy, he was convinced that it would be a measure highly injurious to the country. He did not wish to see the Church excluded from its fair share of political influence. If such an object were to be accomplished; if the clergy were compelled to confine themselves to the discharge of their ecclesiastical duties; if they were compelled to eschew all reference to, or interest in, temporal matters; if they were forbidden to participate in the feelings and wishes of their lay countrymen, he doubted, whether instead of the active, intelligent, enlightened, patriotic men, of whom the great body of the clergy of this kingdom was at present composed, we should not have a set of lazy, worthless, cloistered hypocrites. Into that question he would, however, not now enter. As to the plausible arguments which had been urged in favour of the destruction of a monarchical, and the establishment of a democratical, Government, he should be ashamed of himself if he condescended to say a single word in answer to them. He had risen only, because he did not wish it to be believed that he was capable of desiring to leave all the unpopularity of resisting the present motion on the shoulders of the noble Lord. Whether the declaration might be popular or unpopular he cared not; but he was prepared to give his most decided opposition to a proposition, the ultimate tendency of which would be to injure, if not to destroy, the civil and religious constitution of England.

Mr. Lushington expressed his conviction, that the great majority of the people of England were desirous of relieving the Bishops from their Parliamentary duties.

The House divided:—Ayes 92; Noes 197: Majority 105.

List of the AYES.

Aglionby, H. A.
Bainbridge, E. T.
Baines, Edward
Baldwin, Dr.
Beauchamp, Major
Bewes, T.
Bish, Thomas
Blake, M. J.
Bodkin, J.

Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgman, Hewitt
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.

Buller, Charles
Butler, hon. P.
Callaghan, D.
Chalmers, P.
Chichester, J. P. B.
Clay, W.
Collier, J.
Conyngham, Lord A.
Duncombe, T.
Dundas, hon. J. C.
Dundas, J. D.
Elphinstone, H.
Evans, G.
Ewart, W.
Finn, W. F.
Fitzsimon, C.
Fitzsimon, N.
Gillon, W. D.
Grote, George
Gully, John
Hall, B.
Harvey, D. W.
Hastie, A.
Hector, C. J.
Hindley, C.
Hume, J.
Humphrey, J.
Hutt, Wm.
James, W.
Leader, J. T.
Lister, Ellis Cunliffe
Mactaggart, J.
Maher, J.
Marjoribanks, S.
Marland, H. f
Molesworth, Sir W.
Musgrave, Sir R. Bt.
Nagle, Sir R.
O'Brien, C.

O'Connell, D.
O'Connell, M. J.
O'Connell, Morgan
Oliphant, Lawrence
Palmer, Gen.
Parrott, J.
Pattison, J.
Philips, Mark
Pinney, W.
Potter, R.
Power, James
Pryme, George
Rippon, C.
Roche, William
Roche, D.
Rundle, J.
Russell, Lord J.
Ruthven, E.
Scholefield, Jobua
Stuart, V.
Tancred, H. W.
Thompson, Colonel
Thornley, Thomas
Tulk, C. A.
Verney, Sir H., Bart.
Villiers, Charles P.
Walker, C. A.
Wallace, Robert
Warburton, H.
Wason, R.
Westenra, hon. C. J.
Whalley, Sir S.
White, Samuel
Wilks, John
Williams, W.

TELLERS.

Lushington, Charles
Hawes, B.

List of the NOES.

Agnew, Sir A., Bart.
Alston, R.
Angerstein, John
Arbuthnot, hon. H.
Ashley, Lord
Attwood, M.
Bailey, J.
Barclay, David
Barclay, Charles
Baring, W. B.
Baring, T.
Barnard, E. G.
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Bethell, Richard
Bolling, Wm.
Borthwick, Peter
Bowles, G. R.
Bramston, T. W.
Brownrigg, S.
Bruce, C. L. C.
Buller, E.
Butler, Sir J. B. Yarde
Bulwer, H. L.
Byng, G. S.

Campbell, Sir H.
Canning, hon. C. J.
Canning, Sir S.
Castlereagh, Visc.
Cayley, Edward S.
Chandos, Marq. of
Chaplin, Col.
Chapman, Aaron
Chisholm, A.
Clive, Viscount
Clive, hon. R. H.
Colborne, N. W. R.
Cole, hon. A. H.
Compton, H. C.
Conolly, E. M.
Coote, Sir C. C., Bart.
Copeland, W. T.
Corry, rt. hon. H. T. L.
Crawley, S.
Crewe, Sir G. Bart.
Curteis, E. B.
Dalbiac, Sir C.
Davenport, John
Dick, Q.
Duffield, Thomas
Dugdr.

Eaton, Richard J.
Elley, Sir J.
Fazakerley, John N.
Fector, John Minet
Finch, George
Fleetwood, Peter H.
Folkes, Sir W.
Forster, C. S.
Fort, John
Freemantle, Sir T. W.
Gaskell, J. Milnes
Gladstone, W. E.
Gordon, hon. W.
Goring, H. D.
Graham, Sir J. R.
Grant, hon. Colonel
Greene, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Halse, James
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Harland, W. Charles
Hayes, Sir E. S., Bt.
Heathcote, G. J.
Henniker, Lord
Hinde, J. H.
Hobhouse, Sir J. C.
Hogg, James Weir
Holland, Edward
Hope, Henry T.
Hotham, Lord
Houstoun, G.
Howard, R.
Howard, P. H.
Howick, Viscount
Hoy, J. B.
Hughes, Hughes
Hurst, R. H.
Jackson, Sergeant
Jervis, John
Ingham, R.
Ingis, Sir R. H., Bt.
Johnstone, Sir J. V. B.
Jones, Wilson
Jones, T.
Irton, Samuel
Kerrison, Sir Edward
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefevre, Charles S.
Lefroy, Thomas
Lennox, Lord G.
Lennox, Lord A.
Lewis, David
Leveson, Lord
Long, Walter
Longfield, R.
Lowther, J.
Lygon, hon. Gen.
Maclean, D.
M'Leod, R.
Mahon, Viscount
Martin, J.
Maule, hon. F.
Maunsell, T. P.
Maxwell, H.
Meynell, Capt.
Miles, William
Miles, Philip J.
Mordaunt, Sir J., Bt.
Morpeth, Viscount
Mosley, Sir O., Bt.
Mostyn, hon. E. L.
Need, John
Norreys, Lord
North, Frederick
O'Brien, W. S.
Owen, Hugh
Palmer, Robert
Parker, John
Parry, Sir L. P.
Patten, John Wilson
Peel, Sir R.
Perceval, Colonel
Phillips, G. R.
Pigot, Robert
Plumptre, John P.
Pollock, Sir Fred.
Poulter, J. S.
Price, Sir R.
Pringle, A.
Reid, Sir J. R.
Rice, right hon. T. S.
Richards, J.
Richards, R.
Rickford, W.
Rushbrooke, Colonel
Russell, Lord J.
Sandon, Viscount
Scarlett, hon. R.
Scott, Sir E. D.
Scourfield, W. H.
Seymour, Lord
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Colonel
Smith, J. A.
Stanley, Lord
Stewart, John
Stormont, Viscount
Stuart, Lord D.
Stuart, Lord J.
Sturt, Henry Chas.
Talfourd, Sergeant
Tennent, J. E.
Thomson, C. P.
Townley, R. G.
Trench, Sir Fred.
Trevor, hon. A.
Trevor, hon. G.
Twiss, H.
Tynte, C. J. Kemeys
Vere, Sir C. B., Bart.
Vesey, hon. T.
Vivian, J. H.
Vivian, John Eannis
Wall, C. B.

TELLERS,
Baring, Francis
Daimeny, Lord

Friday, February 17, 1877.

Petitions presented. By LORDS HATHERTON, BROUGHAM, SUFFIELD, and DUNCANSON, from various dioceses, for the Abolition of Church Rates.—By the EARL of CLARE, from the Surgeons, Limerick, for the Amendment of Grand Juror Act (Ireland).

Answer: new system in the field...

Fruta Femenina - 25

WITNESSES:

LAWYERS:

[illegible]

the Board of Trade, whether any proceedings had been taken by the Government with respect to chartering banks in our East and West Indian Colonial possessions?

Mr. Poulett Thomson said, that with regard to the West Indies, a charter had been given by the Crown last summer to enable a company to establish a bank in the West Indies, not conferring any exclusive privileges, but merely giving them the power to bank so far as this company was concerned. That bank was, he believed, now in operation. An application had also been made in the course of last summer for a charter for a bank to be established in the East Indies. He had communicated the views of the applicants to his right hon. Friend, the President of the Board of Control. His right hon. Friend considered it desirable, before the Government came to a decision on the subject, that a communication should be made to the local government, and till an answer was returned to that communication, no further steps would be taken by the Government.

Sir Robert Peel wished to ask the right hon. Gentleman whether an opportunity would be afforded to those who were connected with the outports of representing to the Government their opinions on this question?

Mr. Poulett Thomson promised that they should have the fullest opportunity of stating their sentiments, and that he would give them every consideration.

BEETROOT SUGAR.] An hon. Member wished to learn from the right hon. Gentleman at the head of the Board of Trade, whether it were true that any obstruction had been thrown in the way of manufacturing sugar from beetroot by the Government.

Mr. Poulett Thomson said, that it had been reported to him some time ago, that preparations were making in this country for the manufacture, on an extensive scale, of sugar from beetroot. He at once called the attention of the Boards of Excise and Customs to the circumstance, stating, at the same time, that the Government would introduce a Bill on the subject in the course of this Session, not for the purpose of checking the manufacture, but to prevent its being carried on without paying any duty at all, while other sugar was burthened with a duty of 24s. A Bill of

that nature was now under the consideration of Government, and would be introduced as soon as possible.

RECORDERS' COURTS.] Mr. J. S. Wortley, in moving that this Bill be committed, stated that he had prepared a clause in conformity with a suggestion thrown out by the noble Lord, namely, that a Deputy Recorder should not be appointed in any borough unless the town council determined that such office was necessary. It was stated on a former occasion that this Bill would be attended with an additional expense to the boroughs in which Deputy Recorders were appointed. Now, there were returns on the table which showed how the system had worked in Leeds and other places, and proved that so far from its increasing the expense, that it had led to a great saving. It had been argued that the appointment of the deputy ought not to rest with the Recorder; but from all the consideration he had been able to give to the subject, he was satisfied that that was the best arrangement that could be made. It would be highly objectionable to leave the appointment of a judicial officer to the town-council of a borough.

Mr. Leader would ask the Attorney-General, whether he was right in stating, that by the Bill the Recorder might appoint a deputy, if the town-council wished for one? Now, if so, he wished to know whether the council was to have any voice in the appointment, either by a veto or otherwise, or whether it was to rest solely with the Recorder.

The Attorney-General said, that the council were to have no veto on the appointment. They were to determine whether a second court was necessary or not, but the nomination was to be in the Recorder.

Mr. O'Connell suggested, that the appointment of the Deputy Recorder should be in the same hands as that of the Recorder.

Sir J. Beckett was of opinion that the responsibility of the appointment ought to rest with the Recorder, and not with the Government or the council.

Mr. Harvey thought that the Crown should have a veto on the appointment of the Deputy Recorder. He objected, however to the appointment of Deputy Recorders at all, as he considered that it would be fatal to the independence of the bar.

Mr. Roebuck begged the House to recollect that the Recorder was responsible for his own acts, but he could not be so for those of his deputy. The object of the Bill, as he understood it, was to state the period during which the court was to sit. Now, he would suggest a remedy for this, instead of adopting that proposed in the Bill, namely, that the Recorder should be compelled to hold his court oftener than he did at present.

The Attorney-General said, that although he had not introduced the Bill, which had been brought in by the hon. Member for Halifax, he had no objection to state that he approved of the provision. It had only lately come to his knowledge that great inconveniences had arisen in consequence of the quantity of business in the Recorder's court. Before the Municipal Reform Bill, there were two courts sitting at quarter sessions, but since the passing of that measure only one court could be held. This had given occasion to protracted sittings, and had proved very burdensome to the jury, and expensive to the witnesses summoned. The person to be appointed would not be a Deputy Recorder, but the Recorder's assistant, because he would hold his court conveniently, and he would act only *pro hoc vice*; so that if he were found not to give satisfaction, the Recorder might, at the time he held his next court, appoint another.

House went into Committee.

On the 10th Clause,

Mr. C. Buller rose to move an amendment to the effect that the sessions should in future be held once a-month.

Mr. Baines contended, that the gentlemen of the bar could not attend if the sessions were held once a-month, and that the business would in consequence be performed in an incompetent manner. The Bill of the hon. Member met all difficulties, and the Members of the legal profession were anxious that it should be adopted. The opinion of the profession ought to have weight with the House, and they should, he thought, be guided by that opinion rather than by the theoretical opinions of non-professional Members of that House. The measure now brought forward by the hon. Member for Halifax had satisfied all demands, and satisfied them, too, without adding a single farthing of expense to the system at present in operation. The whole profession, as

far as he (Mr. Baines) could judge, felt under great obligations to the hon. Member for bringing forward the Bill.

Mr. Roebuck contended, that there were other persons deserving of the consideration of the House as well as the prisoners—viz., the prisoners. These unfortunate individuals and their relatives and strong claims upon their attention; and the House would best consult the interests and happiness of those persons by considering that the sessions should in future sit once a-month, instead of once every three months, as at present. Such views were not theoretical. He wished that all should have full and fair justice administered to them; but the oftener the courts sat the better; for in that way alone could the anxiety of the prisoners and their relatives be terminated, and the guilty be freed from unmerited confinement. Why, he would ask, should not the Recorder sit once a-month? The hon. Member for Leeds said, that in such a case, they would require more pay. That was a haberdashery sort of reason, and not entitled to have any weight. The condition of the prisoners was the point to be considered, and to have the sessions once a-month, would, by freeing those persons from confinement, be the means of saving expense.

Mr. Aglionby thought, that prisoners should not remain in confinement for three, two, or even for one month, if they could be brought to trial sooner. Why should not the Recorder sit whenever there was a prisoner to try? The answer was, that it would be impossible to procure a respectable Barrister for 15*l.* or 20*l.* a-year to discharge the duty which would require to be performed were such a plan adopted. It seemed impossible, with the present machinery, to have the Recorder sitting so often as had been proposed; and the question was, whether they should alter that machinery altogether? Was the hon. Member for Bath willing to do that? If he was not, it would be impossible to have the Recorder sitting once a-month. He differed on another point with the hon. Gentleman, as he was of opinion that the presence of the barristers was highly beneficial. From his own experience he could say, that the attendance of the London bar at the quarter sessions had contributed much to inspire the people with confidence, and had been of great advantage to the proper adminis-

tration of justice. In his own county, the county of Cumberland, the attendance of the London bar had been productive of the very best effects; and as the proposal of the hon. Member for Bath would render that attendance impossible, he could not consent to its adoption.

Mr. Harvey, in order that the House might have an opportunity of reconsidering the subject, thought that the Bill should be sent to a Select Committee. In a desultory conversation it was impossible that its provisions could be properly considered. It was proposed to pay the Deputy Recorder ten guineas a day. He (*Mr. Harvey*) objected to such a mode of paying a judge, as it held out a strong inducement to protract the sittings. Another point was the mode of appointing the assistant-recorders. It was true they were not to be appointed without the sanction of the town-councils, but the clause relating to their appointment was vague, and it did not appear whether they were to be elected once a-year or not; or what was to be the proper proceeding should the first intimation made to the council be unattended to. He was of opinion that the temptation of deputy-recorderships would fill the quarter sessions with a race of stripling barristers, and thus exclude the attorneys who had hitherto been of so much use. In a neighbouring county, he could inform the House, two juvenile members of the profession had presented themselves at the sessions, and insisted on clearing the court of the attorneys; and those individuals, who had long practised before the court were obliged to give way. Those two barristers made the bar; one taking one side, and the other the opposite, in all cases which were to be decided. But the House could not do justice to such Bills as the present in a desultory conversation. In order, therefore, to give the House an opportunity for reflection, he moved that the Bill be sent to a Committee up stairs. This motion it was suggested could only be made in the House, not in the Committee.

The House resumed and the Chairman reported progress.

Mr. Harvey moved, that the Bill be sent up stairs to a Committee.

Motion withdrawn. Bill, with amendments, to be printed, and taken into further consideration.

MUNICIPAL CORPORATIONS ACT

AMENDMENT).] The *Attorney General* in moving the Order of the Day for bringing up the report of the *Municipal Corporations Amendment Bill*, said, that he had done every thing to meet the views of his hon. and learned Friend opposite. One alteration, he had made related to the expenditure of the town-councils. The 92d clause of the Act specified certain purposes to which borough funds might be applied. To provide that the expenditure for other purposes than those specified should not be made an abuse, he had prepared a clause by which every money-order issued from the common council, for any purpose not specified in the Act, should be lodged with the clerk of the peace for three weeks, and be subjected to the opinion of the recorder of the place, or other corresponding functionary, and if disallowed by him, should be declared null and void.

Mr. Marjoribanks rose to complain of a want of courtesy on the part of the hon. Member for Kent in bringing forward a petition reflecting upon his (*Mr. Marjoribanks's*) constituents without giving any notice of his intention to present that petition. The petition to which he referred purported to be from certain burgesses of Hythe, in Kent, and was presented by the right hon. Baronet, the Member for East Kent on Wednesday last. That petition was got up at a hole-and-corner meeting, and the statements it contained were gross exaggerations of the facts of the case. What he complained of was, that the usual notice had not been given him by the right hon. Baronet; and although they had met on the Monday previous to the presentation of the petition, yet the hon. Member for East Kent had not informed him (*Mr. Marjoribanks*) of his intentions. He had thus been denied an opportunity of stating to the House the real merits of the case.

Sir E. Knatchbull begged leave to explain. The charge against him was of want of courtesy. He did not think the complaint was well founded, for he was always most anxious to consult the feelings of every Member of the House and certainly in the present instance no offence was intended. The hon. Gentleman had said, that they had met on the Monday previous to the presentation of the petition from Hythe. On that day however he had been confined to the House. [*Mr. Marjoribanks*, it was perhaps Tuesday.] He had an-

answered a specific charge; but as the hon. Gentleman had shifted his ground, he hardly knew how to deal with the complaint which had been brought against him. He admitted, that when one hon. Member had a charge to bring against another, it was usual to give him notice of it. But he (Sir E. Knatchbull) had no charge to bring against the hon. Member. "But," said the hon. Member, "you brought a charge against my constituents, and you ought to have given me notice thereof." Now, he contended that no such duty was imposed upon him either by the law or the usage of Parliament. What he had done was this,—he had given notice to the House that he would present a certain petition complaining of the misconduct of the Mayor of Hythe, and he thought that that was a sufficient notice to the hon. Member that he intended to present such a petition. The next day the hon. Member had met him in the House and with a degree of warmth which he himself was not in the habit of exhibiting, reproached him with not having given the hon. Member the ordinary notice. He told the hon. Member that notice of his intention was inserted in the papers of the House; to which the hon. Member replied, that he had left his house at ten o'clock and that those papers had not then arrived. He thought that he had now said sufficient to convince the hon. Member that he had not been guilty of any want of courtesy towards him. If he had he begged to state that it had been unintentionally. He would now ask the hon. Member for Hythe whether he was in the House during the discussion on the petition? [*Mr. S. Marjoribanks*: He was not.] That was just the answer which he anticipated. He admitted that the petition contained a serious charge against the Mayor of Hythe, but he had not presented it with a view of instituting a charge against any person, but with the view of obtaining such an alteration in the law as would prevent the Mayor of Hythe or the mayor of any other place from acting in a similar way in future. He had said that there were other allegations in the petition, which showed the animus of the parties; but he had refrained from noticing those allegations, because he did not wish to cover those parties with obloquy. These were the facts of the case, and he would now leave the House to judge, whether he had acted wrongly or unkindly to any of the parties concerned.

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The hon. Member for Hythe had spoken of the meeting at which this petition was got up, and had said that our party was very skilful in the practice of getting up hole-and-corner meetings. Now the hon. Member had made that assertion very boldly, and he would meet it as boldly with a counter-assertion. That petition was not got up at a hole-and-corner meeting. Any opposition which he had given to the Bill was given with the intention of amending it, and the clause which the Attorney-General had brought up that evening exactly met his view of the case. He hoped that the Attorney-General would let the Bill, as amended, be printed, in order that the House might have an opportunity of seeing it in a corrected form before it left the House.

Sir *William Follett* asked whether the Attorney-General intended to have these clauses printed before the Bill was read a third time. If he understood correctly the clause which his learned Friend had now introduced for the better control of the municipal funds, it was calculated to increase the very evil which it was professedly intended to check. Oh! then he did not understand the clause which his learned Friend had introduced, and that was a sufficient reason for having it printed for further consideration.

The report brought up, and taken into consideration.

Mr. Scarlett begged leave to bring up a clause for the better regulating the election of aldermen. The present mode of electing aldermen was in violation of the principle of the Bill, which, as he understood it, was intended to place corporations under popular control and superintendence. At present the aldermen were elected by a majority of the council. He proposed that they should in future be elected by the burgesses at large. The result of the present mode of electing aldermen was, that the minority in the corporations had no representatives at all among the aldermen. This gave both parties an interest in carrying the election of a majority of their own party as councillors; and it often happened that those who were rejected as councillors, were elected as aldermen by their party in the council, to give it additional strength and influence. To cure this, he would give to the burgesses, instead of to the council, the power of electing the aldermen.

Y

The hon. Member brought up his clause.

The *Attorney-General* could not say that the plan of allowing the aldermen to be elected by the burgesses at large was not a good one. It would, however, be a fundamental change in the constitution of these corporations. The clause which his hon. Friend wished to alter, was a clause framed elsewhere, no doubt with the same wisdom which pervaded all its legislation. It was connected with many other clauses, and any alteration in it would dislocate the Bill exceedingly. He thought that his hon. Friend had better bring in a Bill to amend the state of the law affecting corporations, and to cure the defects which had been introduced into it by amendments made elsewhere. At present, according to the clause framed elsewhere, the aldermen were elected by the council. This Bill introduced no organic change into the original Bill, and he therefore must object to the reception of the present clause.

The House divided on the clause:—Ayes 34; Noes 93; Majority 59.

Mr. *Scarlett* rose to move another clause, the object of which was to give to every corporate town two sheriffs, as in London and Dublin. The circumstance of there being but one executive officer was calculated to create distrust and excite political and party feeling. It was perfectly natural that men should feel, or at least suspect, that juries were not impartially chosen when there was but one sheriff. To the case of elections, the same objection applied with equal force. The clause which he then submitted to the House, would neither interfere with the duties of sheriff, the mode of election, nor the persons by whom elected, but merely alter the number of those officers in towns corporate, electing them as the aldermen were elected.

The *Attorney-General* would oppose the clause. He felt some hesitation as to the election of aldermen, but he should decidedly object to the application of the same principle to the choice of sheriffs. He conceived that the Bill would not be improved by the introduction of this clause. There appeared to be no reason whatever why two sheriffs should be appointed. Why not have three or five, that there might in case of differences of opinion be a casting voice? If there were to be two sheriffs, why not two mayors, and carry the dual number throughout the whole corporation.

Mr. *Scarlett* knew of no case where the circumstance of the office of sheriff being executed by two persons occasioned doubt or delay. The duty of sheriff was merely ministerial, and he therefore thought that the clause he proposed might be advantageously adopted; but as his hon. and learned Friend did not concur with him, he should not press the question to a division.

Mr. *Finch* proposed the insertion of the following clauses, declaring,

"That nothing in the Municipal recited Act contained, shall prevent the levying and collecting of any rate by the town-council in any such borough or place in the said recited Act mentioned, for the purpose of paying any debt chargeable upon the rates of any borough or place contracted before the passing of this Act or the said recited Act, or the interest of any such debt, &c."

He had been induced to propose these clauses to prevent the hardship to individuals which otherwise might occur. To show that such a provision was called for, he had only to mention a case that had recently occurred at St. Alban's. Before the passing of the *Municipal Corporations Act*, the liberty and borough of the town of St. Alban's were authorized conjointly to raise money on the security of the rates for certain local purposes. A rev. gentleman, on the faith of the law as it then stood, lent a sum of money to the corporation to build a court-house; and since the passing of the *Municipal Corporations Act* a question had arisen as to whether the interest should be paid by the liberty or the borough? The effect of the doubt was to deprive the party of his interest; and unless the Legislature interposed to protect him by an enactment of this kind, a great injustice would be inflicted upon him, as it was by no means certain that the Court of King's Bench, or any other legal tribunal, could afford him relief. Under such considerations he trusted that the hon. and learned Gentleman would not oppose the motion.

The *Attorney-General* was very sorry that he could not comply with the hon. Gentleman's request. The clause was unnecessary, and, therefore, he must oppose it. It was a mistake to suppose that the rev. gentleman alluded to, would not get his money. The law as it stood would afford him all the remedy that he was entitled to have, and as to which party, whether the borough or the liberty, was

liable to the payment of the interest, that was a matter for the decision of the Court of King's Bench, and not for that House.

Mr. *Finch* regretted that the hon. and learned Gentleman should think this was not a case for the interposition of the House. The hon. and learned Gentleman had expressed it as his opinion, that the party who lent the money had a remedy in the Court of King's Bench, but although that might be his opinion, and he knew that the Attorney and Solicitor-General were usually considered, no doubt properly so, the giants—the Gog and Magog—of the Bar—still it so happened, that in this very case, a different opinion had been given by another lawyer who had been consulted upon it.

The *Solicitor-General* said, that as it was impossible for the House to determine the judicial point which had arisen in the case referred to, it would be most improper to introduce such clauses as these into the Bill. He must, therefore, give it his opposition.

Mr. *Goulburn* thought, that the case had not been fully stated to the House. The fact was, that if the Municipal Corporation Bill had not passed, such an injury as was now complained of, never would have arisen. The party advanced his money on the faith of an Act of Parliament, which empowered the Corporation to pledge the rates. He lent his money to build a court-house, and although he had got a mortgage on the rates, it turned out that, owing to a difficulty which had arisen out of the new law, he had been deprived of that interest to which he was strictly entitled. This was not just, and whatever might be the opinion of the hon. and learned Gentleman opposite, to use the words of his hon. Friend, “the Gog and Magog of the bar,” he must deny that it was consistent with justice to leave the individual alluded to, the expensive remedy of a suit in the Court of King's Bench, when the evil might be remedied by a provision such as his hon. Friend had proposed. They should not forget that the whole of the difficulty was of their own creating.

The *Attorney-General*, thought that in such a case, that House ought not to interfere. The question as to the liability of the liberty or the borough, was one which a legal tribunal alone could decide.

Mr. *Goulburn* repeated that, as the injustice had arisen out of the Municipal

Corporations Bill, they were bound to remedy it.

Mr. *A. Trevor* said, that if the course taken by the hon. and learned Gentlemen opposite, the law officers of the Crown, were justice, all he could say was, that justice was but an empty name. Equity and justice would suggest a very different cause.

Mr. *O'Connell* did not think that House could decide such a question.

Sir *T. Fremantle* said, that all they required was, that just debts should be paid; that the saddle should be put on the right horse.

Mr. *Jervis* said, that until they were in the position to say on which party the burthen ought to fall, it would be absurd to legislate on the subject.

Mr. *Finch* said, it was admitted on all hands that injustice had been done. That injustice had grown out of their own Act of Parliament; and although the hon. and learned Gentleman opposite declared that the King's Bench could apply a remedy, another professional man had stated that the only way in which the evil could be rectified, would be by a short Act of Parliament, the expense of which he said the Government ought to bear, inasmuch as it was occasioned by “their own stupid blundering.” Now, had an application been made to Lord Melbourne, or any other of his Majesty's Ministers, to bring in an Act of Parliament on the subject, was it likely that it would be attended with success? He thought not; but, at all events, he was satisfied that the hon. and learned Member for Kilkenny was so much engaged with his own deep speculations, as to be unable to see the matter in its true light.

Motion negatived.

Mr. *Hodgson Hind* moved the insertion of a clause in these words:—“And be it further enacted, that all hospitals for the maintenance of aged and decayed freemen, their widows, or daughters, which have heretofore been supported out of the corporate funds of any city or town, shall continue to be supported out of such corporate funds; and that so often as any vacancy shall occur in any such hospital, the same shall be filled up within three calendar months, by the mayor, alderman, and council, of the city or town in which such hospital is situated. Provided always, that no part of the expense of such hospital shall be defrayed

out of any borough rate, or out of the produce of any tolls."

The *Attorney-General* said, that as the sense of the House had been so fully taken upon this clause already, he felt himself bound to oppose the motion, that it be brought up. On a former occasion a majority of nearly two to one had decided against the clause. As the law at present stood, the Corporations were empowered to apply the surplus of their funds to the general benefit and use of the inhabitants. Unless the hon. Member meant to make the clause compulsory it would be useless, as the Corporations had now the power to make such a provision if they chose to do so; and to make the clause compulsory would be an injustice, inasmuch as it would compel the application of funds intended for the general use of the inhabitants, to the benefit of a particular class.

Mr. H. Hind contended, that in equity these parties were entitled to the benefit which he sought to obtain for them. Those institutions had heretofore been maintained out of the funds of the Corporations, and he sought to obtain for those individuals a continuance of those advantages which they had heretofore enjoyed.

Mr. Burdon said, that so far as the Corporation of Newcastle was concerned, it was at present in a state little short of bankruptcy, and it was not likely that it had money to devote to this purpose. If the hon. Member had framed a clause so as to include decayed men, &c., instead of confining the relief to a particular class, he would have supported it.

Mr. Robinson considered the clause would be nugatory, unless it was made compulsory upon the town-council, so to apply a portion of the funds of the Corporation. He thought if relief of this kind were to be provided, it should not be for a particular class, but for the poor of the borough generally. He felt bound to oppose the clause.

Mr. A. Trevor trusted his hon. Friend would take the sense of the House on the clause. He was not surprised that justice and equity should be denied the freemen. He had no hesitation to say that in the language adopted by the hon. Gentlemen opposite, justice and equity were out of the question.

Report received, and Bill to be read a third time.

JUDGES' OPINIONS.] *Sir Eardley Wilmot* moved the second reading of the Judges' Opinions Bill, and stated that, in former times, and until recently, when any difficulty arose in any cases tried at quarter sessions, by persons holding the commission of the peace, such difficulty was not to be decided unless in the presence of a Judge of Assize. At present it was the practice, if the friends of a prisoner convicted at quarter sessions, or before a recorder, thought that the conviction was illegal, to forward a memorial to the Home Secretary, who generally referred the case to the opinions of the law officers of the Crown. He objected that the officers of the Crown should be the justicial referees, and he preferred returning to the ancient practice. He proposed in the present Bill that if in the case of any prisoner tried at quarter sessions, a difficulty arose upon any point of law the opinion of the going Judge of Assize should be taken thereupon. He proposed that, in the meantime, the prisoner should be respited. If the Judge decided that the conviction was legal the sentence should be carried into execution; if, on the contrary, the conviction was held to be illegal the prisoner should then be discharged. He moved that the Bill be read a second time.

The *Solicitor-General* felt that the country was greatly indebted to the hon. Baronet for bringing forward his measure, which was calculated to put an end to a most objectionable anomaly.

Bill read a second time.

FICTITIOUS VOTERS (SCOTLAND) COMMITTEE.] *Mr. Horsman* moved that the hon. Member for Roscommon (*Mr. D. O'Connor*) be discharged from his attendance on this Committee, and that *Mr. Divett* be substituted in his stead.

Mr. Cumming Bruce objected to the motion. It was most important, in order to render the result of this inquiry useful and satisfactory, that the Committee should be free from all imputations of party motives, and have the character of perfect impartiality. He did not think at the time that this Committee was proposed that it was calculated to effect the object it proposed to accomplish. However, seeing that both sides of the House were unanimous on the subject, he gave way. He thought, however, that the plan on which the hon. Member intended to pro-

ceed was sufficiently indicated when, at the commencement, he at one fell swoop excluded no less than six Scotch Members of counties, and subsequently two other Scotch Members, from the Committee, on the ground that, as the inquiry would refer particularly to their constituencies, they were not eligible to be placed on this Committee. He protested against this unusual course of disqualifying Members, which in cases where party influence was involved in the issue might be carried to a dangerous extent. He had no objection that the hon. Member for Roscommon, whose impartiality was beyond suspicion, should be discharged from his labours, as he understood that he had urgent reasons for going to Ireland, but he objected to the proposed substitution of the hon. Member for Exeter. He had had a very old acquaintance with that hon. Member, and personally he entertained for him much regard, but he certainly objected to having him placed on this Committee. He perceived that the hon. Member had, a few days ago, been discharged from his attendance on the Committee on private Bills. Unless there was a particular motive in substituting the hon. Member for Exeter he did not know why such anxiety should exist on the part of those at the other side of the House. Now he had reason to know that Mr. Patrick Stewart, the hon. Member for Lancaster, and Lord Robert Grosvenor had stated that they had no objection to serve on this Committee. He had not any objection to the appointment of either of those hon. Members, but he certainly thought that there must be some motive for the eagerness to place the hon. Member for Exeter on this Committee. That hon. Member had, on a recent occasion, shown little capacity to separate the innocent from the guilty, as he had voted for the punishment of a large number of admittedly innocent and incorrupt voters because certain other electors of the borough to which they belonged had been proved guilty of bribery and corruption. From all these considerations, and feeling the importance that the Committee should possess an undoubted character for impartiality, he should oppose the motion.

Mr. Warburton wished to call the attention of the House to the principle on which the Committee had been appointed. It was composed of an equal number of Members from both sides of the House,

with an intermixture of others of moderate politics. One of the Members who had been placed on the Committee, the hon. Member for Roscommon, was obliged to go to Ireland, in consequence of a family affliction, and was not likely soon to return. The Committee was to sit on Tuesday next, and it was proposed to substitute in his place a Member of equally pronounced politics, in order to keep the balance of the Committee equal. There was nothing in that proposal which could be called unfair. And to take an hon. Member from one Committee to serve on another was nothing unusual.

Mr. Maclean said, that the Committee was of a peculiar character, being, as he considered it similar to an Election Committee. For his own part he saw no occasion whatever for it. The votes on which it was to make inquiries had been already decided on by the Courts of Registration, and there was no necessity to go over them again. Great care ought to be taken in meddling with the Committee, after its having been once appointed, and he thought it singular to remove an hon. Member from one Committee to place him on another.

Mr. F. Maule was of opinion that to substitute the hon. Member for Exeter for the hon. Member for Roscommon was quite reasonable.

Mr. George F. Young begged leave to observe, that the hon. Member for Roscommon was a man of moderate politics, and that, constituted as the Committee was, they were bound to substitute some Gentleman whose opinions were of at least as moderate a nature, in order that the House and the public might have confidence in the result of the inquiry. He believed the hon. Member for Lancaster (Mr. P. M. Stewart), who was in every respect fitted to assist in that inquiry, would have no objection to be named on the Committee in the place of the hon. Member for Roscommon, and he would move as an amendment that his name be substituted therefore.

Mr. R. Stewart supported the original motion, and defended the original constitution of the Committee, a list of the members of which he had previously shown to the hon. Member for Edinburghshire.

Sir T. Fremantle said, that when a noble Lord, a Member of the Committee, and of that side of the House, was likely to have been obliged to absent himself, they had

determined not to propose the substitution of any other hon. Member, but, although a different course was thought necessary on the present occasion by hon. Members opposite, he did not expect that they would have brought forward any motion to alter the constitution of the Committee. There were many hon. Gentlemen present perfectly conversant with the subject of inquiry, and to whom there could be no objection on the ground of holding very strong political opinions, one of whom he would suggest ought to be named in place of the hon. Member for Roscommon.

Mr. *Horsman* had proposed to the hon. Member for Buckingham to select one of two names; but that the hon. Member had replied, "No; propose your man, and then I will state my objections to him."

Mr. *O'Connell* begged to differ with the hon. Member for Tynemouth, in defining the politics of the hon. Member for Roscommon as of a moderate character. Now, the hon. Member for Exeter was a Whig or very little more, while the hon. Member for Roscommon was a thorough Radical, who had pledged himself to his constituency, at the last election, to support the present Administration. He had voted for the Ballot, the Shortening of Parliament, Universal Suffrage, and was a decided Repealer, and yet the hon. Member for Tynemouth had asserted that he was a man of moderate politics.

Mr. *Robinson* wished to state the reason why he felt it incumbent on him to vote for the hon. Member for Exeter. His predilections were in favour of his Friend the hon. Member for Lancaster, but when he recollected that the former Gentleman had been originally proposed, he felt that he could not object to him now without casting imputations on him.

Mr. *Scarlett* denied that any imputation was intended, by the opposition given to the substitution of the name of the hon. Member for Exeter. A comparison between two hon. Members was an extremely delicate point, and he thought the best way to avoid it would be by hon. Members opposite acquiescing in any reasonable proposal emanating from his side of the House. He was sorry to hear that the politics of the O'Connor Don were of so decided a character as that described, but still there was no man carried further than that hon. Member those notions of honour and impartiality which

in a judicial tribunal could alone lead to a correct conclusion.

Sir *George Clerk* said, that although he conceived many of the facts as originally stated by the hon. Member opposite (Mr. *Horsman*) to have been founded in misconception, yet he offered no objection to inquiry, stating, at the same time, that the Committee should be so constituted as to meet with the confidence of that House and the people of Scotland. He felt, that as it was to be an inquiry into a question of a legal character, it was not only necessary to have a Committee free from political bias, but one formed of men who, from their professional habits or other sources, were best calculated to turn their attention to a question of so difficult a nature. Being still of that opinion, being anxious for full and fair inquiry, and being desirous that the Committee should be placed above all suspicion, he would suggest that a conference should take place between the hon. Member for Buckingham and the noble Lord, the Secretary of State for the Home Department, in order that they might decide upon substituting some hon. Member to whom there would be no objection.

Lord *John Russell* had seen the original list of the Members of the Committee before it was proposed to the House, and thought it a very fair one. When it was proposed to the House, the only objection made to it was that some of the hon. Members who belonged to the other side of the House might not be able to attend. He had observed that if that should prove to be the case there would be no difficulty in filling up the vacancies with Members of the same side of the House; for no one contended that the constitution of the Committee was irrevocable. Now, however, when an hon. Member from his side of the House was unable to continue his attendance on the Committee, the substitution of another hon. Member of similar political principles was opposed. The hon. Member for Buckingham was not entitled to refuse the proposition of the hon. Member for Cocker mouth, and to say, "Do you propose your man, and I will state my objections to him." With reference to the present motion and amendment, he had only to say that he had every confidence in both his hon. Friends' names (Mr. *Divett* and Mr. *Stewart*); but that as a substantive motion had been made for the nomination of the hon. Member for Exeter

in place of the hon. Member for Roscommon, he could not consent to the substitution of the name of his other hon. Friend.

Mr. *James* could not avoid observing that the discussion which had this evening occurred was calculated to depreciate this House in the eyes of the country.

The House divided on the original question that the hon. Member for Roscommon be discharged from further attendance on the Fictitious Votes (Scotland) Committee:—Ayes 130; Noes 16: Majority 114.

The House again divided on the question that the name of the hon. Member for Exeter be substituted for that of the hon. Member for Roscommon:—Ayes 111; Noes 40: Majority 71.

HOUSE OF LORDS,

Monday, February 20, 1837.

MINUTES.] Petitions presented. By the Bishop of Hereford, from Bridgenorth, against parts of the Fourth Report of the Ecclesiastical Commissioners; and from the Archbishop of Ely, against Abolition of Church Rates.—By the Earl of Ripon, from Lincoln; Lord Kenyon, the Marquess of Clanricarde, the Bishop of Exeter, Lords Mansbrough, Bexley, the Earls of Clarendon, Shaftesbury; the Marquess of Lansdowne, from various places, against the Abolition of Church Rates.—By the Marquess of Lansdowne, from the Guardians of the Poor of the Home Union, against the Alteration of Poor Laws Amendment Act.—By Lord Brougham, from Okehampton, for some measure to extend the benefit of the Municipal Corporations Act to that Town.

MUNICIPAL CORPORATIONS (IRELAND)

—PETITIONS.] Lord *Cloncurry* said, he had to present a petition from a large parish in the county of Westmeath, in Ireland; and, as it alluded to a noble Lord who was now in his place, he considered it to be his duty to read it. The petition was respectfully worded; but it alluded with considerable feeling—with hurt feelings—to a speech made by the noble Lord in his place. The petition was from the householders and landholders of the parish of Ballymore, in the county of Westmeath, and prayed that their Lordships would take the Municipal Corporations of Ireland into their consideration, with a view to a reform of them as extensively and as fully as had been extended to those in England and Scotland. The petitioners expressed their regret, that a majority of their Lordships' House had thought fit to refuse their assent to the measure to this effect, which had been sent to them from the House of Commons, thereby inferring that the Irish people were not capable of managing their own affairs. In respect to the enormous abuses which existed in these corporations,

and the injury which resulted from them, arising from the want of a wholesome popular control, they had been so frequently detailed, that the petitioners did not think it necessary to state them; but they could not avoid referring to certain expressions which had been used by an influential Member of your Lordships' House, in which he called the Irish people aliens in blood.

Lord *Lyndhurst* rose to order. Petitioners could not, he believed, regularly allude to any expressions that had been used in their Lordships' House.

The Marquess of *Clanricarde* was of opinion, that this was a petition which ought to be received. The terms of the petition did not aver that the expressions alluded to were used in that House; but it did refer to expressions which might or might not have been used there. The words of the petition were,—“The petitioners cannot avoid referring to expressions which had been used by an influential Member of your Lordships' House.” Now, he did not mean to contend that these words did not refer to expressions which had been used in that House, for he thought they did; but still he could only arrive at that opinion by inference; and it would be a very broad principle indeed, if they were to lay it down as a rule that they were not to receive petitions in which allusion happened to be made to expressions that had been used by a Member of that House, but which did not state that they were uttered in that House. That would be taking a wide range indeed. It was, however, for their Lordships' consideration, whether they would receive the petition or not. He thought that the petition ought to be received.

Lord *Cloncurry*, as the petition had been confided to him, must request their Lordships to decide whether it were to be received or not, for he had a number of petitions to present, in which the same unfortunate expression was alluded to. He was not, however, sufficiently acquainted with the forms of their Lordships' House to give an opinion, and he had no desire to invade their Lordships' regulations; but he would only say that the expression referred to, wherever it might have been used, had produced a strong impression on the minds of the people of Ireland, who were of opinion that the person who had uttered it must be an alien to the feelings which should result

from the Christian religion, or he would not have ventured thus to offend so many millions of people. Whether the petitioners were alien in blood, in language, and in feeling, from the person who had used the expression he could not judge. Neither could he judge, whether the individual who had thus spoken was alien, or belonged to this country or not; but he wished respectfully to say, that he coincided in the opinion of his countrymen, that they ought to have that measure of relief and justice extended to them which they claimed. He, therefore, left it to their Lordships to decide, whether he should present those petitions to the House, or return them to those by whom they had been placed in his hands.

Lord *Holland* said, it was a very nice question to decide. Although the petitioners did not directly assert that the words to which they referred had been used in that House; yet, if it were their Lordships' opinion that it was meant to imply that such expressions had been used there, he thought that their Lordships could hardly receive the petition.

The Marquess of *Clanricarde* said, it frequently happened that petitioners were obliged to allude directly to what had been said in that House, and yet their petition could not, in many cases, be objected to. He would instance petitions in which judicial decisions were referred to. [Lord *Lyndhurst*: In judicial cases.] He, undoubtedly, alluded to judicial cases; but he thought their Lordships would find it very difficult to draw a line of distinction, and to say in what cases petitioners should be absolutely precluded from alluding, even by inference to expressions used, or supposed to have been used in that House. He, at any rate, objected to the petition being refused, without knowing what the petitioners really did say. How could they know that without going to the prayer of the petition?

Lord *Lyndhurst* had only thrown out a suggestion to the noble Lord who introduced the petition, in order that if any reference were made in it to what had been said in that House, the noble Lord might see the propriety of withdrawing it.

Lord *Cloncurry* was not disposed to withdraw the numerous petitions intrusted to him, all complaining, like that now before them, of the language which was referred to in it, unless the House refused to receive them. In presenting those peti-

tions, he was the representative of a large body of his fellow countrymen, with whom he certainly participated in the indignation which they expressed at the terms which had been applied to them.

Viscount *Melbourne* suggested that the petition should be read.

The petition was accordingly read at length.

Viscount *Melbourne* said, it would be extremely inconvenient if petitioners were permitted to allude to expressions used by noble Lords in the course of debate. He was opposed to the reception of the petition in its present state, and hoped the noble Lord would consent to withdraw it.

Petition withdrawn.

REGISTRATION AND MARRIAGES ACTS SUSPENSION BILL.] On the Report of the Registration and Marriage Acts Suspension Bill being brought up,

The Lord Chancellor observed, that the Bill as it came up to them answered every purpose for which it was intended. It provided, that the two Acts relative to Registration of Births, &c., and Marriages, which were to come into operation on the 1st of March next, should not take effect till the 30th of June, and it left in operation the 52nd of Geo. 3rd, which related to registration of births, and the 4th of Geo. 4th, which had reference to solemnization of marriage, which, however, were to be repealed after the 30th of June. This, as he had before said, fully met the circumstances of the case; and, therefore, the amendment introduced by the noble Lord (Ellenborough) on a former evening was unnecessary. He would, therefore, now move, that the words of the second clause "on such day as the registrar shall appoint" be left out, as in his judgment there was no necessity for the alteration.

Lord *Brougham* was of opinion, that the alteration was necessary, for by the operation of the two clauses of the two Acts as they now stood; and, as without the alteration they would stand, all marriages would be prohibited from the 1st of March to the 30th of June, and all marriages, except those authorised by licence, would be null and void. His noble and learned Friend (the Lord Chancellor) seemed to think, that were the proposed alteration suppressed, there might arise questions of doubt, but not questions of difficulty, he (Lord Brougham) would,

therefore, merely show to their Lordships that questions of difficulty even might arise. His Lordship then contrasted two sections of the two Acts, and demonstrated that the dates were so at variance with one another as to produce the effect he had described. He had considered it necessary to make these remarks, as they would bear out what he had already said.

Amendment agreed to. Report received.

Bill to be read a third time.

HOUSE OF COMMONS, Monday, February 20, 1837.

MINUTES.] Bills. Read a third time:—Post Office Contracts.—Read a second time:—Charity Commissioners; Shire Halls.

Petitions presented. By Mr. HENRY WILSON, WILLIAM ORD, Mr. LANBTON, Mr. CUTHBERT RIPON, Mr. HUTT, Mr. LENNARD, Mr. CHARLES LUSHINGTON, Mr. MARK PHILLIPS, Mr. HAWES, Mr. BAINES, Mr. CLAY, Mr. WILKE, Mr. HASTIE, Mr. A. SANDFORD, Mr. HINDLEY, Mr. G. F. YOUNG, Mr. PENDARVES, Mr. PATTISON, the ATTORNEY-GENERAL, and Sir RONALD FERGUSON, from Poplar, Hackney, and other places, for the Abolition of Church Rates.—By Sir G. CLERK, Sir Y. BULLER, Lord F. EGERTON, Messrs. PRAED, JOHN LEE SANDERSON, and Colonel SIRTHORP, from various places, for the Abolition of Church Rates.—By Mr. J. O'CONNELL and several other Hon. MEMBERS, from various places, for the Abolition of Tithes (Ireland); and for the Municipal Corporations (Ireland) Bill; and Vote by Ballot.—By Mr. HINDLEY and other Hon. MEMBERS, from various places, for Municipal Corporations (Ireland) Bill; and for Vote by Ballot.—By Sir R. FERGUSON, Messrs. C. LUSHINGTON, H. WILSON, from Nottingham and other places, for Repeal of Duty on Fire Insurances.—By Mr. A. WILLIAMS and Mr. HASTIE, from Llandowry, Llangadock, Llandilo, and Paisley, for Repeal of Duty on Soap.—By Mr. HARDY, from Bradford, for Amendment of Pastoral Act.—By Mr. RICHARDS, Mr. HUTT, Mr. BETHELL, from Buckfastleigh, Dolgelly, Southcoates, Drypool, and Marfleet, for Amendment of Poor Law Act.—By Mr. AGLIONBY, from Cocker-mouth, for Poor Laws (Ireland).

MUNICIPAL CORPORATIONS (IRELAND). COMMITTEE.] The Order of the Day for going into Committee on the Municipal Corporations (Ireland) Bill having been read,

Lord Francis Egerton, in rising to move an instruction to the Committee, said, that he could hardly hope that the circumstance of this being the second occasion on which he had undertaken, in deference to the wishes of those with whom he politically acted, to do what the House would admit he very rarely presumed to attempt—namely, to offer his suggestions as to the course which it was befitting the House to pursue on a question of great public interest and national concern—he could hardly hope that the circumstance of this being the second time of his bringing forward the motion which he should have the

honour to propose would bring with itself much alleviation to the embarrassment and difficulty which he felt in approaching this subject. Upon this occasion so many incidental topics had been introduced, in the first instance, by the noble Lord who brought forward the subject, for reasons which he did not impugn, and to which it was not his intention to object, that it became extremely difficult for any Gentleman who wished to deal with the subject at all to treat it abstractedly or solely with reference to the merits of the question before the House, that question relating to the manner in which they should deal with the Bill proposed by the noble Lord opposite for establishing Municipal Corporations in Ireland. It might be very difficult for him, in common with others, to avoid altogether the introduction of incidental topics which unfortunately led to irritation and animosity, and to discussions foreign to the immediate subject, but he would do his best to shun any unnecessary introduction of those topics, and he would express his anxious hopes, that, in discharging to the best of his ability the duty which he had undertaken to perform, he might not be supposed desirous of referring to any topic which could give offence to Gentlemen on the other side of the House. There were many personal reasons for his wishing to abstain from any reflections which could give offence to any Members of the Government, because that Government contained many Members for whom he entertained feelings of friendship and regard. The resolution which he had placed on the books of the House sufficiently indicated to the noble Lord (J. Russell) and the Gentlemen who supported his Administration, that inasmuch as, with some slight exceptions, the noble Lord's Bill was the same as that which he introduced last year, the course which he and those who did him the honour to act with him thought it proper to follow, without any deviation, was the same as they had adopted last year. If he could trust to the recollection of the noble Lord opposite of what occurred on that debate in preference to his own, he would certainly spare himself the trouble of recalling to the attention of the House any topic which was then advanced. But in the speech with which the noble Lord introduced this measure, he compressed in a small compass, and after a version of his own, the arguments which were brought forward in opposition to the

Bill, and he believed that the expressions used by the noble Lord were, that the only argument advanced in support of the views of those who opposed the Bill were—that whereas England was inhabited by Englishmen, and Scotland by Scotchmen, because Ireland was inhabited by Irishmen, Ireland was not fit to receive the particular institutions in question. The House would see—that cheer assured him that the House did see—that it was not altogether unimportant for him to disclaim the expressions, and the argument which was couched in the terms employed by the noble Lord—terms which could not be otherwise than offensive to the feelings of the people of Ireland. It might suit the purpose of the noble Lord, whose tenure of office and of power depended on the degree of the political thermometer at which he could keep up the excitement of the people of Ireland on questions of public interest, to couch the arguments of Gentlemen on that side of the House in forms and expressions well calculated to awaken the national pride and arouse a sense of injured honour in the people of Ireland—feelings which he should be the last man to undervalue, but which, when misdirected, were not likely to lead to a cool and dispassionate judgment on political questions. He never said—and he believed he might say for his Friends on that side of the House, that no Gentleman who usually sat there had said—anything which the noble Lord had a right to strip down to the naked and offensive proposition he had enunciated. He had never said that there was any thing in the national character of Irishmen, as such, which should disqualify them from participating in any benefits which Parliament might be able to confer, but that there were circumstances in the social condition and present state of Ireland which, in his judgment, made it most unwise to apply the particular nostrum which the noble Lord proposed to administer. The noble Lord spoke of his measure as one that would establish justice and promote peace in Ireland. They told him that they thought it would inflict injustice, exasperate strife, and make her condition intolerable. The noble Lord spoke of his measure as one that would destroy an unjust monopoly; they assured him that it would lead to its resurrection and transfer. The noble Lord defined justice to Ireland to be an identity of institutions and government by means of local corporations;

they quoted in answer the instances of Manchester and Birmingham, and, referring to the petition at Belfast, denied that the terms were synonymous. The noble Lord spoke of identity of legislation; his opponents spoke of the Assistant Barrister's jurisdiction, and told him of his own Police Bill, and he now had to thank the noble Lord for supplying him with another topic from the measure which he was about to introduce for the establishment of Poor-laws in Ireland. He believed the measure of the noble Lord was not yet printed. [Several hon. Members: Yes it is.] At all events, the report of Mr. Nicholls was now in the hands of Members, and he must say, that, whether looking at the speech of the noble Lord, which did him the utmost credit, or the report on which it was founded, increasing proofs were afforded of the difficulty of applying that identity of legislation which the noble Lord declared to be justice to Ireland. He thought that the report of Mr. Nicholls showed in every page, at least in every important page, a laudable desire, without the accompanying power to apply the identical institutions to Ireland which were established in England. To take, for instance, the paragraph in the report relating to the union of parishes under a board of Guardians, Mr. Nicholls said, that if it were desirable to establish in the several parishes of Ireland a parochial machinery similar to that which existed in England, he believed the attempt would fail, for the description of persons requisite for constituting such a machinery would not be found in the great majority of Irish parishes. And he went on to say, that the system of united parishes acting under a combined arrangement was therefore more necessary even than for England. The difference between the measure which the noble Lord proposed to introduce into Ireland, and that which was now in operation in this country, had already been adverted to in the speech of the noble Lord. The noble Lord had alluded to the difficulty of appointing county magistrates *ex officio* Members of the board of Guardians. But there was one feature of difference which had struck him as being rather more remarkable on account of the number of instances in which it exhibited itself when the measure was brought to bear on Ireland. He had occasion lately to inquire of some of his constituents relative to a question which he was afraid would press itself upon them, namely on the noble

Lord's attention than he could wish—he meant the introduction of the new Poor-law into those districts of the north in which it had not fully come into operation. His correspondent had told him, that for the last two years, he had never failed to attend at one of the boards which had been formed in the township to which he belonged. That correspondent of his was a clergyman, who, in the discharge of his religious duties, had always conducted himself in the most exemplary manner, and he believed it would be found throughout the country that clergymen had been most valuable assistants in working the English Bill. He did not know whether that observation could be extended to clergymen of other persuasions. It surely, then, would not be contended, at least by Protestant Gentlemen, that the Protestant clergy of Ireland were more disqualified for this office than their English brethren; but he had not the smallest doubt that the noble Lord had acted right in determining that neither the Protestant nor the Catholic clergy should be members of the board of guardians. Could there be, then, a stronger proof of that difference between the two countries which prevented the application of an indemnity of institutions to both, than that no clergyman of any persuasion whatever should be a member of the board of guardians in Ireland? It might be desirable, if they were dealing with the details of this Bill, to show that a scale of rating should rather have been adopted as the mode of qualification for the elective franchise than that proposed by the noble Lord; but as they were not dealing with those details, he would not at present trouble the House with the subject. The house would hardly thank him for endeavouring to recite from memory, or to read from Hansard, the precise language in which his arguments were conveyed on a former occasion. Supposing, however, that the noble Lord continued to be unconvinced, and supposing that gentlemen on that (the opposition) side of the House still felt the same objections, he admitted that two very important questions remained for consideration on the present occasion. He believed them to be important, because he did not rest his opposition to the Bill on any internal or inherent grounds of objection founded on the character of the Bill, which would better become the subject of a separate dealing with

the slave question than a member of a British House of Parliament while speaking of his Roman Catholic fellow-countrymen. Of these two questions, which it would not take him long to discuss, the first was whether this Bill contained any alterations or modifications which could remove the objections which the opposition entertained to it; the next was, whether the state of Ireland had been so much altered and modified as to produce a change of opinion. With regard to the first question, the Bill seemed, with one exception, to be much the same as that of last year. On that exception he felt it his duty briefly to make a few remarks. It related to the appointment of sheriffs. He believed that in the Bill of last year the election of the sheriffs was left to the town-council, subject to the silent disapprobation of the Lord-Lieutenant. The elective nature of that appointment was objected to, and it was defended by his right hon. Friend the Chancellor of the Exchequer, on the ground that it was likely to work extremely well, and because the number of towns which would be exposed to the infliction was limited to eight. But it was again urged that those eight cities contained the preponderating fraction of those who would be affected by the Bill, and the prayer of Abraham was preferred, that even for the sake of those eight cities that provision might be excluded from the Bill. That request was no sooner made than it was acceded to, and thus the Bill received a modification of some importance. But on the present occasion the Bill appeared to have undergone another modification. The recess afforded leisure for reflection, and an opportunity of listening to advice and acquiring information. The noble Lord had doubtless received advice from some quarter which induced him to repent of the solitary sin of a culpable act of concession to a minority, and instead of the old mode the noble Lord had adopted another modification, which left the ultimate responsibility of a veto with the Lord-Lieutenant after six names at two different periods had been proposed to him by the town-council. He could easily conceive that the noble Lord the Secretary for the Home Department, and the noble Lord the Secretary for Ireland, could not anticipate any possible inconvenience from such an arrangement so long as they held the Government of Ireland. Really the opinions of the present Government of Ireland

appeared so extremely liberal on the subject of qualification for officers of trust and confidence, that it would hardly come within the compass of any probability that any person could be elected under this Bill to whom the Lord-Lieutenant could offer any serious objection. It was perfectly obvious that the circumstance of a person's being a notorious and eager political partisan could not form any objection to the present Government, supposing that he agreed with the Government to a certain extent, however much he might go beyond their views. They might also feel confident that an occasional violation of the law would form no substantive objection to an individual's appointment, and therefore the noble Lord would anticipate no inconvenience in working the machinery of Government under this provision. But he might be allowed to suggest the possibility of a Government being established in Ireland holding different opinions to those of the present Administration. He did not refer to a Tory or an Orange Government, or any particular Government whatever; but he could imagine the establishment of a Government which would think that a character as a political agitator was not much of a recommendation for an office which was largely concerned in the administration of justice, — a Government which would be slow to act on the principle that an occasional violation of the law was in itself a qualification for the due administration of it, and that a casual experience of its minor penalties would be likely to lead to its merciful administration. This was the principle on which, as he understood, country gentlemen occasionally acted when they appointed the principal poacher in the neighbourhood to the confidential office of gamekeeper; the principle upon which in Italy the bandit became the escort of the traveller; and the gentleman who had figured in the records of brigandage, the discoverer of crime and the guard of his sovereign's person. However unlikely it might be that any Government of this description might be established, still, looking, not at particular government, looking not with reference to any particular individuals, but with a reference to the policy of any government whatever, he must say, that he wished to legislate for all possible and contingent governments; and he really thought that it would be better to leave the nomination

of sheriffs at once subject to the Lord-Lieutenant, instead of exposing the Irish Government to an ultimate collision with the town-council. He did not attach any extraordinary importance to this change, but it certainly contained no argument which could be instrumental in reconciling Gentlemen on his side of the House to that part of the measure to which they objected: and, to do the noble Lord justice, he did not suppose that he had framed it with any such intention. Having disposed of this question, he would next turn to the more important one—namely, whether any change which might have been alleged to have occurred in the situation and prospects of Ireland since last year could produce a corresponding change in the aspect of the question under consideration. The noble Lord who introduced this subject had drawn a very flattering picture of the state of Ireland; dipping his pencil in rainbow colours when he spoke of matters which were usually of a melancholy and sombre hue, the number and atrocity of the crimes committed in Ireland. This statement bore indirectly on the question so far as the crimes which had their origin in political animosity were concerned. In the first place, the noble Lord had taken credit for the Irish Government for the extinction of those singular disturbances which went in Ireland by the name of “fair and faction feuds,” and he certainly heard with some surprise that these strange disturbances had been rather encouraged than discountenanced by the local authorities, and regarded with something like favour by the central government, acting on the odious maxim of *divide et impera*.

Lord John Russell had not made this charge against the central Government, but he had stated that it was abetted by some local magistrates.

Lord F. Egerton had not alluded to the speech of the noble Lord, but to the speech of the noble Lord, the Secretary for Ireland. [Viscount Morpeth; You should quote correctly, then.] He begged the noble Lord's pardon, but he understood the noble Lord had applied that charge to the central Government of Ireland. But he could not guess to what Government the noble Lord alluded. He was not there to answer for any of them: he was not there to defend Lord Anglesea, nor Lord Wellesley, nor any other Lord-

Lieutenant of Ireland; but this he would say for himself, that he would not for a moment condescend to serve under any Lord-Lieutenant who would so act, nor would he have remained one hour in communication with a Lord Chancellor who refused to dismiss a magistrate proved to have been guilty of such culpable connivance. With regard to the singular cessation of these disturbances in that country, he was glad, for the sake of the unfortunate victims who, without any intelligible reason, engaged in them, to hear that such was the case. But he might be permitted to express a doubt on one or two features of the case. As to what they had heard of the miraculous and sudden cessation of outrage, he questioned whether it would be enduring. He well recollected, when the Catholic Association was in the plenitude of its power and its influence, that they laid an interdict on this particular description of outrage, and it was, as they were told, suppressed by the Association; but when the Emancipation Bill had passed, it very shortly after revived in full strength and vigour. The same sort of interference had been now employed, and he feared that its effects would not be more lasting. He did not know whether the Shanavests had fallen into the arms of the Caravats, or whether the Black Hens had embraced the Magpies, and the Four-year-olds the Three-year-olds—for by such strange appellations were some of the factions known when he was in Ireland—but it appeared to him that there were other reasons besides the love of quiet in these people, for this sudden cessation. With regard to the flattering picture which the noble Lord had drawn as to the state of crime in Ireland, he should be most happy to find, when the returns were presented, that they confirmed the noble Lord's statements. He did not mean to question their accuracy, and he hoped the noble Lord would do him the justice to believe that no disappointment with respect to party or political views, would prevent him from rejoicing in any mitigation of outrage in Ireland; but he confessed he felt some surprise when he heard the case of that unfortunately somewhat famous county, Tipperary, cited. If the returns with which he had been furnished were true, as he apprehended they must be, the committals to the county gaol, during the last twelve months, had amounted to

1,557; and if it were true that out of these, making every allowance for the difficulty which presented itself to the successful prosecution of crime in Ireland, a difficulty which had been severely felt, still if, in spite of that difficulty, no less than 1,350 persons had been convicted of the offences with which they were charged, it would be too much to say that the state of crime in Ireland was altogether satisfactory. He did not mean to say that these returns might not be more favourable than those of some former years, or of any particular former year. If these returns showed any diminution in the progress of crime, no one would rejoice at it more than himself; but at the first blush of the statement made by the noble Lord, he was rather surprised to find a county which bore such a figure in the calendar, quoted as a favourable instance of the improving situation and increased tranquillity of Ireland. There were many details connected with this subject with which he might easily detain the House, and perhaps with some slight advantage, but as they were not relevant to the present Bill, and as he was not standing there to make out a case against Ireland, he would abstain from entering upon them, although the noble Lord was at liberty to inspect them if he pleased. There was another circumstance in the present state of Ireland which it was far more painful to deal with than with subjects that did not concern any individual either present or absent. It was impossible, however, for him to dismiss it altogether without some remarks. He alluded to the National Association, and which appeared to him to have exchanged its former name of Catholic for one not much improved, as it was borrowed from revolutionary times, and which called itself the National Association of Ireland. [An hon. Member: No; the General Association.] Indeed! then it was much to the credit of the Association, that, having begun with the name of national, it had changed its name to that of general; and he, for one, considered it a proof of their good taste. He believed that it was very unnecessary for him to trouble that House with any very detailed description of the measures, proceedings, and objects denounced and professed by that Association, for that description had already been given very fully and very accurately in the course of the debate which had preceded the intro-

jection of the noble Lord's Bill. There was one feature, however, about it that was remarkable. It might have been expected, under the popular Government of the noble Lord at the head of affairs in Ireland, controlled as it was in the administration of the law by a strong disposition to clemency—it might have been expected that whatever were the political views of the General Association, it would have left Ireland to the exertions and protection of the Government, as far as regarded the tranquillization and pacification of that country. The noble Lord had spoken of Lord Mulgrave as the pacifier of Ireland. Now, what did the General Association say upon that point? In his opinion, they treated the power of Lord Mulgrave with the greatest disrespect. One of the leading measures of that Association was to send down, by a resolution drawn up with great care, singular accuracy, and most ingenious and judicious, to all the members in Ireland. He did not know whether the party who drew up that resolution, might not at the present moment be one of those parties who were officially engaged in advising the Lord-Lieutenant in Ireland as to the meaning and operation of the laws which he was to administer; he did not know whether he might not at that very moment be penning an opinion about the propriety or impropriety of sending out troops to prevent the rescue of property seized for tithes; but be that as it might, he had no hesitation in saying, that he had never seen any report of that kind drawn up with more care and diligence so as to administer than that resolution in the Association which sent two pacifiers to every parish in Ireland. They were directed in the first place how to perform the functions to which their name was particularly applied. Those functions were the same with those which were performed by attorneys, and generally by commissioners of agents in England. The duties of the organization, and its extension in all parts of Ireland, together with the numerous which it had received to assist the Parliamentary interests of the Government in all corners of the country, he had no reason to suppose that the same activity which the pacifiers were directed to apply to the extension of the elective franchise among their own party in cases arising in Parliamentary elections, was also to be put in operation to carry the same time in the new Municipal

Corporations. Last year, the Attorney-General for Ireland had spoken of the working of the Act of the 9th of George 3rd, and had said that sectarian influence had not been observable in its operation wherever it had been put in force. Would that hon. and learned Gentleman, if he were now in the House, venture to tell him that there was a probability, or even a possibility, that that organization which was to control the elective franchise in all parts of Ireland for Parliamentary purposes, would not be extended to the electors under this Municipal Reform Bill? He doubted whether there was any town in any of the schedules attached to the Bill, so humble as to be deemed beneath the notice and attention of these pacifiers. It had been said, that it was very desirable to create in these towns a species of local aristocracy that was not in existence at present. For his own part, he was as little a friend to the centralizing system of France as could be well imagined; and he should, therefore, be glad to see that species of local aristocracy created in the towns of Ireland, no matter whether it were elected or not. But was there any chance that the local aristocracy created under the patronage of an Association which was encouraged, if not patronized, by the Lord-Lieutenant, would take out its patent, and pay its allegiance to that noble Lord instead of the General Association? It had been said that, even after you had established these corporations as arenas for political discussions in every town of Ireland, if they attempted to turn their attention to any thing but their local concerns, their agitation would be feeble and without effect. Now, would any man venture to tell him that any of these Corporations would be anything else but a platform for a battery against the Established Church of Ireland? and it was to this part of the subject that the attention of the House ought to be most particularly directed. The hon. and learned Member for Bath cheered him for that expression. He thought the hon. and learned Member for Bath acted with the same candour and honesty as was displayed in the able speech made on a former occasion. His speech and

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to say, on their abolition, the efficient and impartial administration of justice, and the peace and tranquillity of cities and towns in

the world, it was now just one of the noble Lord brought forward a motion precisely similar to the present, both in spirit and in words, and on the same grounds, supported by the same arguments—for the only new element in the noble Lord had embodied in the motion founded upon the existence of the General Association—and the results, which would be produced by the present motion, if carried, namely, to extend and perpetuate a feeling of irritation amongst the Irish people, which the refusal of one branch of the Legislature to do them justice, had unfortunately caused. Was the House never to escape from this vicious circle when Ireland was concerned? The people complained of the want of justice, and justice was to be denied to them because they complained. If they were silent, what would be the inference? Why, that they were indifferent to the matter in dispute—that they could not appreciate the value of municipal institutions, and cared little for the boon which the Legislature wished to force upon them. This was always the logic of the Conservative party; silence and indifference were always synonymous. In 1831 the people of England, according to Mr. Croker, were indifferent to the Reform Bill, because the three preceding years there had been few petitions for reform; nor was it until the table had groaned under the weight of petitions from every corner of the empire that they could be undeceived. What then was their course? Why, they exclaimed against the vehemence with which the claims of the people were expressed, and protested they would never yield anything upon compulsion. They did yield, notwithstanding, and just in time to preserve this country from a revolutionary struggle. But now, untaught, unwarned, they were repeating the same experiment in Ireland, forgetting that it must lead inevitably to the same result. Yet surely much had passed, even since last Session to convince them of their error. Was the noble Lord satisfied himself with the results of his motion? Had he put an end to agitation in Ireland, by withholding municipal institutions? What

was the argument upon which he had now rested his case? Why, that Ireland was one vast arena of political agitation. That although those normal schools, of which the House had heard so much last Session, had not been established, Ireland was governed not by the Lord-Lieutenant, not by the British Parliament, but by a Parliament sitting in Dublin, under the name of the General Association, debating, deliberating, forestalling, the discussions of that House, upon every point in which the welfare of Ireland was concerned; levying contributions, and extending its influence from the capital, to the remotest corners of the country. He admitted this to be an evil. He admitted that society would be in a sounder and healthier state if no such Association existed, and if the feelings of the people found vent through the legitimate channels which the Constitution had provided. But if the Association were an evil, what had produced it? When and why was it formed? What was the result of its influence? It was formed after the failure of two successive attempts to bring to an amicable adjustment the two questions in which the Irish people took the deepest interest. The tithe question alone—odious as that impost undoubtedly was to the Irish people, and doubly odious as it had been rendered by the late proceedings in the Court of Exchequer, by which the highest powers of the law had been vested in the hands of its most ignoble and degraded functionaries—had failed in producing it. It was the noble Lord's motion negatived, indeed, in that House, but carried through, in odious perfection elsewhere, under the sponsorship of one of the noble Lord's political associates, that was the parent of the Association. No sooner were the Irish people convinced that there was a party here determined to withhold from them rights of which they saw Englishmen and Scotchmen in the tranquil enjoyment, upon the insulting plea of national incompetency, than they determined to avail themselves of every resource which the law admitted of, in order to obtain their rights from the Legislature of their country. They combined for this purpose. There was nothing illegal in this combination. There was no law under which the sittings of the General Association could be interfered with or suspended: its members simply exercised that same right, which was exercised in various ways by almost

every one of those whom he was then addressing. The Conservatives in 1831 were entitled to protest against political unions; they did not then belong to them. But now that they had covered the land with their Conservative Clubs, and Conservative operative Associations, with their presidents, and secretaries, and treasurers, and public discussions duly registered by the Conservative press, who saw in them nothing but the purest effusions of patriotism, with what face could they denounce an Association which differed from their own simply in this, that it represented the feelings not of a few hundreds, but of some millions of their fellow-countrymen? Was it perfectly legal and constitutional for one Association to bring the King's Government into contempt, by denouncing the measures which the Ministers and a majority of that House had sanctioned, for putting an end to the disastrous tithe war in Ireland, so little better than spoliation and sacrilege; and was it illegal and unconstitutional in another Association to pass resolutions expressing its conviction that the only way to preserve the Protestant Establishment in Ireland at all was to reform it, for that nothing but a different appropriation of the tithe fund, could reconcile the people to its existence? No; the right of combination, which always must and would exist in a free country, and which was now applied to every question of general interest, must be exercised by both sides, if exercised by either, and the party must not complain who happened to be the loser. What was it that gave to the Dublin Association its national character, but the existence of grievances which nine Irishmen out of ten had an interest in removing? Redress the grievance and the Association falls to the ground—though this, he feared, was the last mode in which Gentlemen opposite would seek to suppress it. On the contrary, whatever expectations might have been entertained previously, as to the course which the Conservative party would pursue upon the present occasion, there was little prospect now of conciliation or concession. They were determined evidently to make this not a civil but a religious question. The noble Lord had said that the Corporations, if established, would be in fact so many batteries against the Church; and the right hon. Baronet, the Member for Cumberland, had urged this argument with still greater vehemence.

Talk not to me of municipal institutions, he said, or of the claims of the Irish people to local government, I tell you that the Protestant Church is upon the verge of ruin. The majority of the people of Ireland are Catholics: I entertain a just dread of Popery and Catholic domination, and I will never assent to any measure by which the hands of that majority can be strengthened. What was that but to say, that because one act of injustice had been committed, injustice must be perpetual. Because the people of England, in virtue of their right of conquest, had saddled Ireland with a Church Establishment which she did not want, and from which seven-eighths of her people derived no spiritual benefit whatever, therefore they were to deny to her municipal institutions which she did want, and for which these same seven-eighths of her people expressed the most ardent desire. He admired the zeal of the right hon. Baronet, but he lamented his indiscretion. He feared that the Protestant Church was not sufficiently popular in Ireland to support the additional odium which would thus be cast upon it. Ordinary minds would have endeavoured to disconnect the two questions, and to convince the Irish people, that it was not from motives of religious jealousy that the reform of their corporations was refused; but the right hon. Baronet scorned such subterfuges. He told them fairly, that it was as Catholics that he mistrusted them, and would exclude them now and for ever from the pale of the British constitution, by denying to them rights which were denied to no man, whatever might be his creed, in any other part of the British empire. But this, he repeated, was the policy of hon. Gentlemen opposite. They meant to fight the battle as a religious question. The no-popery cry was to be raised again; the prejudices of the ignorant were to be inflamed, and the most odious imputations cast upon all who ventured to differ from them in the discharge of their political duties. If this were not their intention, for what purpose had the right hon. Baronet, the Member for Cumberland, read at that table the other night, the oath taken by Roman Catholic Members on entering that House? Everybody knew what he meant to imply by it; and what he had insinuated, other members of his party had said without reserve or hesitation. He did not allude to the noble Lord who had brought

forward the present motion, for his opinions were always expressed with characteristic moderation, but to a right rev. Prelate, who had very recently accused the Roman Catholic Members of that House, in a charge to the clergy of his diocese, of treachery, aggravated by perjury:—"When we call to mind that such was the nature of the measure, such the argument by which it was enforced, I know not in what milder terms the indignation of an honest mind can be expressed, than by characterising the conduct of those who demanded it as treachery aggravated by perjury. No obloquy—however it may be attempted to heap obloquy on all who thus feel and thus proclaim their feeling—no violence of invective—from whatever quarter, and in whatever place, high or low, it may be uttered—shall deter me from giving expression to similar indignation, as often as it shall be called forth by similar perfidy, exhibited in such a cause." If this was the spirit in which the contest was to be carried on—if this was the *animus* with which men of high ability and high standing were to enter into it, they too, whose sacred calling might inspire them—if not with a little more of Christian charity towards our opponents, at all events with more of decency and of moderation in expressing their dissent from them, he could see nothing in that contest that would not affix indelible disgrace on the national character. But be this as it might, he would never shrink from professing and defending the opinions which he held in that House in the face of the country. He had seen something of the feelings of Englishmen of late upon these Irish questions, and he knew that when the facts were fairly stated, an appeal might always be made from their prejudices to their justice. They would see the fallacy of the grounds on which the noble Lord rested his present motion—they would see that there could be no monopolizing, no exclusion, no transfer of powers from one exclusive faction to another, where the power transferred was vested in the whole body of the people. They knew the value of municipal institutions, that they taught men to respect the laws, and gave them an interest in enforcing them; and they would see no reason why the people of Ireland should be deprived of these institutions, because the majority were Catholics. If they were told that these Catho-

lics were hostile to England and to British connexion, they would point to the fact that the agitation of the repeal question had been dropped from the moment that Ireland possessed a Government disposed to do justice. Lord Mulgrave was what the hon. and learned Member for Bath had termed him—a lucky accident. His endeavours had as yet been unassisted by the Legislature; not one Irish question had been settled by Parliament; and yet the spirit which had been infused into the executive by Lord Mulgrave had produced both tranquillity and confidence. Of this the reports of the judges and of the assistant-barristers, afforded the best testimony. But in effecting this, the executive had been assisted by local associations, framed for the purpose of putting an end to prædial disturbance, by that very people which the noble Lord declared to be incapable of self-government. The people of England were perfectly competent to judge of these facts; and they would outweigh with them a thousand vague assertions. Let the House do its duty, by rejecting the motion of the noble Lord—let it sanction the policy upon which the present Cabinet had staked its existence—and they might appeal to the country with the most perfect confidence that public opinion would ratify their decision.

Mr. Maclean said, if he had risen for the purpose of replying to the arguments of the hon. Gentleman who had just sat down he certainly should not have been called on to discharge a very difficult task, for he had listened to the hon. Member with some degree of attention, and could affirm that there was in his speech but one point of an argumentative character, but one question put in such a manner as to lead the House to believe that he desired an answer to it. That question was, "What did the Administration of the present day propose to do with the Protestant Church of Ireland?" But, although this subject had been fully investigated by men quite competent to the task, yet he felt that it was still the duty of English Members to show, however humbly, their sympathy with the minority in Ireland—of those who were about respectfully to approach that House with proofs that they were a suffering minority. The noble Lord at the head of the Government in that House, however, had lately quoted sentiments from an authority which, when mentioned in that House, invariably re-

ceived the attention that was its due—sentiments which he urged on the House as those that would be the basis of this measure of Corporation Reform. The language which the noble Lord then quoted from a speech of Mr. Fox was such as must strike even the most unobservant person with no ordinary degree of alarm. The noble Lord then declared that in legislating for Ireland he would not betake himself to the theories of Blackstone or of Locke, but act upon the sentiments of Mr. Fox; that he would concede, and proceed with concession until he pleased the people of Ireland. Here was a groundwork that, if pushed to its full extent, would furnish matter of just alarm to the Protestants of Ireland and of the whole empire. But the noble Lord, in giving the observations of Mr. Fox, should at least have also let the House hear the answer made by Mr. Pitt, and the reply to that answer which Mr. Fox thought it necessary to give. Mr. Pitt, in his answer, regretted that the hon. Gentleman had, in the warmth of his feelings, broached doctrines of a mischievous tendency, and had let fall some incautious expressions. What was Mr. Fox's reply to this? He said:—"The Chancellor of the Exchequer had asked why he who moved the independence of the Irish Parliament in 1782 should now wish to exercise a controlling power over that Legislature? His answer was—in 1782 he was for giving the Irish nation what they asked because they thought it was best for them. In like manner he did not propose the measures which he had recommended on that evening because he approved of them, but because the people of Ireland desired them." But the noble Lord did not now say that he disapproved of the measure which he was about to introduce because it pleased the people of Ireland. Yet this was a part of the declaration of Mr. Fox, on the principle of which he was to base his Irish legislation. The noble Lord made no distinction between the circumstances of the time at which Mr. Fox spoke and the present. At that time there were two Legislatures in existence, acting independently of each other. Mr. Fox, indeed, was taunted with surrendering the independence of that Parliament which he had guaranteed in 1782. Mr. Fox was for that kind of concession which Roman Catholic Emancipation afterwards granted; and in that very debate he stated that there was an

ecclesiastical establishment in Ireland too large for the actual wants of the people. All these circumstances, taken in connexion with the declaration of the noble Lord on a former evening, formed a ground-work sufficient to alarm those who saw in this measure not merely a reform of Municipal Corporations in Ireland, but rather that which the great leader of the Roman Catholics had declared to be its real object—the establishment of normal schools of agitation. He had good foundation for his assertion when he maintained the intimacy of the connexion of the Government with the hon. and learned Member for Kilkenny and his designs. That connexion and its nature had been over and over again asserted, and it had as often been denied; but had any man yet risen in his place in that House and denied the declaration made by the hon. and learned Member for Tipperary to his constituents in Ireland at the commencement of that connexion? This was the emphatic language used by the hon. Member on that occasion? “Accordingly we entered with them into a close alliance, and at the meeting at Lord Lichfield’s formed that compact, and, I trust, indissoluble junction, by which so much has been effected.” On what ground was this compact now said to be based? On the necessity for corporation reform. But was that the pretext then put forward; No. The stand was then to be made on the necessity for diminishing the Church Establishment in Ireland—that was the key-stone of the arch—that was the corner-stone, then, of the building they sought to destroy. But look at the declaration the hon. and Learned Member for Kilkenny made a short time ago at that Catholic Association, which received the patronage of one section of his Majesty’s Ministers, and was repudiated by others. And here he would remark that it was rather peculiar that no answer had ever been given by the noble Lord to that very material question put by an hon. and learned Member on the Opposition side of the House—what the noble Lord intended to do with respect to the Association that had recently sprung up in Ireland? An answer had been given, it was true, but not by the noble Lord. When the noble Lord was told that the noble Viscount at the head of his Majesty’s Government had said in another place that he knew of no sufficient cause

for the existence of that Association the hon. Member for Middlesex started up, and said that if the noble Viscount had made any such declaration he had committed a great indiscretion. But, from that time to the present, the noble Lord opposite had given no answer whatever to the question so pertinently put by the hon. and learned Gentleman. The noble Lord had never yet said whether he intended to look at the existence of the Association as an offence against the laws and whether it did, or did not, come under the operation of the Act of 1792. Why did he and his Friends, basing their operations on the declarations of the hon. and learned Member for Kilkenny, say that the present question was virtually the Church question masked under that of corporate reform? The noble Lord had thought fit to rest his Government, not on that principle through which he came into power, after having overthrown the Government of the right hon. Baronet, the Member for Tamworth—not on that Bill which the hon. and learned Member for Tipperary declared was the ground work of the indissoluble compact and junction between his party and that of the noble Lord opposite; but in the first week of the Session he came down to the House parading the Corporation Reform Bill, and took the opportunity of stating that he rested the existence of his Ministry upon it. Why did the noble Lord take this step? Because he very plainly saw that the majority with which he had originally come in on the Church question had very sensibly diminished; and that there was a probability that on this question of corporation reform—one that at the first glance wore a less objectionable aspect, and seemed founded on more plausible grounds—a greater number of votes would be found recorded on the Ministerial side when they came to a division. If this was the real and true explanation of recent events, and of the late change in the course of conduct adopted by the other side, then, were not they (the Opposition) justified in saying that it was the Irish Church question, and not that of the reform of municipal corporations, that ought to be discussed on this occasion? When the noble Lord entered into his general defence of the Administration in Ireland—when he told the House of the peculiar blessings granted to Ireland by the presence of Lord Mulgrave and the co-operation of the hon.

weakening the Protestant Church as established by law; yet the House had seen hon. Members voting against that motion, who would not be understood to wish to weaken the Protestant Church, but who did not scruple to support a measure which, by the declarations of some of its most powerful supporters, was to be looked upon as a mere stepping-stone to ulterior and more important measures. He had, however, another and a still more recent proof of the intentions of the hon. and learned Member for Kilkenny, as to the integrity and continued existence of the Protestant Established Church of Ireland. No later than the day before yesterday, a deputation had waited on that hon. and learned Gentleman, from the Radicals of Lambeth. Now, he must say, that on some points, and in some respects, he (Mr. Maclean) really had great respect for the Radicals. They were men entitled to this praise—that they went straightforward with their propositions. They did not mince matters. They were for at once fighting out the great contest between the principle of a democracy and that of a constitutional monarchy. They had held forth the language of, he sincerely believed, men honestly believing the principles and opinions they professed. They fairly told what they meant, and, so far, and for those qualities, he (Mr. Maclean) respected them. But when they (the Opposition) wished to bring to a fair and open contest the truth of their principles, there rushed in a third party—not agreeing with either—who effectually prevented both from ascertaining the real feeling of the people on the respective principles. They acted the part of the Sabine ladies. At one time they could not bear those with whom they were now in strict communion; but having once formed the connexion, they were ready to rush on the drawn swords of their opponents. What was the reply of the hon. and learned Gentleman to the Lambeth deputation? In his letter, dated Feb. 9th, 1837, would be found this passage:—"You state twelve points of the Radical creed. To prepare you to meet me, I will tell you how far I agree with, and where I differ from, you. 1. A truly reformed House of Commons.—I heartily agree. 2. Equal representation.—I agree. 3. Universal suffrage.—I agree. 4. Vote by ballot.—I agree. 5. Short Parliaments.—I agree. 6. No property qualification.—I agree.

7. A national system of education.—I agree. 8. Just taxation.—I agree. 9. No Established Church.—I agree." Now, was not this as solemn a declaration as that House could require, of the views entertained by the hon. and learned Gentleman on the subject of the Church Establishment in Ireland? By the expression "I agree," he must also be held to mean that he would use his exertions to procure those things which he thus showed his desire to attain. If the hon. and learned Gentleman would so openly urge such views here, where he was under some sort of control, how much the more would he do so where he was superior to all control? It was on a consideration of all these important declarations that he was of opinion, that these Municipal Corporations ought not to be placed under the influence of the hon. and learned Gentleman; for if the House did give him that vast power, if they did open those normal schools of agitation, they would furnish him with the means of attaining all those objects to which he did not scruple to declare all his political exertions pointed. He would appeal to the opinions which the noble Lord had expressed, not whilst speaking in that House, but when writing as a philosopher in his closet. In the noble Lord's treatise on the British Constitution, he stated, that in the concessions made to the Dissenters in the reign of William and Mary, the Roman Catholics were not included; and the same noble Lord further observed, that it was true that in the reigns of Elizabeth and James 1st, the Roman Catholics had sought for foreign assistance, had engaged in plots and assassinations, had struck at the root of British freedom and independence, and though he doubted whether the refusal of concession were wise, he fully acknowledged that it was just. With such admissions, he desired to know upon what principle, or by what maxim of prudence, could hon. Members defend that course of policy which went to place the Church Establishment in Ireland at the feet of the Roman Catholic hierarchy? There was a great demand, indeed, of "justice to Ireland." Now, if that meant equality in every respect, he admitted that, in some respects, they did not deal out equal justice to Ireland. For instance, in Ireland they were not called upon to pay assessed taxes. He admitted that when these taxes

were laid on, Ireland might have been taxed as much as she could bear; but since then the condition of Ireland had materially improved, and yet Ireland was not called on to bear the proportion of this species of taxation. At the same time the analogy which had been said to exist between the Municipal Corporations of England and those of Ireland, was not a just analogy. In England, the Corporations were much older, and the people possessed a much larger interest in them. The Corporations in Ireland were in some degree, he might almost say, a sort of citadel, for the protection of the Protestant interests. Those Corporations had continued to give to the Protestant interest the advantage of being adequately represented in Parliament. Now, these and other advantages they at that side of the House had agreed to surrender. He would also remind the House, that when it had been declared as the opinion of the House and of the Crown, that it was desirable that the Orange Society should cease, those hon. Members who were connected with that society came forward in the most honourable manner, and used every influence in their power to prevail on those societies to dissolve themselves, and their efforts were successful. Were not those instances to which he had referred, a proof of the disposition of those at that side of the House to make concessions? Emancipation was granted to the Irish people, and they were told that that measure would be sufficient to ensure the peace and tranquillity of Ireland. He need not say whether that measure had succeeded or not. The Irish agitators now came forward to ask for the establishment of normal schools of agitation in Ireland, and in that he and his Friends refused to concur. They were fighting the battle of the English people, but that was not the question on which the contest was to be finally decided. The people of England were anxious to resist any measure by which the interests of the Established Church in Ireland could be injured or compromised. That was the great question to be decided, and it was their duty to see that, neither by open nor insidious means, those great and important interests should be compromised. On a former occasion, the noble Lord (Lord John Russell) had said, that no false pride would prevent him from attempting to make a satisfactory settlement

of that great question. He trusted, then, that the noble Lord would lose no time in bringing that question forward, in order that they might see how far the noble Lord was prepared to propose a satisfactory settlement of the question. He did not know, however, how far the influence of the hon. Member for Kilkenny might interfere with the noble Lord, in reference to that settlement which he appeared to desire so much. That hon. and learned Gentleman had made many promises and declarations, but it was unnecessary to say how far they had been realised. He had stated that this measure was necessary to the peace of Ireland, and that its rejection would lead to the most dangerous results. He would say, however, of the language of the hon. Member, "*Sub risu lachrymas sub melle venenum.*" For the reasons he had stated, he felt bound to oppose this measure. No sufficient grounds had been stated in support of the plan now brought forward, and until he found arguments stronger and more sufficient than those on which the supporters of this measure relied, he felt bound to meet it with his most decided and strenuous opposition.

Mr. *Bellew* would feel very much obliged to the House if they would for a few minutes listen to the observations which he wished to make, and he assured them that he would not abuse their indulgence or trespass at any very unreasonable length upon their patience. The Catholic question was for forty years the great stumbling-block amongst statesmen in legislating for Ireland, and it appeared unfortunately that it was not yet removed, for let hon. Gentlemen disguise it as they might, the whole beginning and end of their argument amounted to this—"The people of Ireland are Catholic; we cannot, therefore, trust them with the management of local affairs; the people of England are Protestant, and they may be so trusted." For it must be borne in mind that it was not sought by any one to defend the present corporations, or to consider their total abolition as any injustice. The interests of the present Protestant corporators were most unceremoniously dealt with, just in the same way as were the Brunswick clubs at the time of emancipation. He regretted the more deeply that this feeling should continue to be mixed up with so many Irish questions, because he had the other night a most gratifying proof, when this feeling did not interfere, how anxious Gentlemen on all

sides of the House were to unite in approbation of the Bill for the relief of the poor of Ireland; and there was no one who more warmly or more eloquently than the noble Lord, the Member for North Lancashire, bore testimony to the kindly feeling, and the naturally good and generous sentiments of the Irish people. From all he had ever heard of the character of that noble Lord as a landlord, the persons on his estates would be ungrateful indeed if they did not evince the warmest regard and personal attachment to him. He only regretted that the noble Lord should not have an equally good opinion of the higher class, who would become possessed of the franchise under the present Bill—a class having the advantages of education, of a more extended intercourse with their fellow-citizens, and in many instances being in a situation which gave them a positive interest in standing well with their fellow-townsmen of all ranks and persuasions. Indeed the manner in which the power intrusted to boards chosen under the 9th of Geo. 4th, for cleaning and lighting towns in Ireland had been exercised, was a practical proof that no partiality in the selection of persons, on religious grounds, was to be apprehended. In the only town in his county, namely, Dundalk, where a board of this kind existed, he would venture to say that no man of any party complained of the persons elected. He could not, for his part, understand how Gentlemen who opposed this Bill on the ground that the persons who would gain the chief benefit from it were Catholics could object on the same principle to a Bill for superseding all the magistracy of Ireland, nine-tenths of whom were Protestant, and vesting in the hands of Government the entire administration of justice in that country; for, much as they had heard of the abuse of power by the present Government, it seemed there were no objections to confiding to them all the additional power to be given under the present Bill. If religion and not fitness were to be the test for the depositaries of power in Ireland, and that such was the feeling on the part of Tories he had a right to assume from the fact that there was hardly a single instance of a Catholic having been promoted to office under a Tory Government, how, he asked, was it possible that any Government could be carried on without having one or other party enlisted in perpetual and irreconcilable hostility to it? Gentlemen were very fond, when it an-

swered their purpose, of referring to the peculiar circumstances of Ireland. Now the peculiar circumstances of Ireland were, that there were 7,000,000 of Catholics and 700,000 Protestants. This peculiarity was never dwelt on when the Church was in question. As Mr. Cobbett observed once, “we talk of his Majesty’s army and his Majesty’s navy, but we never talk of his Majesty’s debt—O, no, it is the national debt.” The preponderance of Catholics, though a very strong reason against their being admitted to corporations, was none in the world against their paying tithes. Indeed, the proposed reform of the corporations was opposed lest it might ultimately interfere with the collection of tithes. It was opposed expressly on the ground of danger to the Irish Church. Legislation, in fact, as far as Ireland was concerned, must stand still because they had a Church Establishment. The same argument was used against Emancipation and the Reform Bill, and, in his opinion, with considerable show of justice. But how, after having conceded the principle of this Bill—as he maintained they had done, by the two measures which gave to the people of Ireland the power of returning a majority of Irish representatives to this House—they could think that they could for any time prevent a perfect equality in every respect between the two countries, appeared to him most extraordinary. When it was stated that the effect of the Bill at present before the House would be to confer power exclusively on Catholics, he was tempted to refer to a piece of evidence in the Irish Poor-law Report, as he thought it afforded a very good illustration of the ideas of exclusive power entertained by some persons. A witness of the name of Rowan, in the county Down, was asked if many persons would emigrate if a free passage were given? His answer was—“Several would, because their privileges are infringed upon as Protestants.” The explanation of this turned out to be that, until lately, the Catholics got no leases, but the Protestants had good ones; but now the landlord took whoever paid the highest rent. Just in the same way as Mr. Rowan considered that the landlord who preferred the tenant who was most industrious, and who paid him the highest rent, was trenching upon his privileges as a Protestant, did hon. Gentlemen opposite seem to consider the present Bill as interfering with their rights. That it was intended by the Ema-

cipation Bill to admit Catholics to corporations there could be no doubt, as there were special enactments in that Bill providing that the insignia of office belonging to the mayor or other officer should not be displayed at any house of worship, save that of the Established Church. But it was every day becoming more evident, and the late observations of the right hon. Baronet, the Member for Tamworth, left no doubt of the fact, that the Ministry who passed Emancipation only yielded to a dire and irresistible necessity, under the impression that the Catholics, having once obtained an equality in the eye of the law, would not in any way interfere with the practical working of the machine of Government, and with a fixed determination on their part to retain place and power in the hands that had hitherto possessed them. Now, the Catholics of Ireland by no means acquiesced in this plan; and if it were imagined that any Government, such as might be supposed to be formed by hon. Gentlemen opposite, could exist in this country in direct collision with a large majority of Irish representatives on a question altogether Irish, it was easy to foresee that Ireland would only add one more to the number of Ministries she had already broken up. The people of Ireland were never so united as at the present moment. They were never, considering their power, so reasonable in their demands. But in addition to all further incentives to resist a Tory rule, they had now the conviction, that the hon. Baronet, the Member for Tamworth, could not afford to act with forbearance, but must deliver himself up into the hands of the most uncompromising of the Orange party, and the rule of that party in Ireland would meet with a resistance so fixed, so decided, so temperate, but so powerful, that it would be impossible for any Government to contend with it. If the battle were to be fought, he rejoiced it was on such a question as the present; and he rejoiced the more when he contrasted the sentiments of Gentlemen opposite with those expressed by his Majesty's Ministers. After the full and clear statement made during the past week by the noble Lord, the Secretary for the Home Department, as to the line of policy pursued by his Majesty's Government with regard to Ireland, and after the unflinching determination expressed by that noble Lord to continue to carry on the Government on the same principles, he could not, as an Irish Member, refuse

himself the gratification of bearing his humble testimony to the blessings produced by Lord Mulgrave's government, and of expressing the debt of gratitude which he, in common with nine-tenths of his countrymen, felt to that noble Lord, and the noble Lord, the Secretary for Ireland, for the good they had already effected. Gentlemen opposite might express what opinion they thought fit; but this he fearlessly stated, that this was the first Government considered by the great majority of the Irish people as identified with their interests, and in whose administration of justice they had confidence;—by that majority recollect who returned sixty-three Members to this House, and who would increase that number on the first opportunity. The present Government, it was true, had not as yet been able to dry up the springs of discontent, but the waters of bitterness had been stopped in their course. They had prepared the mind of the Irish people for good laws by the manner in which they had administered the existing ones. They had done more to attach Ireland to British connexion in two years than had been achieved by their predecessors in the course of their whole lives; and by placing their tenure of office on the fate of the present Bill, they had shown, that as they came into power on the principle of doing justice to Ireland, they were determined not to retain it one hour after they were unable to carry that principle into effect.

Mr. John Young wished to state briefly his own view of the question. As an independent man he had hoped that parties, after engaging in the warmest opposition, might have made mutual concessions, and arranged this, as they had frequently done other questions, on the solid basis of the public good. Such a consummation seemed hopeless, and he regretted that this would but add another to the melancholy instances how difficult it was to legislate for Ireland, a country where every private interest was permitted to interfere with public interests, and where the heads and hearts of both parties were heated not merely by political but by religious enthusiasm. There were objections which had given great umbrage to the opposite side of the House, in which, as a Protestant Irish Member, he thought it his duty to say he did not participate. It had been urged that the corporations would be filled by Roman

Catholic hostile to British interests, and disinterested to British connexion. At first it was probable violent political partisans would fill all the offices; subsequently he hoped they would settle in the hands of the merchants and traders—bodies little likely to be influenced by religious enthusiasm, whose feelings and attachment would in all probability follow their positive and material interests. As to the question mentioned by the hon. Member for St. Alban's, whether the granting or denying these corporations would cause a transfer of political power in Ireland, that should turn out accordingly to the consideration of this question. There is that country would thus have more power, and some proper bodies might be constituted in that respect, but it might not be brought up in effect, the question under discussion. What most important was, the whole supposition given by the corporations, and the suggestion of the demand for them. If, however, they might have been useful and necessary. They implied the protection of the King or of some powerful body, and were a defence against feudal rapacity and unjust aggression. The consequences which they gave the towns were that they could not be individually despoiled of their possessions, inspired an industry and perseverance which all subsequent assaults were unable to daunt or overcome. But such defences are no longer wanting. The power of the law, backed by public opinion, has long ago stopped those excesses which prevailed in ruder ages. These institutions, therefore, though so vehemently demanded, were out of date, and ill-suited to the temper or the exigencies of these times: while, it must be admitted, all the ends and advantages of self-government could be as well and more cheaply attained by the means pointed out in the noble Lord's amendment. The violence with which they were sought begot suspicion and alarm in the minds of the Protestants of Ireland. They knew not to what uses they were to be turned, or how they might be injured by these new engines, if once set in motion. The Member for Kilkenny declared openly, "Give me Corporations, and I will do anything." What were the minority to conclude? They knew his vast powers of perverting measures to his own purpose; they saw that progress of knowledge and improvement, which had taken place in England and made reforms

safe, had not attained equal extent in Ireland—and they saw themselves surrounded by multitudes so blinded by prejudice, and so credulous from ignorance, as to receive the most palpable absurdities, and to suffer themselves to be blindly guided by leaders so little scrupulous as to counsel them in the readiest and safest modes of eluding or breaking the very laws which they had themselves been lately engaged in framing. Under such circumstances the apprehensions of the Protestants were well founded, and their resistance just and reasonable. The hon. Member for St. Alban's talked of strengthening the hands of Government. He did not know how the hon. Member proposed to effect that object; but undoubtedly the weakness of the Government was one of the great mischiefs of Ireland. The difficulties in the way of an adjustment of the question had been greatly added to by the unfortunate position of the Government, which, instead of softening down animosities, and holding a balance between contending factions, had, on all occasions, been obliged to come forward as the advocate and champion of one party, on which it relied for its very existence. While, therefore, they called themselves Liberals, and loudly professed their principles to be the right of freedom as to opinion, and security from persecution, what was taking place under their rule in Ireland?—what freedom of opinion could the Protestant elector exercise? What security from persecution was enjoyed by the Protestant clergyman? He did not blame the Government for their attention to the wishes and demands of the Roman Catholics; their numbers, their rapidly increasing wealth, their intelligence, must enforce the attention of any and every statesman. But if this attention were exclusive—if Government as they had lately done, selected only the more violent and hot-headed even of that party, the consequence must be uncompromising resistance from the Protestants and Presbyterians—a resistance, he would say, to which at any other conjuncture, and in quieter times, neither their wishes nor their principles inclined them—necessity compelled them to it—by it they might not ensure ultimate success, but they had all the chances of delay in their favour. They would earn the respect of their opponents—teach them not to count on a light and easy

triumph—and on other occasions, and probably even on the present, wring from them fairer terms and a more honourable compromise than they seemed willing to offer.

Mr. Charles Buller observed, that, although he had already risen once and had not been fortunate in catching the Speaker's eye, he was rather glad it had happened so, as it had afforded him an opportunity of listening to two speeches from Gentlemen on opposite sides of the House—speeches which, temperate in themselves, had this very remarkable novelty in their favour, that they spoke to the question before the House. The hon. and learned Gentleman who had preceded the last two hon. Members had taken a very different course. He had found apparently so little to grapple with in the speech of the hon. Member for St. Alban's, that he had been obliged to recur to the first speech of the noble Lord on bringing this question forward the other night, and to a speech made by Mr. Fox forty or fifty years ago, for materials for his speech. The noble Lord the other night had certainly made one quotation from Fox which had evidently made a very deep impression upon the hon. and learned Gentleman and other hon. Gentlemen on the other side of the House. It was where the great orator spoke of a "miserable monopolizing minority," a description perfectly true in itself, very personal, and moreover very alliterative. This it was which had evidently galled hon. Gentlemen opposite no little. For his own part, however, he did wonder very much whether it would be possible at any time to carry on a discussion on this subject without endless references to policemen and magistrates, whom under other circumstances they would never have heard of—eternal allusions to the Catholic Association, and interminable extracts from all the speeches delivered by the hon. and learned Member for Kilkenny, at public dinners for the last fifteen or twenty years. Above all, he was anxious to know whether it would ever be feasible for hon. Gentlemen to conduct such an argument without constantly using taunting allusions to the hon. and learned Gentleman, and the subservieney of his Majesty's Ministers to him—themes which he had himself heard repeated ten thousand times on a moderate calculation, and which, therefore, might well be sup-

posed to have worked all the effect upon the human mind which could possibly be expected from them. The hon. and learned Member for Kilkenny, he admitted, said many things at different times which he ought not to have said. It was very wrong; but he would ask, had hon. Gentlemen opposite always been so very careful at Conservative festivals not to commit themselves in any way of the like kind. But he would go further. He would concede the charge that Ministers were playing into the hands of the hon. and learned Member for Kilkenny;—he would admit all this, and then he would ask what had it to do with the question, whether they should grant free municipal institutions to the people of Ireland. We are shallow legislators, continued the hon. and learned Member, if we devise our schemes of government without taking into account the invariable disposition in human nature to attempt the perversion of all great institutions to the purposes of personal aggrandisement, and the profit of party; if we apprehend this evil from this O'Connell alone, and dream that, if he were to die, no other O'Connell would ever again rise to trouble us; and if we do not so shape the institutions which we give to the Irish people as to secure them from something more than the factions of a day, or the ambition of a single individual. What matters it, then, what the designs of the hon. and learned Member are, or what he avows? We want not what you call confessions, but what I regard as boasts, to set us on our guard against a danger which we ought to apprehend, if not from the hon. and learned Member, from somebody else. It is our business to take care, that neither he nor any one else shall be able to turn to evil each the motivations which we purport to erect for the benefit of millions and of ages. I could have much to wish, Sir, that it had been possible to discuss this great question here, not only from personal motives, but also from all considerations of a party or a temporary nature. I do not know whether I shall get many persons to go along with me in my estimate of the importance of this question, but I do not hesitate to say that, in my opinion, these questions respecting the municipal institutions of a country are the most interesting which a Legislature is called on to consider in the present day. The most experienced that I derive from the study

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It was where the great orator spoke of a "miserable monopolizing minority," a description perfectly true in itself, very personal, and moreover very alliterative. This it was which had evidently galled hon. Gentlemen opposite no little. For his own part, however, he did wonder very much whether it would be possible at any time to carry on a discussion on this subject without such references to policemen and other circumstances, which would never have been alluded to the Cause, if it had been delivered by the hon. Member for Kilkenny. The last night, however, he was told that he would ever be able to conduct a discussion constantly free from such allusions to the Cause, and that the hon. and learned Gentleman—these repeated ten times—would be ap-

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arena for local emulation, it saves the state from many an ambition which would otherwise agitate it, and consolidates the power of the people, by placing in its gift not merely the lofty prizes of national, but the cheaper objects of municipal distinction. I hope the House will excuse me for having taken a course of argument always rather unpopular in such an assembly, and for having apparently gone into a description of the abstract policy of municipal self-government, instead of confining myself to its applicability to Ireland. I have done so because I think it shortens my argument; because, if I am right in my estimate of the general advantages of free municipal government, I may now with confidence ask, what country in the world stands more in need than Ireland of the vivifying and humanizing influence of institutions? I know no country in the world which wants more than Ireland the stimulus to its industrial energies, the vigilant watch over its local management, which municipal self-government would give. I know no country in which it is so necessary to do something to rally public sympathies around the laws, and make the preservation of order and the administration of justice a part of the business of the people. And perhaps the most important consideration of all is one which Gentlemen on the other side seem always inclined to forget in these discussions, namely, that Ireland has a representative Government; that rave as you may at the mode in which the Irish people, in a great majority of instances, exercise their franchise, no sane man can dream of depriving them of it; that this, therefore, is a fact of which you cannot get rid, but to which you must confine your policy; that you must, in short, educate the Irish people for the exercise of political rights. Now, it is because I think that the Bill introduced by his Majesty's Ministers, imperfect as it is in some respects, is founded on the principle of local self-government, and because I think it will produce these beneficial effects that I have been enumerating, that I give it my most hearty support, and think that its adoption would be a great and permanent guarantee for the future happiness of Ireland. The counter plan of the noble Lord differs wholly from this plan, and proposes to substitute for corporations elected by the people the choice of the Crown, as far as

the magistracy, the police, the administration of justice, and the management of the local funds raised for these purposes are concerned, and the division of the rest of the municipal functions among boards of commissioners chosen for the purposes of paving, lighting, draining and watching. The first part of this plan seems to me to require little discussion. It is a simple adoption of the worst kind of centralisation, of which we have seen the melancholy results in the feeble and enfeebling system of local management which has for the last forty years existed in France. A system so contrary to our national habits and the whole spirit of our institutions will hardly be adopted in a period in which we have ample and satisfactory testimony of the mischief which it has done in every country in which, for the misfortune of its inhabitants, it has been allowed to prevail. There is some plausibility in the proposal, of the noble Lord for subdividing municipal functions, and intrusting the different departments to commissioners; but the great objection to this is, that such subdivision will produce apathy among electors, and get an inferior class of men to take on themselves the management of local affairs. Collect all these powers together and put them in the hands of somebody; let the same people superintend all the details of municipal government, manage the finances, administer justice, and direct police; and the wielding all these powers will be an object of ambition sufficient to tempt persons of property and intelligence to compete for these offices, and excite the interest of people as to the election for them. But subdivide these functions and place them in separate hands, and the mere single business of lighting, or paving, or draining, will possess no temptation for any persons of education; and these powers, will pass into the hands of an inferior class of men. I should say that, as far as I know anything of the personal history of these bodies, experience fully justifies these apprehensions; and that generally speaking the persons who compose these local boards are not so high a class of persons as those who compose corporations wherever freely elected. But next, as to these sweeping deductions from fact, which are what Gentlemen opposite dignify by the title of experience. First, that Birmingham and Manchester have swelled into enormous towns without corporations under the management of these boards; and

power of a demagogue. It would create several sources of agitation, but thereby diminish the intensity of heat now collected into one focus. I think, with Gentlemen, that the influence of the priesthood, particularly of the Catholic priesthood, is an evil, and that the immense influence which the hon. and learned Member for Kilkenny enjoys is one which no one desires to see in any well-ordered state. And this is why I call for freely-elected corporations in every town in Ireland, because I think that human wit has never devised a more effectual counterpoise to the absorbing influence of a party leader, or a more potent barrier against the encroachments of the priesthood. But the ground on which the right hon. Baronet, the Member for Tamworth, has rested his opposition to the measure proposed by Ministers is a simple, and, without meaning any offence to any other Gentleman, is, I believe, the real ground on which it is resisted. With the general effects of different forms of municipal government, he seems to trouble himself very little. He asks but one question—"What effect will the establishment of these popular bodies have on the Irish Church?" He imagines a prejudicial effect; and therefore he refuses to establish them, because, in his opinion, every other consideration must be sacrificed to the maintenance of that Church. He believes that whatever power you put into the hands of the Irish people, it will be used to rid them of that Church; and in order, therefore, to maintain the Church, he insists on debarring the people from any voice in the arrangement of their local affairs. I rejoice to hear the right hon. Baronet avow such a principle of government. I have always been an undisguised enemy of the existence of the Irish Church Establishment. I have never dissembled the horror with which I have always regarded it as the most revolting profanation of all that is venerable in Christianity, and the most odious perversion of all that is useful in the principle of a church establishment. I rejoice, therefore, to hear the right hon. Baronet compelled to make an avowal calculated to set that establishment in so odious a light; and to convince the public not only of the general aversion of the Irish people for that church, but of the fact that, in order to keep it up it is necessary to deprive Ireland of almost every institution, which you think necessary for

good government in Great Britain. This is the real mischief of that church. Its mere existence has indeed been a dreadful evil. It has been a constant insult to the great mass of the community, a constant cause of irritation, a perversion of a great national fund to the miserable purposes of a sect and a faction, and an obstacle to the endowment of the national religion in the country in the world which, perhaps, more than any other, wants the connexion of the State with the Church of the people. But the observant mind can discover indirect effects far worse than these. For in order to maintain this institution in defiance of the hostility of the nation, you have been obliged to pervert every other institution of the country, and the train of auxiliary grievances has been far worse than the one which they have been summoned to aid. It is for the maintenance of the church that the administration of justice has been corrupted—it is for that turbulence and disorder have been deliberately encouraged—it is for that the local mal-administration of the finances is allowed—it is for that, above all, that the Irish people have been as long and as much as possible deprived of the free exercise of the elective franchise. But the connexion between these evils and the existence of the Establishment was what it required some reflection to trace. In this case we are spared the trouble of that proof. It is confessed, and every man who sees that Ireland is deprived of that municipal government which has been established as the best for Scotland and for England, sees also, that that privation is a consequence of the existence of the Church Establishment. I do not quarrel with the premises of this reasoning. I believe that the existence of the Establishment is incompatible with the existence of good municipal or any other good institutions in Ireland. Rest your case on that alternative, and I believe the people of England will not hesitate any long time in coming to the conclusion that this is no argument against corporation reform, but a very strong one in favour of church reform; and that it proves the paramount necessity of abating that institution, which is confessed to be incompatible with every free institution, every opportunity allowed for the expression of the national feelings of the Irish. And now, let me ask the right hon. Gentleman whether he is prepared to carry

into effect the principle which he has thus laid down? I should be glad to know how he is to carry on the government of Ireland on such a principle; and I am glad he has adopted the principle, because I am convinced he will find it more difficult to manage Ireland in that way than in any other. His Majesty's Government have given an intelligent and distinct plan. They have spoken out, and declared that come what may, they will give municipal corporations to the Irish people. They have staked their existence as a Government on that point, and by that they stand or fall. This is honest and patriotic conduct. I am glad the noble Lord has taken up such a position, and applaud him for adopting such large views. I can understand the conduct of the noble Lord, but I cannot understand equally well the position taken by the right hon. Baronet. By what system of Irish policy is he to stand or fall? I hope the Irish people will resist any Government framed on his principle. My approbation of their conduct will depend on nothing but their success, and they may rest assured that if they oppose such a Government, they will meet with the sympathy of every liberal mind in the civilised world. It was before such a resistance the mind of the Duke of Wellington quailed. That noble Duke said he would not hazard a civil war. Let me ask the right hon. Baronet if he is prepared to do so? I wish to say nothing offensive to the right hon. Gentleman; on the contrary, I speak of him always with feelings of respect; and here I cannot avoid adverting to the charges brought against him for the part which he took in the settlement of the Catholic question. I wholly overlook the old and obsolete charge of apostacy—I blame him not for changing from the wrong to the right course; but I blame him for remaining so long immoveable—I blame him for coming in on the shoulders of the mob on the no-popery cry—for having adopted this means to defeat a political rival; and, when in power, for having abandoned those principles to which he had so long adhered, and which had fixed him in office. Now, I ask, if that is not the course which he must now pursue? I fear the atrocities that might be committed in this country in a civil war for the Established Church of Ireland. I believe the right hon. Baronet has not well considered his course. He changed on the Catholic

question. Is he prepared now to pursue precisely a similar plan? I have not the slightest apprehension as to the result. The measure will be carried either by the present Government or by the right hon. Baronet. There may be a temporary delay, but carried it will be. Whatever might be said of the bigotry, it could never be such as to make the people of England say, "Cost what it may, they will keep up the Irish Church, and all the misgovernment which it entails on the people of Ireland." The people of England are a cautious, thinking people, and if it is your purpose to give full effect to the system on the principle laid down by Gentlemen on the opposite side, you will find you have no reason to congratulate yourselves on being supported by a portion of the people of this country.

Mr. Borthwick denied the validity of the argument founded by the hon. Gentleman who had just sat down on what had been formerly done by the hon. Baronet, the Member for Tamworth. The question was not what might have been done by that hon. Baronet on a previous occasion, but what it was wise and expedient to do at the present moment. For his own part, he should much like to see the position of both parties in that House such as to render necessary an appeal to the people that very night on the measure brought forward by his Majesty's Ministers, and he was ready fearlessly to stand by the result. He might ask what there was in the present condition of Ireland which called for the application of municipal corporations to that country? he might, even if he admitted that those corporations were as corrupt as was asserted by their greatest enemies, ask what remedy for such corruption could be found in putting power into the hands of an opposite and contending faction, and bringing into annual collision all the prejudices and partisanship of the country? he might ask whether, it being at present difficult to maintain legal rights in Ireland without bloodshed, to do so would not be attended with infinitely more difficulty amidst the general hostility and disturbance which the new municipal law must occasion? But he wished to place the question upon that proper basis on which, from its first agitation to the present hour, it had not hitherto been placed. The supporters of this Bill demanded justice for Ireland. He was quite ready to admit that as much justice should be done to Ireland as to

England and Scotland. Nay, he would go further, and allow that Ireland had precisely the same relations to the Crown and to Government as England and Scotland had. But he then asked, have you done justice to England? Have you done justice to Scotland? Has that which you have done for England and for Scotland been advantageous? He was one of those who had in that House entered their protest against the English Municipal Reform Bill. He was one of those who had objected not only to the details, but to the principle, of that measure. He was one of those who had contended that the ostensible object of that measure, the popular control of corporation funds, was not its real object, which was to serve for a time the cause of a political faction. He had told the House *in prospectu* what would be the consequences of the English Municipal Reform Bill; he would now state what had been its consequences. The borough which he had the honour to represent could not be purchased by Treasury gold. A nobleman of the highest respectability, with reference both to his public and to his private character, and backed by all the influence of the Treasury, had been sent down to that borough, but the constituency had rejected him, and, with the independence which they would always maintain, had returned an hon. and gallant Gentleman, who would do honour to their choice. When the English Municipal Reform Bill was in progress, that borough intrusted to his care a petition against its principle. He would now show how well-founded were their anticipations respecting it. It appeared, then, that whereas the borough of Evesham had been taxed only 80*l.* a year under the ancient, corrupt, and Tory system of municipal government—that whereas while under that system local and cheap justice was brought to the door of the inhabitants—and that whereas four had been the average number of criminal cases in the borough in the course of the year, the borough was now taxed by the new Bill to the amount of 600*l.* per annum, and crimes had increased in the proportion of five to one. The cause of the latter evil was obvious. A man tempted to the commission of crime was deterred by the knowledge that if detected he would be tried next week, or next month, with the eyes of all his friends and relations upon him; but became reckless when he knew that his trial would take place at a remote

period, at a distance from his home, and in a place where there were no persons whose frown or approbation had any moral influence over him. Whenever he met his constituents, they demanded a repeal of the Municipal Reform Act as it referred to them. They were groaning under what the Gentlemen opposite called “justice to England.” Ought not the House to pause then when the same justice was required for Ireland. It had been alleged by the hon. Member for Liskeard, against those who thought with him (Mr. Borthwick) on this subject, that they wished to defend the Protestant Church in Ireland. He willingly admitted, that if all he saw in this measure was dangerous to the Protestant Church in Ireland, on that foundation alone he would be prepared to resist it. He had, however, shown that it was to be deprecated on other grounds. To him, however, it was perfectly evident that the ultimate effect of the measure would be to destroy the Protestant Church in Ireland, and to destroy divine truth in that country. When the noble Lord who had moved the instruction to the Committee had said he wished to strengthen the root of the Protestant tree in Ireland, what was he to think of the denunciations against the Protestant Church in Ireland by the hon. Member for Liskeard, but that contrary elements, contending passions, conflicting opinions, opposing interests were all brought into play, not for national, but for party objects? Another hon. Member, who professed the Roman Catholic religion, expressed his dislike to the Protestant establishment because it was, in his opinion, an unhallowed union between the Church and the State. He said this! he! who submitted to the authority of the Pope as a temporal king, and was governed spiritually by a college of anointed priests! It was right to strip the question of all the adventitious circumstances with which an attempt had been made to obscure it. So exposed, it was simply a question of democracy against monarchy—of infidelity (and that not individual, but national infidelity) against religion. For the reasons which he had stated, and not because he agreed in the policy of the noble Lord opposite, he should vote with the noble Lord who opened the debate by moving the instruction to the Committee.

Mr. Poulter said, that he was as fully prepared as any hon. Member on the other side of the House to resist to the

utmost any attack that might be made on the sound heart and substance of the Protestant Church of Ireland; but he did think, that the claim of that country to municipal institutions was unanswerable. He regretted to hear the same course of argument adopted, as had been used in the last Session of Parliament. It is contended, that because the mere business of the towns in Ireland could be got through and transacted without corporations, that these were unnecessary; and, on other grounds, that they were dangerous. He thought the claim of Ireland consisted in the right of the people to manage their own concerns, by their own local administrations. This right he regarded as intimately connected with the national spirit of a country, ultra the mere proceedings to be done and performed. The habits of business produced by these institutions were a part of the education of a people—which education, in a comprehensive view of it, went far beyond the mere period of youth. He would ask, what would the people of Liverpool, Bristol, and Exeter say, if they were told that they were to be deprived of their corporations, and that their towns might be most perfectly lighted, watched, and paved, without them? No power of Government could deprive them of these institutions, which were bound up with the distinctive excellence of the British character, as contrasted with that of any foreign nation. The King may appoint a Minister—that Minister may possess a most extensive power—but neither the King nor his Minister can nominate a mayor, or create a town-councillor. This appeared to him to be the true nature of the claim, which had received no answer from the proposition of the noble Lord who moved the instruction in opposition to the Bill of his Majesty's Ministers. The hon. Member observed, that this proposition to give up the old close corporations of Ireland, was one which carried with it no political grace whatever. At what time were these abandoned? Precisely at that moment when it was no longer possible to retain them. The offer itself was one of necessity, and gave no political instruction or guide whatsoever. There was the greatest fallacy, even in the mode of making it. It was said in 1835, that the time was arrived to give up the close corporations of England—in 1836, that the time was arrived to give up the Irish

pora-

tions. He (Mr. Poulter) asserted that if that were true, it was equally true that the time had arrived at any antecedent period that might be named. If Lord Bacon were alive, he would have ranked this in his classification of fallacies—he would have said, "When statesmen who have conducted a Government on a contracted system, find themselves reduced to submit to a new order of things, whenever they are obliged to consent to any measure of a beneficial kind, they will always assert that the time is arrived for the measure in question, implying thereby, that the time had not arrived till the moment of their concession. This will be said for the purpose of convening and protecting the old system, and of endeavouring to reconcile the old with the new, the two being utterly irreconcilable." Lord Bacon would have used some such language as this, and would have called this fallacy "*fallacia temporis*." The fallacy being entirely contained in the matter of time. The hon. Member would not charge any one with being responsible for the old system in this country. He believed that the right hon. Baronet opposite to him had been as much controlled by it as any one on his side of the House; but if from motives even of honour, this sort of fallacy was to be adopted to protect the character of former Governments, it was impossible for any talent whatever to sustain it.

The hon. Member then observed, that on this night, as well as on a former, strong reflections had been made upon certain resolutions which had been passed at a public meeting in Dublin, and these resolutions had been contrasted and compared by the right hon. Baronet, the Member for Cumberland, with the oath taken by certain Members of this House, and the inference had been drawn of a violation of that oath. The hon. Member declared that no man more deeply than himself deplored, or more strongly protested against these resolutions than he did: but when he heard them relied upon as amounting to the violation of the oath, he felt bound to apply to this subject his most serious consideration. The great body of reflecting men had, he contended, finally determined that the King's coronation oath could not be extended to any legislative matter without the most inconvenient consequences. He felt quite clear that a similar principle of construction as to,

things in *pari materid* ought to be applied to the Catholic oath, and that legislative matters do not fall within the purview or scope of it. He thought it was wholly impossible to have a right understanding of this oath, without superadding to the words, "as settled by law," these further words, "or to be hereafter so settled or established," and with this opinion, the sentiments of Lord Somers, and of Pollexfen, as expressed in the debate in 1688, on the coronation oath, completely coincided. Lord Somers observed, "It is said, that by this we are going about to alter the constitution of the church. Though the constitution be as good as possible for the present time, none can be good at all times. Therefore I am for the word 'may,' and that will be a remedy at all times." Pollexfen thought with Lord Somers. "We are all agreed, and I hope ever shall be, to the Protestant religion established by law. We desire to consider whether the latter words shall be added or not. I see no manner of reason against it; we all agree in substance, but if, by the wisdom of the nation, it shall be thought fit to alter, we are at liberty to do it. No man that maintains the law, but maintains the whole legislature, which alters and redresses the law, from time to time, as there is occasion." Now, as the resolutions in question did not appeal to physical force, or to a civil war, and, however objectionable in their tone and spirit, contemplated nothing but a legislative recognition, they could not constitute a violation of that oath to which the right hon. Baronet, the Member for Cumberland, had referred. The hon. Member then said that the Gentlemen opposite always dwelt upon the extreme opinions of certain hon. Members from Ireland, to the entire exclusion of the only real and just issue, and upon these extremes they rested their whole political case before the people of England. He fully admitted these extremes, and would resist them to the last, but must insist that this was a most unfair and delusive course. He could not fail to make great allowance for hon. Members, writhing under the recollections of the long misgovernment of Ireland, possessing warm imaginations, and a powerful eloquence, however much he regretted the errors into which they had been betrayed. He could not expect, in a state of great public excitement, to be able to say to the fluctuations of the human mind,

any more than to the fluctuations of the ocean, "Thus far shall ye go, and no further." The extreme opinions which had so unfortunately been propounded might have been most surely foreseen and anticipated—however much he lamented them, however sincerely he believed that they did the greatest injury to the righteous cause of good government—they created in his mind no surprise whatever. But the hon. Gentlemen opposite had made the most powerful use of these extremes. They knew the tenderness of the English mind on the sacred subject of their religion. They knew how easily plausible delusions might be imposed upon the people on such a subject. He (Mr. Poulter) could almost forgive them. They must have been more than mortal men had they resisted the enormous temptation of advancing so powerfully their great political interests, by working upon the honest feelings and simplicity of the people. The hon. Member said, it is still a rule of British law—it was once a rule of British society, that every man or set of men were responsible solely for their own actions, their own principles, and their own measure. Genhlseon-e. This rule the Gentlemen opposite had utterly violated and trampled upon. They had been raising throughout the country, at every public meeting of their party, without exception, the most false and immaterial issues. They had reviled and reproached the most honest and conscientious men. They had attempted to fasten upon the Government and upon the conscientious supporters of the Government, the violent and unjustifiable conduct and language of other persons. If the hon. Gentlemen were in earnest, and meant to act with sincerity, they would bring to trial the only real issue that affected the justice of the case, and that issue was this, whether, if they passed this Bill as due to the just claims of the Irish people, they would not find an immense majority of the House of Commons against allowing it to be used as a stepping-stone to ulterior attacks upon the sound heart and substance of the Protestant Church of Ireland honestly and religiously distributed. Against the lamentable doctrine of "instalments," so unfortunately agitated in Ireland—against the destructive principle of the wedge—and against that delusive cry, which, in spite of the vast and important changes which have taken place, and are now going for-

ward in every department of the state and of legislation, is always ready to exclaim, That "nothing at all has been done in the great cause of reform"—

Actum, inquit nihil est; ni Peno milite porta, Frangimus, et media vexillum pono subura.

The hon. Member said, "Bring us to trial; bring your reproaches and assertions to that proof which lies within your own power;" and, in using the expression "us," he begged to disclaim pretending to have any authority to speak of the Government, or of other Members; but, although he stood alone and unconnected, feeling that he was speaking both honestly and conscientiously, he thought it would be an insult to others not to use the larger term. The hon. Member finally declared, that if hon. Gentlemen opposite would, by passing this Bill, and by coming to some just settlement of the Irish Church, bring him and those who thought with him to that fair trial which was due to the perfect purity of all their political intentions, they would prove to all mankind, that if they were attached to the great system of national improvement, if they felt bound to come up fully and freely to that most important line which separates rational improvement from spoliation, they were as determined never to transgress it; that they would maintain even to the death the supremacy of the laws, the high principles of public peace and public order, and the absolute and legitimate security of every description of property.

Mr. Emerson Tennent said, that in the few observations which he meant to offer on this measure, and upon the general condition of Ireland, he did not propose to adopt the recommendation of the hon. Member for Liskeard (Mr. C. Buller), that he should omit from the consideration of the question all reference to the Government, and to the state of public feeling in the country. He did not mean for the amusement of that hon. Gentleman, to enact the part of Hamlet without the court and Ophelia. He was desirous to justify himself from the charges which had been made against him and those with whom he acted by the hon. Members for St. Alban's, and the county of Louth. The hon. Member for St. Alban's had imputed to them religious intolerance, in refusing to establish further municipal power, for no other reason than that the more numerous body of Roman Catholics ought to have this power; and the hon. Member

for Louth had accused them of keeping an insult on Ireland, because they refused to place the towns on an equal footing with those of England and Wales. He was desirous, before alluding more particularly to the main provisions of this Bill, and to the objects embraced in the instruction which had just been moved by the noble Lord, the Member for South Lancashire, to justify himself and those with whom he had the honour to concur in opinion, and to act in conjunction upon this question, from the charges which had been powerfully made against them by those who differed from the course pursued by the minority of the House in reference to it. It had been imputed to them that they were actuated by a spirit of capricious bigotry and of religious intolerance, in withholding municipal power from the inhabitants of the towns in Ireland, for no other reason than because the majority of them were Roman Catholics; and they had been charged with offering a deliberate insult to the people of that country, in opposing the measure, inasmuch as it was said that they thus declared them to be unworthy of being intrusted with equal powers of self-government with the rest of the empire—with England and Scotland. Each of these allegations he (Mr. Emerson Tennent) most distinctly and positively denied. In the first place, he denied that, so far as Protestants were concerned, since the passing of the Relief Act of 1829, the mere fact of religion, unconnected with other considerations, had been regarded, either in an individual or a class, as any ground of exclusion from civil rights of any description whatever. He wished he could extend this disclaimer to every other sect and denomination; but it was idle to attempt to deny, that whilst identity of religion amongst Protestants had no further influence than as a bond of Christian communion, the religion of the Roman Catholic church had become in Ireland a mysterious symbol of association which unite its professors in one compact union for the attainment of every object, secular as well as sacred. Men of other persuasions, whilst they concurred in opinion on the subject of religion, felt themselves at liberty to exercise their individual judgment upon other matters, and to take opposite sides upon political questions. But amongst the Roman Catholics in Ireland an instance was so rare as to be almost unknown of persons dissenting from

the sentiments of the general body, or adopting a course different from that of the majority. The profession of that religion had thus become the ostensible symbol, if not the affiliating tie, of a great political body; and it was this body to whom they were opposed;—not from the accident of their religion, as had been warily asserted for a well-understood purpose, but from the political power which they wielded and the political objects at which they grasped; and the imputation that in opposing this measure they had been influenced by any bigotted hostility to the Roman Catholic church, was but the wily artifice of those who, when detected in political intolerance, would screen themselves behind the shield of religious freedom. Equally unfounded was the other assertion that in the course which they had pursued they had refused to intrust the people of Ireland with the power of administering their own local affairs. The very first clause of the instruction which had that night been moved by the noble Lord went to effect the abolition of those monopolies by which the people of Ireland had been for centuries excluded from all participation in municipal government. And the substitute which he proposed to adopt, namely, the principles and provisions of the Municipal Act, the 9th Geo. 4th., actually afforded a wider and more popular basis of self-government than was provided by the clauses of the Bill now under the consideration of the House. He would earnestly entreat the attention of hon. Members, and more especially of English Members, to this important fact. He knew that there were many hon. Gentlemen, and some of them on his own side of the House, who voted against him on that measure, under (he would say it with all possible respect) an erroneous impression, and an imperfect understanding of its objects and effect—under the impression that they were about to abolish institutions which had been found beneficial for municipal purposes in England, and which they were told could be rendered equally so in Ireland, and that they were about to offer no adequate substitute to supply their place, or to perform their functions. The tenor of that debate would, he trusted, satisfy such that these institutions are not, in their essence and constitution, suitable to the present state of society in Ireland. And as to the sub-

stitute which was recommended in the 9th Geo. 4th., so far from excluding the people of Ireland from the power of self-government, its basis was—he would repeat it—so ample and so popular, that there was not a decent householder in Ireland on whom it would not confer a vote and a voice, in every department of his municipal affairs, and in the election of his authorities and officers who were to have the assessment and expenditure of his local taxation. He did not speak on this point merely from theory, but from experience; he stated this as the Representative of the most important commercial town in Ireland (Belfast), which had actually discarded its own corporate system for the purpose of adopting in its local acts the principles of the 9th Geo. 4th., and was now governed on the very principles recommended for universal adoption throughout the other towns of Ireland by the noble Lord, the Member for South Lancashire. It might perhaps be considered no trifling proof of the popular character and provisions for self-government conferred by it, that it was not only suggested in the present Bill for the adoption of the town councils of Ireland, but in the Bill of last year it was made compulsory on twenty towns to adopt it instead of a corporation, and left it discretionary with eighteen others. And during the last summer it had actually been adopted of their own accord, and by the common consent of all parties, in some of the most thriving and important towns in the north of Ireland. In the present Bill it was not only proposed to alter the constitution of all the existing corporations, but to confer new charters of incorporation on all such towns in Ireland as might desire it. With this offer open to them, with the choice actually proposed to them between a popularised corporation and the system suggested by the noble Lord, four of the principle towns in Ulster had, within the last four months, made choice of the latter, and adopted the 9th of Geo. 4th, Ballymena, with its population of 5,000 or 6,000 inhabitants, was one of them; Dromore, in the county of Down, was another; Lisburn, one of the most rising and prosperous towns in Ireland, had followed the example; and Carrickfergus, one of the principal corporate towns in the schedule to this Bill, had actually superseded its present corporation, rejected the new

one proposed to it, and made choice instead of the simple and efficient provisions of the 9th of Geo. 4th. With facts and examples such as these before them, he trusted that hon. Members would see the falsehood and injustice of the assertion that Gentlemen on that side of the House were desirous of persecuting the religion of the Roman Catholics, or of depriving the people of Ireland of their rights of self-government in their municipal affairs. To the course which had been followed by the noble Lord, the Member for South Lancashire, and his supporters on the present occasion and during the last Session of Parliament, he gave his most cordial support, because he believed it to lead to an efficient, a business-like, and a peaceful system for the government of towns in Ireland; and he had resisted the principle of this measure, because he believed that the corporate constitution which it proposed to establish was unsuited to the habits and the wants of the people, and would prove pernicious to the peace and prosperity of the country. He had seen too much of the state of public feeling in Ireland to be blind to the fact, that the people of that country, having never been accustomed to these cumbersome and complicated machines for the government of these towns, did not understand, and did not wish for them,—and that they were forced upon them by those whose intention it was to use them as instruments for the promotion of dangerous political objects. He had seen sufficient of the state of Ireland to know that the partial clamour which had been got up on this subject was the result of laborious and not very successful agitation, and that the feelings of the people had only been kept alive upon the subject by associating with it the more exciting and intelligible topics of the abolition of tithes, and the destruction of the Protestant Establishment. The hon. and learned Member for Kilkenny had threatened them last year, that in the event of the refusal of corporate reform on their own terms, Ireland, from its utmost extremities, should resound with the indignant demands of an insulted and high-minded people, and that the table of the House should totter under the petitions which would pour upon it from every outraged hamlet and parish. He would ask where was the accomplishment of that threat? Where were those mountains of indignant petitions? The only visible result

from the rejection of the Bill of last year was the establishment of the National Association in Dublin, which they were informed sprung from the rejection of the measure of last year, and was designed to promote the accomplishment of this. This being the case, he would appeal even to the records of that very Association, and he would inquire what proportion of their time and their deliberations had been devoted to this charter-question of their institution? So far as their proceedings had reached the eye of the public, they were altogether engrossed by the discussion of poor-law and tithes, or taken up with the quarrels and reconciliations of their hon. Members, whilst the one great object of their foundation was utterly abandoned and forgotten. Having introduced the name of that Association, he would here make the only observation with which it was his intention to trouble the House regarding it; he meant with reference to the relative proportion of Protestants and Roman Catholics of which its Members are composed. It had been stated as a matter of congratulation on the opposite side of the House, that it was formed of persons of every persuasion and from every quarter of Ireland, and the hon. Member for Kilkenny, if he recollected aright, had mentioned that one third of its Members were Protestants. Now, what was the fact? The Association comprised, in January last, 2,946 members, of whom only 263 were Protestants, and of these 84 were Englishmen and members of the corporation of London; whilst of the remaining Roman Catholics upwards of 600 were bishops and clergy of the Church of Rome, making an average of nearly three Roman Catholic priests for one Protestant layman who had joined it. He wished to draw no inference from this fact as to the objects of the Association on other matters, but on this question of Municipal Corporations they had utterly failed to create the excitement or to produce the agitation which they expected. He could state with confidence that this question had no real hold of the minds of the people of Ireland, and that, except for factious and political purposes, they were indifferent to its fate. They dreaded the fearful expense which corporations must entail; they had heard of them only in the tale of their abuses and corruptions; they had never known them as institutions of utility and advantage, and they had never derived from them, nor did they expect it, one

single iota of advantage. The very report of the commission which formed the groundwork of this measure had stated them to be unpopular and suspected in Ireland; injurious in some instances, useless in others, and in all insufficient and inadequate to the purposes of such institutions; and yet it was these injurious, useless, insufficient, and inadequate bodies that the present measure proposed to restore and to re-establish, in preference to substituting for them a system as proposed by the noble Lord, so efficient as to be adequate to all their useful purposes, and, at the same time, so simple as to be obnoxious to none of their abuses and corruptions. But the question which had been opened up to the House by the noble Lord had been not so much that of the obvious advantages which the people of Ireland may derive from the course which he had recommended, as that of the disastrous consequences which, in the present disorganised condition of that country, might be expected to result from the adoption of a measure such as that which had been introduced by the noble Lord, the Secretary of State for the Home Department. In alluding to that topic, it was impossible to avoid adverting to the causes which had tended, if not to produce, at least to aggravate that unhappy condition of society; and amongst the most prominent of these must unfortunately be regarded the conduct of the present Government in that country, more especially as regards their abuse of the prerogative and patronage which had been intrusted to them by the Crown. In endeavouring to follow and to support the noble Lord in the statement which he had made, and in following up those charges which a noble Lord (Morpeth) boasted on a former occasion that he had invited, courted, and compelled upon this head, he was far from being inspired by any hope that any exposure or censure, much less any argument or expostulation, could have any salutary influence upon those who profited by the present melancholy condition of that country, or those who had lent themselves as the means and instruments of producing it; but he did rely on the effect of an appeal to the Representatives of England, and upon a statement of grievances and misgovernment, which, if they did not excite commiseration for Ireland, could not fail at least to create alarm and apprehension for themselves. The most obvious and the most alarming of those

grievances, because the most immediate and the most perilous in its effects upon the safety of property, and the security of society, was the abuse of the prerogative of mercy by the Lord-Lieutenant of Ireland; and frightful as had been the exposure already made to the country of the conduct of that noble Lord in this particular, he felt satisfied that before he resumed his seat he would satisfy the House that they were as yet in comparative ignorance either of the enormity or the extent of these excesses. It would be but wasting the time of the House to allude either to the equitable principles on which this prerogative should be based, or upon those cautious and constitutional guards by which its exercise should be vigilantly restrained; and equally idle would it be to waste words in the demonstration of that which must be obvious to every man of ordinary judgment, namely, the encouragement to crime, the impediments to justice, the contempt of the law, and the general demoralisation which must ensue where this great prerogative of the Crown is wielded as it had been in Ireland, without any regard to the nature of the crime, the feelings of the criminal, or the circumstances of the offence, but solely for the purpose of attaining a bad popularity by an unwise and unjust exhibition of clemency to the unworthy. From the numerous cases which had been forwarded to him from Ireland, from persons whose feelings had been outraged, and whose wrongs had been insulted by this dangerous practice, he would not trouble the House with more than a very few, in order to shew rather the character than extent of these unconstitutional proceedings. He held in his hand the facts of a case which had recently occurred in the county of Louth, to the particulars of which he would beg the attention of the House. At the summer assizes of Dundalk last year, a case was tried before the Chief Justice of the King's Bench, in which a criminal information was filed by a person called Benison against another named Magrath, for sending him a challenge and posting him as a coward. Several aggravating circumstances were adduced in evidence against Magrath, who had stated, it appeared, that he had come from Liverpool to shoot Benison, and had been practising with pistols on the voyage with that intention. A conviction ensued, and the defendant Magrath refused either to apologise for his conduct

or to pay the costs of the action, a refusal which he repeated when brought before the court for judgment in the Michaelmas term following; nor would he offer, as it was competent for him to do, a single affidavit or plea in mitigation of his offence. The deliberate judgment of the whole court, including the Chief Justice Bushe, Judge Burton, and Judges Perrin and Crompton, was a sentence of one month's imprisonment, and 50*l.* fine, with bail to keep the peace. But a very few days afterwards the fine was remitted and the prisoner liberated by the Lord-Lieutenant at the interference, it was stated, of the hon. Baronet, who is Member for the county, and set at large to laugh at the Court of King's Bench, and its farce of justice. Now if there ever was a case which on the very surface repudiated the exercise of the merciful prerogative of the Crown, here was one. Here was an instance in which the criminal avows, before his offence, his intention to commit it, refuses after its attempted perpetration one syllable of apology, offers in its defence no one sentence of regret or palliation; and this determined offender, on the sole interference of his political patron, is at once relieved from the punishment of his fault, assigned after mature deliberation by the assembled judges of the first criminal tribunal in the land. What must be the impression which such an interference of power must make upon the ignorant and the discontented, but that the sentence of that court was tyrannical and unnecessarily cruel, when it is thus unceremoniously abrogated and set aside by the arbitrary interference of the Lord-Lieutenant? Above all, what must be the feelings of the prosecutor in such a case, when after a series of persecutions and alarms endured from the defendant, after all the costs and anxiety of bringing him to justice, he sees the protection of the court of law withdrawn from him by the sole act of the Lord-Lieutenant, and his persecutor again let loose to harass and maltreat him? He (Mr. E. Tennent) would mention to the House but one other case of this character, which had within the last few days been communicated to him by parties whose knowledge of the facts left no doubt upon his mind of their general accuracy. For a series of years Mr. William Armstrong, of Roxborough, in the county of Armagh, was seriously injured and annoyed by various depreda-

tions and outrages committed on his property, such as destroying young plantations, digging down of ditches, pulling down gates and piers, turning up potatoes, serving of Rockite notices on the tenants not to pay their rent at the usual time, waylaying three stewards, &c. &c.; and for five years every effort to detect the offenders was unavailing, although a reward of 250*l.* was one time offered, and other large sums afterwards. On the 28th of June, 1831, the sounding of horns on the tops of the hills announced that some movement was intended, which was represented by some of the country people who came up to the house as a crowd going to Fortrhill, four miles distant, to tear down Dr. Campbell's house and church. In the morning, however, the truth came out, and fifty perches of a very expensive ditch made by Mr. Armstrong was levelled to the ground. On the night of the 19th of September, 1834, the entire crop of oats in stack in four fields was carried away. As soon as Mr. Armstrong heard of this he got search warrants, and found the corn in the farm yards of three persons in the neighbourhood, one of whom was father to a priest. These men were committed to Armagh gaol, and tried at the spring assizes in 1835, convicted and sentenced. The priest's father having confessed, was imprisoned for three months, and the others twelve and fifteen months. These precautions cost Mr. Armstrong much time and money, and he hoped that the example would have served to obtain peace for him. However, in the summer of 1835 Lord Mulgrave made his tour to the north-east of Ireland, and visited Armagh gaol. Without any investigation of the facts, or consulting any one except Turner, the gaoler, he ordered these men to be liberated on the spot. There was no memorial in this case, nor did his Excellency ever ask the names of the prisoners. Cases like these are not a mere realisation of justice—they are an aggravation of crime. The suffering party is not only adding injury to injury by incurring the toil and the cost of a prosecution which is to end in the immunity of the guilty party, but the criminal himself is encouraged to the commission of offences; since even the dread of detection is overcome by the certainty of impunity. The noble Lord, the Secretary of State for the Home Department, had alluded on a former evening to the practice

introduced by the late Attorney-General for Ireland by which the Crown prosecutors were prohibited from exercising the right of setting aside jurors in criminal cases. Of the pernicious effects of this regulation his learned Friend the hon. Member for Bandon (Mr. Jackson) had given on a former occasion a remarkable instance in the case of the murderers of Carter, in the Queen's county. But he held in his hand the details of a case which was, if possible, more atrocious in point of crime than even the case of the murderers of Carter, and more reprehensible as regarded the conduct of the Irish Government. And that the result of that regulation had been to defeat the administration of justice and the execution of the law, by enabling the prisoner to reduce his jury to the number who were favourable to himself, whilst it prohibited the Crown from objecting to or removing a single individual, even with the knowledge of his disposition to obstruct the course of justice, no illustration could be more convincing than the case which he was about to submit to the House. In the case of the *King v. M'Carran* and others, three men were tried at the Monaghan assizes for the murder of a Protestant, whose offence was his having become tenant to a farm from which a Roman Catholic had been previously ejected by his landlord. The murder was accompanied by circumstances the most barbarous and deliberate; it was perpetrated in the noon-day, and close by a bog in which several hundred persons were working at the time, but who afforded no assistance to the wretched victim. The prisoners were tried three several times; the defence was the usual Irish expedient of an *alibi*, to which they had abundance of witnesses to swear, and each time the jury separated without coming to a verdict. What in this case was the conduct of the Government? Did they suspend the order which had been issued for abstaining from exercising the right to set aside jurors who were known to be obstructing the course of the law? No. But even supposing that for the sake of the uniformity of practice or any other similar consideration, they abstained from doing so, did they resort to any other expedient within their power, and remove the trial to the King's Bench, where they would have been certain of an uninfluenced jury and an unbiased

decision? Instead of doing this, they made terms with the homicides; they compromised the murder, and permitted the perpetrators to emigrate to America on consideration of their consenting to a plea of guilty of manslaughter, thus inducing the wretches to admit that they had thrice suborned a host of perjured witnesses to prove, by an *alibi*, the non-commission of a crime which they were then content to plead guilty under the technical quibble of a name; and the murderers who, but for the order of the Attorney-General, would have expiated their guilt by their lives, were permitted, by the compromise of the Crown, to retire as emigrants to America. He (Mr. E. Tennent) would not go further into these details of individual cases, though he was prepared with others of equal importance, and attended with circumstances of equal aggravation and injustice. But he would come at once to a statement with regard to the extent to which these proceedings of the Lord-Lieutenant had been carried, which he confessed, from its magnitude and startling results, he felt almost reluctant to offer to the House. From the sources which he (Mr. E. Tennent) had drawn the information, he felt authorised in saying that he placed the most implicit reliance on its authenticity and truth; but if the facts which it disclosed be incorrect, the returns which had been recently moved for by his hon. Friend, the Member for Bandon, would serve at once to rectify the error, if such there be. The House was not, he was sure, even after the disclosures which had been already made, prepared to hear the extraordinary announcement, that out of eighty convicted criminals since July last, no less than 420 had been discharged by Lord Mulgrave upon his own individual authority, and without a reference to a judge. And his information likewise authorised him to add, that for several of these the official orders for discharge had not even yet been made out or dispatched from the Castle, although the gaols were delivered and the criminals at liberty. With regard to this Bill, he would ask, with facts such as these before them, whether there be evidence of such a healthy tone of society as could warrant them in increasing the democratic power of the people, or of such a safe and well-regulated system of Government as to authorise us to augment the present patronage of their rulers? That Bill, like every

cause of objection on the part of the Protestants, were the individuals competent to the offices to which they might be appointed; but so vast a proportion as this could scarcely be considered the consequence of an accident, and would require something more than a simple denial to convince him that it was not the result of a cool and deliberate religious partisanship. And here, connected with this question of partisan patronage in Ireland, there was a circumstance of somewhat a personal nature as regarded himself, and which he would beg the indulgence of the House for one moment to allude to. In referring on a recent public occasion at Glasgow, to the partiality which, in all their appointments, the present Irish administration had exhibited for Roman Catholics, he made use of the words that Mr. O'Connell had himself declared—"that the dominant party would prefer the worst Papist in Ireland to the best Protestant in the kingdom," and that the conduct of the Government had, in every instance, corroborated the assertion. To this statement the learned Member took an opportunity of giving an early denial, by declaring to his constituents, in that style of polished courtesy which is so peculiarly his own, that it was "a lie—a Tory lie." So far as any personal feeling could be excited, he regarded this expression, coming from such a quarter, with perfect indifference, either as impugning his own veracity, or as affecting that of Mr. O'Connell. But as he did not consider it compatible with the honour or the character of that House, that one of its Members should, in the face of his constituents and the country, stigmatise another with the brand of unqualified falsehood, and that no explanation should be offered, he was now prepared to vindicate himself from the charge, by producing his authority for the time, the place, the occasion, and the person to whom the learned Member made use of the very words which he had attributed to him, and which he (Mr. O'Connell) thought proper to deny. The words which he used were as he stated before—that Mr. O'Connell had expressly declared that the dominant party in Ireland would prefer "the worst Papist to the best Protestant." In the work which he held in his hand, and which contained the letters addressed by Mr. Feargus O'Connor to Mr. O'Connell, at the twenty-fourth page occurs the following circumstantial

and, till he quoted it on the occasion referred to, uncontradicted narrative:—
 "The only man who had your support upon the contest in 1832, and who was not a repealer, was the Gentleman who was returned with me for the county Cork; the fact of your supporting him struck me as being very strange; and when talking with you upon the subject at the October assizes of Cork, I asked you, how you supported Mr. Barry, who refused to pledge himself upon the repeal question, that being your great test. The conversation was in the court-house, and your reply was, 'Because the people will vote for him, as he will have the priests.' I assured you that such was not the case; that the priests were repealers to a man, and they wanted another repealer; you observed that he was a Catholic, and that the priests would support him upon that account; to which I replied, that I was a Protestant, and they much preferred me. 'No,' said you, 'they'd rather have the worst Papist than the best Protestant.' This statement of Mr. O'Connor was his (Mr. E. Tennent's) authority for the words he had quoted from it; and whether it was a "lie," or a "Tory lie," he now left to the further adjustment of that hon. Gentleman and the learned Member for Kilkenny. He had to apologise to the House for the length at which he had unwillingly intruded upon their attention; but the grounds on which he objected to the introduction of this measure in the present unhappy and anomalous condition of Ireland were so broad, that he found it impossible to bring his observations within a narrower space. He could not sit down, however, without expressing a feeling of regret that although such ample details had been laid before the House of the state of that country, so much still remained unnoticed and untouched. It is impossible for those who are not living and in habits of associating with the people of Ireland, to conceive the deep and widely-spreading feeling of alarm with which they are at present inspired, or to imagine the myriad of galling circumstances, trifling perhaps individually, and too trivial to be related on an occasion such as this, but all portions of a whole, and contributing to swell the general aggregate of disorganisation and discontent. For years back we have had continually ringing in our ears the cry that Ireland had been ruled by a fac-

tion and governed only for a party, but never during the palmiest days of Protestant ascendancy was she so thoroughly ruled by a party, and for a party, as she is at the present moment. Nor is that party less formidable from the fact that their influence is maintained, not by the usual expedients of a Government—not by the operation of their measures and the results of their responsible policy, but by the influence of their arbitrary and uncontrolled authority, and by the perversion of their patronage. Was the House then, he would ask, prepared by passing this Bill, to augment that patronage which had been already so grossly abused, or to add immeasurably to the power of that turbulent and democratic party to whose ambition and whose unconstitutional proceedings the evils of that unfortunate country were attributable? Condemning, as all did, the monopoly of influence which these corporations had so long limited, and entailed upon one denomination in the state, were they about to transfer that monopoly to another party more numerous and more formidable, and in whose hands it would be liable to every objection alleged against its present investment? He trusted that instead of rushing into so reckless and headlong a course, the House would pause and examine dispassionately and calmly the proposition of the noble Lord, the Member for North Lancashire—a proposition to which he gave his most willing support, because he believed it to be calculated not only to remove all abuses and corruptions which were incident to the present system, but to secure the impartial administration of justice, the peace and good government of the towns of Ireland.

Viscount Morpeth: As this debate, Sir—as far, at least, as concerns the motion put into your hands—is an exact representation of what took place last year, not only being, as I believe, exact in point of time and in its circumstances, but in the letter in which it was drawn up, I should hardly have thought it necessary to express my opinion fully on the subject. And on this occasion, also, I feel that it is not very necessary for me to go into an examination of the arguments that have been brought forward on the other side after the admirable and impressive speech we have heard from my hon. Friend, the Member for Liskeard (Mr.

C. Buller), nor shall I attempt to follow him through the powerful and comprehensive reasoning he displayed. I confess that I was not astonished that the hon. and learned Gentleman who spoke last shrunk from attempting to answer him. Instead of adverting to any of those principles which must guide us in the decision to which we must come, and to those principles which involve the general tenour of imperial policy, the hon. and learned Gentleman has not only travelled over the details which were so copiously brought before the House in the debate of a fortnight ago, but he has evidently delivered himself of a speech which was intended for that occasion. The hon. and learned Member has gone over again, at immense length and with entire monotony of tone, the whole subject of the alleged abuse of the prerogative of mercy which proved so fruitful a topic on the occasion to which I have alluded. He says he has no doubt that such details are very disagreeable to his Majesty's Ministers. It may be irksome to the House, indeed, to have these details so often dinned into their ears, but any details which may be brought forward I will enter upon to the best of my ability, and I will in no case be deterred from grappling with any charge which may be brought against the Government of which I have the honour to be a Member. When I last addressed the House, I submitted it to the indulgence of the House, that when individual charges are brought forward, it is always impossible at the moment to be prepared with the particular answer without an opportunity of consulting the official documents on the subject; but I have found in every case, after I have had the opportunity of consulting those official documents—the source of authentic information—that the colouring which has been put upon the case, by the parties bringing the charge, has been altogether stripped off, and a satisfactory answer afforded. I endeavoured, to the best of my ability, to travel through most of the charges which were brought forward on the last discussion, by the hon. and learned Member for Bandon. There was one case particularly alluded to, that of Maguire, who was liberated by the Lord-Lieutenant on his visit of inspection to the gaol of Cavan, the man being imprisoned on a charge of shooting at a revenue officer, a charge which naturally appeared to the House to be one of considerable magnitude. Now, it appeared

by a memorial to the Lord-Lieutenant in favour of the prisoner, signed by magistrates of all parties, that it had clearly been shown on the trial, in the opinion of the magistrates, that the shot was not fired with malicious intent, but out of mere bravado—out of mere bravado I repeat; for it was proved on the trial, that the boat from which the prisoner fired the shot was, at the time, about three-quarters of a mile from the shore on which the revenue officer stood. The fair inference, therefore, was, that the attempt was not so grossly malicious as the sneers of hon. Members opposite would seem to infer. Upon this memorial being forwarded to the Lord-Lieutenant, a correspondence took place between the Lord-Lieutenant and Baron Pennefather, who presided at the trial, so far is it from the fact, that, in any case of serious magnitude, the Lord-Lieutenant has acted without having previously the fullest and most unrestrained communication with the judges. The result of the correspondence was, that Baron Pennefather, while he did not recede from his original opinion, in the course of his correspondence declared, that it was a point for the consideration of the Lord-Lieutenant, and the sentence was then commuted from transportation for seven years into imprisonment for two. This, however, was less the point of quarrel set up by the hon. and learned Sergeant, than the subsequent liberation of the man. That liberation took place in consequence of the unanimous representation of the gaoler, the sub-gaoler, and the local inspector. On what grounds? Not because the prisoner had behaved well in his prison, but because these parties declared that they could not answer for the man's life, if he were longer confined. The hon. and learned Member for Belfast has dwelt largely on the case of Magrath, who was liberated from Dundalk gaol. The real circumstances of the case, however, are in no degree such as to warrant the tone of opprobrium which the hon. and learned Member has attempted to throw upon the liberation of this party. The offence charged against him was the attempt to provoke another party to fight a duel. I am told, and I know, that Magrath had strong provocation; and that there were many alleviating circumstances in his case. I do not say that any circumstances would induce me to look lightly at the offence of provoking to a duel, but in reference to

this case I will read a memorial sent to the Lord-Lieutenant after the trial, signed by all the jurors who tried the case. The memorial runs thus:—

"We, the undersigned Jurors, who tried the case of 'The King, at the prosecution of Richard Renison, against Daniel Magrath,' at the last Sessions held at Dundalk for the county of Louth, hereby certify that we did not find the said Daniel Magrath guilty on the first count of the indictment, viz., of writing a letter with intent to provoke the prosecutor to fight a duel, not conceiving that letter to have been written with unfriendly feelings towards the prosecutor. That it was with great hesitation and reluctance we found him guilty on the second count, viz., posting the prosecutor; as, from the evidence laid before us, we conceived the said Daniel Magrath had been hurried into such posting under feelings greatly excited by the conduct of the prosecutor himself. The third count was merely general and formal. We, on the occasion of finding him guilty, recommended him to the mercy of the Court; and having heard that he has been sentenced to a month's imprisonment in the gaol of Kilmainham, to pay a fine of 100*l.* to the King, and also find security, himself in 500*l.*, and two securities in 250*l.* each, to keep the peace, we now further recommend him to the clemency of his Excellency the Lord-Lieutenant of Ireland.

"John Godby, Foreman Pat. Gennings	
John Carrol	Nich. Markey
Robert Sheckleton	Symon Byrne
John Chambers	John Robinson
Pat. Connick	Nich. Callan
William Skelton	William Corbally."

This memorial was signed by all the jurors. The memorial was also signed by the Lord-Lieutenant of the county, a Member of this House, and by several Magistrates of the county of all parties; and the Lord-Lieutenant, in this instance, considering that the case had been tried at the quarter sessions, did not refer it to any judge. The particulars of the case of Armstrong I have not at the moment by me, and I therefore cannot enter well into the details of the outrage on his ditch, which has been so eloquently dwelt upon; but I must say, I cannot consider this a case of sufficient magnitude to be lugged in head and shoulders in a debate upon the question whether corporate reform shall or shall not be given to Ireland. With respect to the number of prisoners liberated by the Lord-Lieutenant, I shall, with the leave of the hon. and learned Member, wait for the returns moved for by the hon. and learned Sergeant before I go into the point. I have no wish to make any concealment on the

subject; and indeed, with the view of making the returns full and complete, I shall move, that in addition to the returns required by the hon. and learned Sergeant there be returns made of all the memorials presented to the Lord-Lieutenant in favour of prisoners. Nothing has been said by the hon. and learned Member who last spoke to impugn the chief grounds on which we rest, to test the policy of the measures which the Government of Ireland have pursued—namely, the general decrease of crime in that country. The noble Member for South Lancashire has told us he has advices from Tipperary not corresponding with the statements we made on the subject. All I can say is, that neither I nor my noble Friend near me have quoted anything but the official documents, and have relied on no more suspicious information than the charges of the juries at assizes, and of assistant barristers at quarter sessions. But the hon. and learned Member for Belfast wishes to renew the attack commenced by the hon. and learned Sergeant on the subject of the rules laid down for setting aside jurors in criminal cases, and alluded to the case of the Carters, on which the hon. and learned Sergeant laid such stress in his attacks on the executive Government of Ireland and its law officers. The expressions used by the hon. and learned Sergeant are these. I should not go into the subject but that I have been dragged into it. The hon. and learned Sergeant says,

“He should now mention a matter of fact illustrative of the practice, and it was one which he thought would occasion some surprise in the minds of Englishmen. It was the case of a Protestant family, named Carter, resident in the Queen’s county; they were tenants of Lord Maryborough, and, at the time to which he referred, were in possession of a piece of land, for which they paid rent, and to which they were justly entitled. They proceeded to fence it in. An attack was made upon them, and one of those poor men was so severely beaten that he lost his senses, and he believed was at present the inmate of a lunatic asylum. The same parties beat the elder Carter, and put him to death. They were indicted for murder. One of the parties known, or at least very generally believed, to have been assisting in the perpetration of this crime, openly, in the noon-day, was giving his assistance to the prisoners respecting their challenges of the jurors; but the Crown no longer exercised its privilege of putting by, and of course there was no verdict.”

In answer to this I do not wish to rely upon
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any other document than a letter which I will read from the gentleman who conducted the case for the Crown, Mr. Tickell, whose name is synonymous with the highest integrity and honour, and whose testimony will perhaps be the more readily received by hon. Gentlemen opposite, from the circumstance that Mr. Tickell is by no means enthusiastic in his attachment to the existing Government. Mr. Tickell’s letter runs thus:—

“10, Clarendon-street, Feb. 11, 1837.

“DEAR MASTER OF THE ROLLS,—I have just read the report of Jackson’s speech, to which you referred me in your note. I never before heard the slightest imputation against Mr. Dillon (the person to whom I presume he alludes as one who was generally believed to have been a participator in Carter’s murder), and I really was exceedingly surprised at the serjeant’s statement in this respect. With respect to Mr. Dillon assisting the prisoners’ attorney as to the challenges he should make, all I can say is, that I did not see him do so, and that neither did, as I believe, Mr. Geale: Mr. Dillon belongs to what is called the liberal party; he is a brother-in-law of Mr. Lalor, the late Member for the Queen’s County, and either has been called, or intends, I hear, to be called to the bar. The Crown solicitor, acting upon the instructions he received not to set aside individuals on account either of their religion or their party politics, did not object to Mr. Dillon being on the first jury, not being aware of there being any other ground of objection to him. With respect to the second statement of Jackson, that on the succeeding trial a convict, a man found guilty of offences of the same class with those for which the prisoner was indicted, was on the jury, it was discovered, after the jury had been sworn, that a man of the name of Fitzpatrick (an extremely common one in Queen’s County) was on it, who had been about three or four years previously convicted of a riot. Some doubts, exist in the mind, I believe, of Mr. Geale whether the juror and the convict were one and the same person. There certainly was a Fitzpatrick indicted in 1833, but his prosecutor was also indicted by the Crown for perjury. At the last trial of those tried for the murder of Mr. Carter, the next of kin, or some person professing to act on their behalf, called on the Crown to abandon the prosecution and to allow them to conduct it, with a view manifestly to the selection of a jury. This we refused to do, and also declined to allow an interference with the conduct of the trial. Mr. Geale, however, stated in court to the attorney of the next of kin, that if he would suggest to him any substantial cause for setting aside any individual he would do so, but that he would not exercise that right merely because it was alleged that a man was of this or that party. Had we acceded to the wishes of the next of

kin in this case, we could not have refused a similar request which was made in the very next circuit-town—Carlow; when it was suggested to the Crown solicitor to hand over the prosecution in Sly's case to the next of kin, with the view of thus exerting the Crown's right of setting by. In this latter case there were eleven Protestants on the jury, and I have no hesitation in saying (although the jury was as respectable as could be), that if strong political feelings were to be allowed as a cause for setting by, some of those gentlemen, who were as honourable and as good jurors I firmly believe as could be selected, might also have been objected to. Again, in another trial, which took place in Maryborough, that of Abbot, a Protestant, who was tried for the manslaughter of a Roman Catholic, no juror was set by on the part of the Crown. If, however, the next of kin had been at liberty to exercise that privilege, a jury of Roman Catholics might have been selected, and that, too, in a case in which the prisoner would not have been allowed a single peremptory challenge. The principle laid down by you was acted upon in the fairest and most impartial manner; and I have not the slightest difficulty in stating my belief that it was productive of much more good than evil. Divided and inflamed by party spirit, as many parts of the home circuit were and are, it has struck me with surprise how generally, notwithstanding, the juries have done their duty. I do not believe that a single person was set aside on either of the two last circuits (at least not more than two or three, if there were any), and yet you will find, that whilst the number of convictions in England, as compared to the acquittals, is, I believe, about one in four, the proportion on the home circuit here is the reverse, there being three or four convictions for one acquittal. During the last two circuits we had some party cases, arising out of tithes. In the county of Kildare the jury convicted a rich farmer of the name of Prendergast, of having been concerned in one of these riots. In Meath a similar conviction took place; there were several other instances in which the juries, even in what might be called party cases, honestly discharged their duty.

"In summer assizes, 1835, there were, I learn from the solicitor, forty-one convictions out of fifty-seven trials on the home circuit.

"In Lent, 1836, out of one hundred and thirteen trials, there were eighty convictions, and in three cases the juries disagreed.

"In summer, 1836, out of sixty-seven trials, there were forty-six convictions, and five cases in which the juries could not agree.

"Now, out of the whole of these cases, I could not fix upon a dozen in which I should have differed from the juries, nor do I recollect half a dozen in which I thought the Crown had any reason to complain. It appears to me, therefore, an unfair way of judging of the operation of a general principle, by selecting for observation a particular case like that of

Carter's. Even in this latter one much might be said to justify the view taken of it by some of the jury as to several of the prisoners. The approver on the last trial committed a very important error in identifying one person for another; but granting that a conviction should have taken place, the general results of the system should be looked at, and the evils of it fairly balanced with its advantages.

"Believe me, dear Master of the Rolls,

"Always truly yours,

"E. TICKELL."

Mr. Sergeant Jackson protested that he had not used the expression attributed to him in reference to Mr. Dillon; he had said nothing of the sort.

Viscount Morpeth: The expression regarding him that he was generally believed to be a participator in the crime.

Mr. Sergeant Jackson said, that all he said was, that a party in question was giving his advice as to the challenging of jurors.

Viscount Morpeth continued: Let the House consider the summary of the case of the Carters. It has been tried three times. In the two first instances the jury were not agreed. The question then came before his right hon. and learned Friend whether the same parties should be tried a third time. Evidence had transpired to attach suspicion to another party, and the right hon. and learned judge had to say, whether the same persons should be put on their trial again, and whether, if so, the persons against whom suspicions had just arisen should be tried with them. The three prisoners were tried together; and on this third trial an approver committed an error in identifying the party; yet now, because on this third trial the jury could not find the men guilty, it was stated that justice was not done in Ireland. The hon. and learned Member has quoted other cases, and into the particular circumstances of those cases I shall make it my business to inquire. I was in my place during the whole Session; my right hon. and learned Friend, the Master of the Rolls, then Attorney-General, was also in his place to meet any charge that might be made respecting this very case of Mr. Carter. But not one word was said of it; neither was one word said of Mr. Fogherthy's case then. But the great secret of Mr. Fogherthy's offence was, the decision which he formed in the case of lodgers, at Belfast. The great outcry raised against him was, that he, in order to try the

question, had refused to admit the claims of lodgers that came before him. This case was afterwards argued before the twelve judges, and what was the result? Why, the decision of Mr. Fogherty was held by them to be right. But with what superior purity had hon. Gentlemen opposite valued non-resident freemen. "The point of non-residence need not be mentioned!" And then a law was passed, and a decision of a Committee of the House of Commons came to enforce this virtuous mandate. The hon. and learned Member for Belfast complains of the Irish Government, that they have not given judgeships to Mr. Warren and Mr. Brewster. With that complaint I have had no right to quarrel; nor will I quarrel with the hon. and learned Gentleman's objections to the appointments made to the assistant barristerships. On both these classes of appointments, the Irish Government were willing fearlessly to rely. But the hon. and learned Gentleman is not satisfied with condemning the decision and appointment of the judges, and of the assistant barristers, he even stoops to quarrel with the appointment of the accountant-general to the Court of Chancery. He said that the Government had acted almost from a spirit of corruption, in choosing a friend of their own, instead of appointing Mr. Dawes. No doubt Mr. Dawes is a most exemplary man; but I have yet to learn that it is incumbent upon the Lord-Lieutenant of Ireland to promote to the head of any department, a gentleman who has hitherto held a very subordinate office. However, with respect to the appointment of accountant-general to the Court of Chancery, I shall leave the name of Barrington to speak for itself, which will show that it is not upon a very radical principle that that gentleman was appointed. The summary and conclusion of all the charges of the hon. and learned Member for Belfast is, that the House could not intrust with any increase of patronage, a Government which had so shamelessly and iniquitously exercised that which has already fallen to their charge. Then, what does the hon. and learned Gentleman propose to do? Why he proposes that the House should vote for an amendment, which, if I were to judge by the speech of my noble Friend, who had moved that amendment, and from a similar motion, and the Bill in pursuance of it, of last year, does not in the least degree diminish that patronage; but, on the contrary, tends to give addi-

tional patronage to that iniquitous, and shameless, and jobbing Government, to a great extent. Besides the appointment of magistrates, and recorders of corporate towns, this Bill, if his noble Friend succeeded in inducing the House to assent to his amendment, would give the Government the power of naming Commissioners to preside over the distribution of the revenue of all the corporations of Ireland. I must refer to one thing which fell from my noble Friend who opened this discussion, but who, whatever party differences prevail, never acted in a manner of which any one could justly complain. The noble Lord said, that I had endeavoured to fasten upon the members of a former Government of Ireland, the cause of the party feuds and factions that disgraced Ireland. Now I should be very loath to make any charge of so grave a nature, against the Government of which my noble Friend, Lord Anglesea, formed so prominent a part. I wish to state what it was that I said. I believe my words were—that these factious feuds, in some instances, had met with connivance from the neighbouring magistrates, and that they had not always been met with sufficient energy, with a view to their suppression by the central Government of Ireland. That was a widely different thing from saying that the Government of Ireland had connived at those proceedings. Now, with respect to the question immediately before the House, to which I beg to invite the attention of hon. Members; I must, in the first place, observe, that the course has again been resorted to—when the propriety has been urged, of conferring on the people of Ireland those institutions and privileges which have been already conferred on the people of England and of Scotland—of turning round upon the advocates of this policy, by pointing either to some enactment in the laws already existing, or to some measure which is in progress through the House, as inconsistent with that policy. Last year, the Constabulary Bill was referred to as of considerable service in this way. Indeed, it was felt by hon. Members opposite, to be of such use, to show that the Constabulary Bill was an efficient measure for Ireland, while it justified a departure from a similarity of legislation for the two countries, that it was passed with a prodigality of confidence in Ministers through the House, without censure; but it was found necessary afterwards to

cause the most wealthy, the most prominent, and numerically, the greatest portion of the community are of that persuasion. They enjoy those offices without, as far as I am aware, giving ground of any real umbrage to others. I hope that nothing now remains to prevent their Dissenting brethren from taking their appropriate share of those offices and honours. So in Scotland, the great majority of offices is in the hands of Presbyterians. But Ireland is, though I will not quarrel as to what degree, in a considerable degree, Catholics; therefore, if they remain in their natural, and because natural, their most healthy state, the Catholics will be found in greater abundance in all those departments which are open to Catholic energy and enterprise, and attainable by habits of activity and of business. Whether the Roman Catholic faith and doctrine, as such, are to lose or gain ground, is a question dependent upon higher arbitration than that of human legislation. It only depends upon us to do justly and fairly by all. Therefore, as far as exclusion or eligibility to civil offices or emoluments is concerned with the Catholic religion, as such, that House has nothing whatever to do. Let each hold firmly to his own opinion upon that subject, and seek only that influence and predominance which reason and justice alone sanction. With respect to this night's debate, I do not consider that there has been much novelty of argument advanced. There was one striking and startling argument, indeed, which I must own, very much surprised me, and still more so as coming from the right hon. Member for Tamworth, and which has been confirmed by my noble Friend who has moved the amendment. I mean the ground, now for the first time taken, or at least for the first time set forth, whereon to rest the denial of corporate government and privileges to the people of Ireland, namely, that it may be found prejudicial to, and affect the interests of the Established Church. Do we hear this from the friends of the Church, from the champions of the Establishment? Is the Church strong enough, is she deeply rooted enough in the veneration of the Irish people, is she congenial enough to their habits and their affections, is she so clear from all ground of offence, that you can afford to make her the scapegoat against every charge, the bulwark against every attack? Is her structure so

sound, or her fabric so firm and so impregnable, that you can call together all the scattered elements of enmity to select her out as a mark, and to assail her port-holes? What is the state of the case? The bulk of the Irish people, whether with right reason or not, consider the denial of corporate government and privileges to them, after they have been conceded to England and Scotland, as a grievous injury; and they are in a most excited and inflamed state, on account of the mode in which they conceive that grievance inflicted on them, and the ground on which they conceive it to rest. What, on the other hand, is the state of the Church? On totally distinct grounds, it has already become obnoxious and unpopular, and it is to a great degree, threatened and exposed, harassed and impoverished. Her revenues are but scantily paid; and her ministers in many instances, most painfully destitute. And what in this case do the hon. Gentlemen opposite propose to do to help to raise her head to restore her, by increased forbearance, to favour? Why, they virtually tell the Irish people, "Most probably it would have been thought right to give you Municipal Corporations. The natural presumption (said the right hon. Baronet) would have been to confer on you what has already been conferred upon the people of England and Scotland. There is considerable presumption in favour of a municipal law for Ireland, on account of the antiquity and the simplicity of the institution." But after admitting this natural presumption to exist, the right hon. Baronet steps in and says—"This must not, however, be carried into effect, because the interests of the Church may be implicated and prejudiced, and the current of equal legislation, if applied to the Corporations of Ireland, may be found in some collateral manner to affect the full, and fair, and round proportions of the Church Establishment, and therefore the people of Ireland must not have Municipal Corporations." They are not to choose their own chief magistrates; their town-councils, are not to meet to discuss and legislate for their own minute local affairs; not because these bodies, as far as I am aware, can directly affect the interest of a single clergyman, much less of the Church itself, but because the right hon. Baronet fears the moral contagion of that very principle of equal law, and responsibility, and self-

continue, I hope to meet with that forbearance and indulgence which is befitting a legislative assembly. I maintain that my noble Friend shares in that delusion in which Ministers appear to be plunged with regard to this question, and the affairs of Ireland generally. They mistake their own position, notwithstanding the warnings alike of friends and opponents, and go blindly burrowing on with a set of measures which every human being but themselves, on one side and the other, can see with half an eye must lead to results directly the reverse of those which they anticipate. In this respect, Sir, they resemble those madmen whom all the world but themselves think to be insane, yet who think themselves in the enjoyment of a mind perfectly sound and unimpaired. They say, that we are perfectly blind, and that we don't see to what their measures tend. It is true, they say, that those who support, and those who oppose us, both agree in that to which they think our measures will lead; but both parties are quite wrong—they are both mistaken. Those who oppose us think that we want to destroy the Church, and therefore oppose us, no doubt honourably and conscientiously; those who support us think we want to destroy the church, and therefore they support us, no doubt, honourably and conscientiously. We agree with our opponents in their wish to preserve and augment the influence of the Church, but we agree with them on this point because we consider that those very measures, from which supporters and opponents alike expect the destruction of the Church, will be the salvation of the Church. I say, then, that with regard to this question, I am borne out in asserting that my noble Friend and his Majesty's Government miscalculate the position in which they stand. They profess to have one object in view, and their opponents profess to have the same object. Their supporters profess to aim at a directly opposite object; and yet Ministers propose to us to adopt measures, which those who are most anxious to obtain them advocate on grounds directly opposite to those which they pretend to entertain. What is the conclusion to be drawn from this? That both the great parties are equally wrong; that nine out of ten men in this House, and out of it, are grossly deceived with regard to the effect of the measures they submit to us; and that that small, that miserable, though monopolizing,

minority, is really the only body in the House of Commons, in the House of Lords, or in the country, which clearly see their way before them! I have a great respect for many hon. Gentlemen opposite, but I cannot, in defiance of the opinion of every clear-sighted man, give them credit for being the only acute and clear-sighted men in England. I am induced to suspect that they are blindly following, or rather are being blindly driven, along a path of which they do not see the end; while those who very clearly do see it, are exulting in the Cimmerian darkness in which they are involved. The very significant expression used by the hon. and learned Member for Kilkenny, at a very Radical meeting the other day, serves as a very good index to the opinions which are held by their friends on this head. The hon. and learned Member gave this most judicious advice to the Radical audience whom he addressed—"If you mean to kick out the Whigs, kick them out in God's name; I don't care, but don't do it till they have given me the Irish Municipal Bill." I tell you, the hon. Member did use that language; he really did. But why be surprised at it? That is language to which my right hon. Friend is very well used from the hon. and learned Gentleman—I do not mean personally—as well as all the rest of his Majesty's Government. The Radicals are continually saying, "Let these poor miserable Whigs go on till they have passed our measures; push them on to a certain point, and then kick them out." We are told that it is no argument against any measure, to say, that the passing of it may lead to the enactment of ulterior measures. I admit that that is no argument against a measure if it be good in itself, and that we ought not to be deterred by the fear of consequences, or the apprehension that ulterior concessions will be demanded, from giving that which is just and not dangerous. I admit that to be no argument; but I say it is a sound and substantive argument against a measure if you are told by your own friends that they support it with the certainty of attaining, through its instrumentality, the ulterior objects they have in view—objects which every man in this House knows, and which they do not themselves conceal, to be the overthrow of the established institutions of the country; and I will tell my noble Friend in addition, when they

have accomplished that, the overthrow of Ministers themselves. The hon. Member for Kilkenny has not left us very much in the dark on this point. I think, at all events, that you will not dispute his acuteness, his knowledge, of the state of Ireland, and of the power of the various levers which may be called into action for effecting his objects. On these points, I think, we are all agreed; and I think no one will now be inclined to dispute the power he exercises in the Government. I think the House cannot have forgotten that most significant passage quoted the other day from a very recent speech of his—"Give me municipal reform, and with that I will effect all the rest." What is my answer? I say I agree with the hon. Member; in the present state of Ireland I believe he would; and therefore—and you have yourselves to blame for the conclusion to which I am forced to come—and therefore, with my consent, this measure of municipal reform you shall not have. The hon. and learned Gentleman says he will have it. Sir, I do not make this declaration in the name of a person so insignificant and so humble as myself, but I venture to say, in the name of the House, in the name of the Parliament, in the name of the nation, that the line which is now taken by the General or National Association of Ireland, is the most formidable obstacle to the passing of this Bill; and I tell them, that so far from being intimidated by their threats, so far from being led to concede to clamour that which we would not give to justice [*great cheering*]; I understand these cheers; and your cheers would signify, that we do deny to justice what we would concede to violence; but I tell you, that the louder the demand, and the more terrible the intimidation, the more determined will the people of England be that it shall not be granted. But now with regard to this much-lauded Corporate Reform—this beautiful pretence on which the cozening cry of justice to Ireland is to be grounded—this new *sine quâ non*; where is your evidence of the great fitness of society in Ireland for its reception, or of the great anxiety of the people of Ireland to obtain it? At the end of the last Session of Parliament, after we had dared to doubt the propriety of passing it, we were told that we should be overwhelmed with petitions from every quarter of Ireland expressive of the indignation of the people

of their sense of insult—of their feeling of intolerable injury and degradation. Why, what petitions have we had? How many? I took the trouble myself to ascertain the number, and it appears by the votes of the House, that thirty-four petitions have been presented in favour of Corporate Reform. On the 8th of February three were presented; on the 13th, five; and in order to get up even this number, they must couple with that a prayer for something more popular. On the 13th, five were presented, and with them, from the same places, five accompanying petitions against tithes and in favour of the ballot. On the 14th two were presented in favour of Corporate Reform, accompanied by two for the abolition of tithes, and two for the ballot. On the 16th, fourteen petitions were presented for corporate reform, thirteen for the abolition of tithes, and twelve for vote by ballot. And on last evening eleven for corporate reform, with, in this instance, three only for the abolition of tithes, and five for the ballot. Whether more are coming or not, I do not know, and do not much care; for these petitions are got up at simultaneous meetings, where I have not the least doubt on earth, with all my respect for the right of petitioning, that if it were the orders of the General Association to petition Parliament to cut my head off my shoulders without the intervention of judge or jury, just as many signatures would be obtained. With regard to this alleged great anxiety for corporate reform, whence do the petitions come? From the towns which are to benefit by the measure? No. We have a petition from the trades of Dublin; another from Kilkenny; and, what with the aid of the ballot and tithes, and the heat of the late election, another from Longford, another from Monaghan, and another from the very important town of Enniscorthy. These are the only towns upon which this inestimable privilege is to be conferred, and which, we are told, are to be insulted by withholding these invaluable rights, and to testify every feeling of indignation at the outrage offered to them. These five are the only towns that asked you to give them corporate reform; and four or five important towns, as we have been reminded by the hon. Member for Belfast this evening, upon whom you propose to confer this inestimable benefit,

implore you, for God's sake, to let them alone. It is very difficult to deal with such a question as this, where we are not allowed to rest the issue upon facts, but upon feelings, passions, and imagined insults. We need not think it extraordinary that the General Association, with their emissaries, with their pacificators, with the power they have in every parish of Ireland among the Roman Catholics, pretending, nakedly, that Parliament has declared them unfit to be intrusted with the rights of Englishmen, should be able to stimulate a population who know nothing of the real facts of the case so set before them, to repel the supposed insult, and to stand forth, and say, that they are as fit to be intrusted with civil privileges as their countrymen of England. But that is not the ground on which we do rest, or on which we ever have rested, the question. The question is not whether an Irishman be himself fit or unfit to exercise civil privileges, but it is this—is the state of Ireland at this moment so analogous, or so similar to the state of England in every respect, that it shall follow as a conclusion, on which no controversy can be raised, that the same institutions in Ireland will produce the same effect as in England? Surely, Sir, this is a question which may be argued without insult to Ireland, without injury, without offence. I put it to His Majesty's Government, who brought forward the other day a question of great importance to Ireland, of deep, of vital importance, though a question which the General Association of Ireland think ought to be postponed to this or that canvassing, or this or that election in Ireland—I mean the proposal of a legal provision for the poor of that country,—I ask the Government whether they find upon this side of the House any disposition to treat with insult, to treat with enmity, to treat with injustice, to treat as a matter of party feeling, the just claims, the rights, the miseries of the people of Ireland? I ask them whether, when a measure of real relief is brought forward, they find more readiness on the other side of the House than on this, to deal with the question, to sift it thoroughly, to consider it minutely in all its relations and details, to deal with it, not with reference to any party, but with reference to the whole state of Ireland, to inquire what advantage it will confer on Ireland, to inquire what similarity between the

laws of the two countries may be preserved, and what distinctions must be drawn? And why should we be hindered by this Association, unless they are determined to make it a party question, and a party question only, why should we be debarred from taking the same broad view of the subject which we took on the Poor-law question, and which I, for one, am resolved to take on every question that is proposed for our consideration? But I will not pretend that I do not mix up with the question a consideration of the relative situation of Protestant and Catholic. I say I will not put forward such a pretence, for I have regard to these considerations. And why? Because the state of Ireland is shown to be such that the bulk of the inhabitants are of the one religion, and the minority of the other; that the higher classes are ranked with the minority, and the lower with the majority; that, unhappily, no question can be raised, no debate can take place, no election can occur in any town without raising the question of Protestant ascendancy or Catholic ascendancy. For it is no question of equality now, no question of community of civil privileges; the question presents itself to our deliberation in an open, simple, undisguised aspect: it is this—Will you take that line which will tend to maintain the ascendancy of the Protestant church, or that line which will tend to demolish the Protestant church? And, unhappily, we are compelled so to consider every question which, practically speaking, we can discuss on Irish affairs, that we cannot shake off the religious question, or look at it without regard to Catholic or Protestant. But, I ask, have the Protestants no claim to our consideration? You say they are in the minority; you cannot help admitting that the earnest endeavour of the party which now holds sway in Ireland will be directed to the advancement of Catholic interests, and the discouragement of Protestantism, and that their leading object is the destruction of the Protestant church; and they tell you themselves that they consider this measure, and mean to use it, as their great instrument for effecting that object—for securing the extermination of the Protestant church. Let us meet this question fairly and openly: dare the Government answer my challenge? They say their measures will benefit the Church; but I tell them they will overturn

it. I see nothing in their measures which will tend to secure the Church. I see much in them which by the confession of all parties, will ensure its destruction. But what is the course they pursue with regard to the Bill before us? I will not at this late hour enter into the details of the measure, or weary the House by occupying it with minor points. I wish to put the question upon this plain, simple, intelligible ground, a ground which I think the people of England, Scotland, and Ireland will clearly understand,—the ground of its being a leading step to the object which the supporters of Administration contemplate, which we at least desire to shun, but to which I see Government approaching day by day, and hour by hour. We are called upon in the same paragraph of his Majesty's Speech, delivered at the opening of this Session, to turn our attention to three important questions bearing on the state of Ireland—the Municipal Corporation question, the Church question, and the Poor-law question. I do not know what the views of Government may be, but I say distinctly that the settlement of the Church question would, in my mind, remove out of the way a great stumbling-block to the settlement of the corporation question—an obstacle which, as long as it remains in its present state, must render the settlement of that question hopeless. I say, if you desire to introduce the principle of uniformity of institutions into Ireland, the settlement of the poor-law question ought to precede the consideration of corporate reform. What is the basis of the qualification in England? A certain payment to the poor-rates continued for a period of three years. What is the qualification in Ireland? The occupancy of a *5l.* House, and for a term of six months only. You who ask for identity of principle refuse us identity of principle. There is no more identity of principle between the measure of corporate reform in operation in England and that which is proposed for Ireland, than there would be between Lord Grey's plan of reform and a plan which embraced universal suffrage. Lord Grey introduced a measure of Parliamentary Reform, the basis of which was popular control. What is the basis on which a plan for universal suffrage must rest? Popular control. Yet if any one who compared these questions were to tell you that they rested on the same principle of popular control, he would be

laughed at as a fool by every sensible man. This is exactly the *rationale* of the conduct of Government [*interruption*]. The right hon. Gentleman forgets the great improvements that have taken place in the acoustics of the House. The plan of Dr. Reid, which has been laid before us this morning, and which I have had the curiosity to read, will enlighten him on the subject. The learned doctor anticipates that not only will the speaker be distinctly audible, but even the whispered conversation so often superior to the voice of the orator will strike the ear so clearly that hon. members will be obliged to acquire the art of modulating the intonations of their voice to the required degree of dulcet softness. Let me hope the right hon. Gentleman will profit by this hint. This case in point shows on a small scale the necessity of bending to altered circumstances, and may instruct us that that will be out of place this year which would have been applicable last Session. I say this bears on my argument. The case is precisely the same. When Government proposed to legislate on the same principle now which they employed last Session, they should have regard to the altered circumstances of the country and not expose themselves to the ridicule of ninety-nine out of one hundred of their supporters, by proposing a measure out of a vain desire for identity of legislation, which will lead to measures which they profess to deprecate. I said that I would not trespass long on the time of the House; I shall but repeat that I wish to rest my opposition to this Bill, and my support to the instruction to the Committee which my noble Friend has moved upon this ground, that admitting the abuses of the present corporate system, not desirous of defending the abuses of that system, we are prepared to go every length with you in doing away with those abuses; but we do not think that there is anything in the circumstances in which Ireland is this year placed which should encourage us to consider it less dangerous to transfer the monopoly from one party to another, or which should induce us at this time and under these circumstances, to assent to your measure. We feel that we cannot agree to it till the Church question is settled—till that Church which we are determined to protect is placed upon such a footing as that it shall be secured from violence, from fraud, and from outrage, and confirmed in its revenues. And till equal justice shall be done to those who

profess her doctrines and adhere to her creed with all others of his Majesty's subjects, we will not place in the hands of a powerful body—a body the more powerful because it is organised and united—because it possesses effectual means for diffusing its influence over the whole of Ireland—because it is fostered, protected, encouraged, and cherished by his Majesty's Government—we will not give to that body the power of effecting an object which we deprecate, and which they assure us they can effect by means of this Bill—a power which we may be assured will be most unscrupulously exercised. We will not, in the vain hope of producing peace, consent to that which all parties agree will produce no peace. We will not grant that which you ask on the ground of conciliation. When every prospect of conciliation is shut out, we will not give fresh vantage ground to our adversaries, but we will take such a line, and exhibit such a demeanour, as shall convince you, judge as you will, as shall convince the people of this country, that in refusing to apply the remedy proposed to acknowledged grievances, we are actuated by no wish to uphold ancient abuses—that we wish to eradicate them root and branch, that we wish to abolish every law that tends to violate the equality of civil rights. But until we see that equality practically secured, we will not, under the abused name of equality sanction a more odious monopoly, a more detestable tyranny, than you exclude.

Debate adjourned.

HOUSE OF LORDS,

Tuesday, February 21, 1837.

MINUTES.] Bills. Read a third time:—Registration and Marriages.

Petitions presented. By Lord KENYON, the Bishop of London, the Earl of Devon, from Stafford and other places, against the Abolition of Church Rates.—By Lord BROUGHAM, Earl FITZWILLIAM, Viscount MELBOURNE, from Yarmouth, Southwark, and other places, for the Abolition of Church Rates.—By Lord BROUGHAM, from Dunkeld, that their Lordships would introduce a measure for the better Recovery of Small Debts (Scotland).

THE ESTABLISHED CHURCH.] Earl Fitzwilliam presented petitions for the abolition of Church-rates from Newport and Yarmouth (Isle of Wight); from Northampton, and several other places. The noble Earl stated, under ordinary circumstances, he should have been content to lay the petitions on the table without saying one single word; but on the present occasion, he felt himself called upon to

depart from the usual course. It generally happened that petitions were intrusted to those who concurred in their prayer; but on this occasion, he differed in some degree from the petitioners. It had been his duty to tell the petitioners, that he did not entirely coincide in their views on this subject, and had, therefore, offered to return the petitions to them, that they might be presented by some other noble Lord who agreed with the petitioners; they still, however, in their kindness to him, requested him to present them. It was, in his opinion, the special duty of the Legislature, to take care that the humblest individual in the kingdom possessed the right to enter a place of worship, and pay his devotion to his Creator. He did not then intend to enter upon the inquiry as to what plans had been drawn up to afford relief from the payment of Church-rates; but he considered that it was the bounden duty of Parliament to take care that the means of attending worship was afforded to all classes of the community. It was not unnatural that those who dissented from the Church should conceive that they ought to be relieved from the payment of these rates; but, at the same time, while he admitted that it might appear a hardship on those persons to continue the present system, he could not agree in any plan which would deprive the meanest subject of the realm of the right which he now had, of always being able to demand certain and fitting accommodation in those edifices devoted to the worship of God. While on this subject, he felt bound to state, that he thought that many of the demands of the Dissenters arose from the conduct of the Church of England itself. It could not escape recollection, that the clergy of the Church of England had not been so tolerant towards their dissenting brethren as its interest required. As he stated before, he knew not what plans were in contemplation, or to what it was intended to have recourse, to supply the deficiency that would be created by the abolition of Church-rates. But it was impossible to conceive that there should be any mode of supplying that deficiency, which could have the effect of making the people of England feel that they would have, as a community, no interest in the maintenance of these edifices. As he said before, and he spoke it boldly in the presence of the hierarchy of the Church of England, although he did not mean to

bring this charge against those now present, but much of the soreness which existed in the minds of the Dissenters—much of those feelings by which he feared they were actuated towards the Church of England, was due to the Church itself. He trusted that the Church would not now rue its former conduct; but it was impossible for the Dissenters not to recollect, that so long as there remained a chance of maintaining those laws, by which the Dissenters were excluded from the full enjoyment of the civil privileges and rights of their fellow-countrymen, the hierarchy of the Church of England did not join with those who sought to relieve the Dissenters from the stigma under which they so long laboured, and those disabilities under which they could scarcely be said to enjoy the rights of Englishmen; on the contrary, they stood to the very last in the gap, and endeavoured to prevent the Dissenters from participating in the enjoyment of those privileges to which all the rest of their fellow-subjects were entitled. He never could, however, consent to any measure, the possible effect of which could be, that a single individual of the humblest class, in the remotest corner of England, should be unable to say, in regard to the church of the parish in which he lived, that he had not a right to go in there to worship God, and that he was not also entitled to call upon the proprietors of the land in the parish to maintain it. Would to God that the hierarchy of this country had been wiser half a century ago, and had undertaken those measures of change and improvement in the ecclesiastical arrangements of this country which were, at that time, obviously necessary. He trusted, however, that the present hierarchy would be wiser than their predecessors. He did not know that he should have another opportunity at present of addressing their Lordships upon this subject; he therefore hoped that he should be allowed to trouble the House with one or two considerations which had been forced upon his mind, in examining this subject in all its bearings. In the first place, it could not be denied by any man sincerely attached to the Church of England, by any man who was desirous of seeing that Church more deeply rooted in the affections of the people of England, that great changes and reformation were necessary in the administration of the Church. In the first place, it could not be denied by any man attached

to the Church of England, by any man desirous of seeing that Church more deeply rooted in the affections of the people, that great changes were necessary. A great attempt, indeed, at change had been made, at something which its authors were pleased to call Reform, in a measure which he could not help saying, was most opposite in its nature to the name by which it was designated; and here he could not help stating, that it had been asserted in that House, that the measures that had been brought forward, with reference to the Church, had been approved of by the hierarchy, because they were at once reforming and conservative. It appeared, however, to him, that these measures were neither reforming nor conservative. They now felt that something must be done, but they had not the courage to go the right way to work. These were not reforming measures, because they removed none of those abuses which called for immediate correction. At the same time, these proposed plans overset all the episcopal boundaries which had hitherto existed in this country. They made great changes, but they were made in a manner which would produce no possible beneficial effect in the administration of the affairs of the Church. If he might presume, and he did it with great deference, to express an opinion on the subject, he should say, they ought to have undertaken their task in a bolder manner. They ought to have gone through with the determination of placing the ecclesiastical functions of this country upon such a footing as that in each diocese it would have been possible for the head of it, well and perfectly to superintend the whole clergy of that diocese. But what had been the case? He would refer to the parts with which he was personally acquainted. He would look to the great diocese of York, which he took to be a complete anomaly, which ought at once to be altered. It was held by an archbishop, and he believed that the most reverend prelate, at the head of the Church, also had to superintend a very expensive diocese. They had each then a diocese of their own to attend to within their archbishoprics, and he would ask in what situation was a diocese such as that of York placed? It remained of a magnitude and extent, that it was almost impossible for any man, however great the energies of his mind, or the strength of his body, to superintend it; he defied any

man to superintend properly that diocese, as it at present stood. He gave these as samples of the whole scheme, which appeared to him, he was sorry to say, neither reforming nor conservative. It had changed much, but reformed little; because, if he understood the meaning of reform, it was a change for a beneficial object. But here it was without any beneficial result. If there was any beneficial result, it was so trifling, that it was not worth speaking of, and no advantage whatever had been derived from it. The House might perhaps think that he was indulging in digressions from the immediate object before the House, which was, that he should lay before them the petitions he had presented, praying for the abolition of Church-rates. If he had indulged in any digression, he had done so as the organ of those who had confided these petitions to his hands; but he begged it to be understood, that he could not sanction by his vote, any measure which should contemplate the bare possibility of there being any human being in the country who should see his Church dilapidated, and not have the sanction of the Legislature for the maintenance of the edifice in which he might worship his Creator. He would say more—attached as he was to the Church of England, he thought that there was nothing would add more to the honour of that Church, than that it should strip itself of every semblance of intolerance; and not only of every semblance of intolerance, but of every symptom of jealousy of any other sect. Though I cannot, said the noble Earl, consent to believe those who may think that the payment of these rates is attended with some grievance upon their feelings, nevertheless, as a member of the Church of England, I should rejoice to see that day come in which the members of the Church of England and the Dissenters, to whatever congregation they might belong, should agree together to worship their God within the same walls. Whenever that time may come—whenever the hierarchy and the clergy of the Church of England shall say to the Dissenting ministers, in their respective parishes, that it shall be permitted to them to worship their God under the same roof, and within the same walls (of course I do not mean at the same time), then I will say that the Church of England will have gained that title to toleration which she has so long appropriated to herself, but in my opinion most mistakenly. There is another point

upon which I, as an insulated individual, in consequence of that insulation, and because I do not by stating it compromise my opinions, or that of any other individual; but there is another point upon which I, as a member of the Church of England, have strong opinions, and which I will not hesitate now to avow. My Lords, in looking round this country, I believe that few indeed are the places in which the members of the Church of England do not outnumber to a degree hardly conceivable, not only individual sects of Dissenters, but all their sects put together. I am not aware, from all the experience I have had in those parts of England with which I am connected, in which the Dissenters, I do not mean one sect, but all sects of Dissenters, are not infinitely inferior in numbers to the Church of England. If there is any place where the Dissenters outnumber the members of the Church of England, it is a certain town in the county of Northampton. Now, my Lords, having stated that I shall that day as one of the utmost glory to the Church when the Anglican, the Independent, the Presbyterian, and the Baptist, may all meet together in the same place to worship, I go further, and say this, that, if it could be proved to me that in any parish in England any other sect is more numerous than the Church of England, I, as a member of that Church, should have no objection to surrender to that sect the ecclesiastical property within that parish. I think, if the members of Dissenting congregations were more numerous in any place, for a certain length of time, than the members of the Church of England, they would be entitled to be invested with all the ecclesiastical rights in that parish. Whether to the majority of those present or not I do not know, but I well know that to the majority of your Lordships' House, who are not present, this doctrine will appear highly subversive of the Church of England. But it appears to me that the only real and solid grounds on which the Church of England can rest, are the immutable 'decrees of justice; and it is not consistent, that if in any parish that Church shall be inferior in numbers, she should assume those attributes which ought only to be given to those who are superior in number. I am afraid I have taken up too much time in stating my opinion, and I now lay upon your Lordships' table these numerous petitions.

The Archbishop of Canterbury had heard, partly with surprise, partly with pleasure, and partly with very different feelings, the very unexpected speech which the noble Earl had made on an occasion when it was generally understood that when it was generally understood that discussion of this sort should not be brought forward by those who presented themselves. At the same time, his respect for the noble Earl, would betray him into an impulsivity of the same kind. He did not, however, intend to trespass long on their lordships' patience. He entirely concurred in the wish expressed by the noble Earl, that there might be such an abundance of places of worship in this country, and so well preserved, that there should be no man, however poor, who should not find a place into which he should be at liberty to enter and worship his God. That he conceived to be the ground on which the noble Earl founded his opposition to the abolition of church-rates, and in that respect he perfectly agreed with the noble Earl, and he believed that the great majority of the people of this country would concur in that feeling. The noble Earl had made an attack upon the Church of England, or, as he was pleased to call it, the Anglican Church, as being wanting in toleration. The instance which the noble Earl had selected to show this, did not bear much upon the present day, nor did he believe it bore much upon the Church at all, at any time of the hierarchy. It was the policy of the Government of this country for a long time, to continue certain restrictions towards Dissenters; but, as far as his recollection went, on the very first occasion that the repeal of the Test and Corporation Acts was proposed by the Government, it met with no opposition on the part of the Episcopal Bench. But the attack of the noble Earl was rather on their predecessors. Surely, then, the noble Earl might have done some justice to the Bishops and hierarchy of the present day. It would have been but fair, All that he (the Archbishop) could say, was, that there were many who disapproved of the conduct of the Bishops on that occasion, and he was by no means certain that it was altogether without reason. If they looked at the result, they might say so. When the Dissenters complained of those disabilities, nothing was said by them about church-rates; but no sooner were those disabilities removed, than they raised the cry of *more rates*, a common with the rest of the subjects, they were that on a contribution to the support of the National Establishment. It was said the Dissenters would not agree to the noble Earl in the view which he took of the question. He rather thought he would disclaim the apology which the noble Earl had made for their mode of proceeding. He believed that the proceedings of the Dissenters were not confined to the abolition of church-rates. He had seen accounts of many of their resolutions, and had read their resolutions, and he did not be satisfied with personal experience from church-rates. He conceived from the latter part of the noble Earl's speech, that the day would come when the Dissenters would claim a share in only in the churches of the Establishment, but in its property also. Whether in mind merely, or speaking from a communication the noble Earl might have received from others, he did not know, but he was convinced from what he had seen, that there were others who entertained the same kind of opinions as the noble Earl. There was another point in the noble Earl's speech, to which he could not help advert. The noble Earl had spoken much of the measures which had been taken for effecting reforms in the Church; that was, for the regulation of the Ecclesiastical Establishment; and he declared his high disapprobation of those measures, because they were neither reforming nor conservative. The noble Earl wished to carry reform a great deal further; as to Conservatism, that must be left out of the question. But would the noble Earl permit him to suggest, that the speech which he had made to-day on the division of the dioceses, ought to have been spoken last Session, when the Bill for the distribution of the dioceses was before the House? It then would have been perfectly in place. It was folly competent for the noble Earl to deliver his opinions in that House; and although he entirely differed from the view taken by the noble Earl, with respect to those measures, yet he should have listened with great attention to anything that might have fallen from the noble Earl. The noble Earl, in speaking on that question, had not considered that the arrangement respecting

the bishoprics, was only a very small part of those measures which had been agreed upon by the Ecclesiastical Commissioners, among whom there were some whom he believed the noble Earl called his friends. The noble Earl had spoken as if this different disposition of the dioceses, which would render them more manageable, were the whole of the reform contemplated. When the other measures, however, came forward, he presumed their Lordships would hear the opinion of the noble Earl with respect to their efficiency; and on that occasion he hoped he should be able to convince the House that the views of the Ecclesiastical Commissioners were more correct, and more likely to be beneficial, than those entertained by the noble Earl.

The *Bishop of London* wished to mention one fact which had not been alluded to by his most reverend Friend. The noble Earl had alluded to the intolerance of the Church, and he did not mean to say, that the hierarchy of the English Church had not at any time been intolerant; the hierarchy of this country had been, as in other parts of the Christian world, intolerant; but it had, in common with the rest of the world, advanced in intelligence and liberality, though perhaps not with an equal pace, nor as the foremost in the ranks of advancement; but, in due time, and after a cautious examination of all the circumstances connected with measures which, at first sight, it might be thought threatened danger to existing regulations. It was not the hierarchy who first devised the Test and Corporation Acts, for the protection, as they were intended, of the Establishment; but, having been devised by the Legislature, and regarding them as a safeguard to the Constitution, surely the hierarchy were not to be the first to propose the abolition of that safeguard. But when the repeal of those Acts was first brought forward, the hierarchy were among the foremost to support that measure. He would take leave to remind the noble Earl, too, that at an earlier period, when a measure most justly deserving the appellation of a measure of intolerance was hurried through the House of Commons, and brought up to the House of Lords, it would have passed through their Lordships' House, had it not been for the truly Christian liberality of the Episcopal Bench who sat there at that period: he alluded to the Bill against occasional conformity.

As to the proposal of the noble Earl about allowing Dissenters the use of the fabrics of the Establishment, it was not the first time that it had been made; and he concluded that the noble Earl had taken his notion from a pamphlet on the subject, respecting which it had not been untruly, and somewhat numerously, remarked, that if the plan therein recommended, should be carried into effect, it would not be very easy to say what the result would be, except that every Church in England would be converted into a sort of theological Noah's ark. If they were to give an opportunity to every half-taught Christian to go to the house of God, and there hear in the morning one set of doctrines, and in the same house, and from the same pulpit, in the evening, hear those doctrines called into question, what, he would ask, would be the result to the cause of true religion? What could result to the cause of true religion, but that which they must all deprecate, if the same half-educated people were called upon to hear a Trinitarian preach in the morning, and a Unitarian preach in the evening, or a clergyman of the Church of England in the morning, and an Antipædo Baptist in the evening? The noble Earl had charged the Church Commissioners with not having gone far enough in the work of reform. They had been for some weeks pretty loudly censured with having gone too far; but he believed, upon examination, it would be found that the Commissioners had pretty nearly agreed upon the right measures. Upon all these questions, however, there must necessarily be differences of opinion; the duty, therefore of the Commissioners was, to endeavour not to meet the wishes of all parties, but not to give just offence to any, and so to satisfy, as far as was consistent with the justice of the case, all right-minded and reasonable men. It was not his desire to enter further into this subject, but he could not refrain from laying before the noble Earl his most respectful remonstrance against the course of proceeding he had taken this evening. It was evident that the noble Earl had maturely considered this subject, and had come down to the House, not knowing that even a single Prelate would be present, or, above all, any one of the Ecclesiastical Commissioners, and had delivered himself at considerable length, and with much force on this subject, when he ought

Mr. *Finn* was decidedly of opinion that any petitions or allegations affecting the character or conduct of Members of that House ought not to be laid before the House without an opportunity being afforded to the hon. Members concerned of making their defence at the same time, in order that the bane and the antidote might circulate together.

Mr. *William Duncombe* considered, that the hon. Members whose conduct had been called in question ought to have had notice of the presentation of these petitions, in order that they might have attended in their places, and have an opportunity of vindicating their conduct. He was, therefore, inclined to suggest that the hon. Member should defer the presentation until to-morrow or the day after.

Mr. *Wakley* thought, that if the Members of that House were desirous of discharging their duty to the public faithfully and independently, they would pursue the same course with respect to themselves that they were in the habit of pursuing with respect to the public. If the parties whose conduct was impugned had not enjoyed seats in that House, no scruple would have been felt in bringing forward any allegations affecting their characters; and why, then, he wished to know, should they act with this extraordinary delicacy in the case of certain Members of their own body? If they were not guilty, they would have an opportunity of refuting these charges and establishing their innocence; but, unless the petition were read, printed, and circulated previous to the discussion on the subject, the House would be wholly unprepared for that discussion.

Petition withdrawn.

MISSING WHALE SHIPS.] Sir *Robert Peel* held in his hand a petition, the presentation of which, owing to the peculiar nature of the statement contained in it, he did not feel it right to defer; and although the rule of the House prevented discussion on petitions in ordinary cases, he was sure that the House, in the present instance, would permit him to lay the subject before them. The petition was from Dundee, and related to the case of six vessels at present beset in the ice in Davis' Straits, and praying the House would take into consideration the case of the crews of these vessels, and that they would grant such sums as might be neces-

sary to defray the expenses of their rescue. The petitioners complained, that the answers made by the Board of Admiralty to their memorials on the subject, had not held out that degree of encouragement to which they thought themselves entitled. He was perfectly certain, that no pecuniary considerations would prevent the House of Commons from interfering to any extent to which it was possible to interfere with effect. He earnestly recommended the prayer of this petition to the consideration of the Government, who, he apprehended, were more competent judges than the House of Commons of the advantages of immediate interference.

The *Speaker* thought the petition irregular, as asking for a grant of money.

The *Chancellor of the Exchequer* hoped that no considerations of irregularity would prevent the House from entertaining the petition. He was ready to admit, that on such a question, no considerations of money ought to stand in the way, nor had they; the question which had presented itself to the consideration of his Majesty's Government was, whether the exertions of Government could be usefully made. Government had been anxious not to establish a precedent that parties who might go long and dangerous voyages, without taking proper precautions, would be entitled, upon their meeting with difficulties, to the interposition of the Government in their behalf. If the case were made out, he was ready to admit the charge was a most serious one; but if the right hon. Baronet would move for all the papers connected with the subject, he would be ready to go into the whole question. The documents on the subject would show that Government had acted with the soundest discretion.

Sir *Robert Peel*, after the opinion given by the Speaker, would not press the petition.

Petition withdrawn.

BANK OF IRELAND.] Mr *O'Connell* said, the charter of the Bank of Ireland expired next month, and no proceedings had hitherto been taken with respect to its renewal. He had, therefore, been instructed by his constituents to ask the right hon. the Chancellor of the Exchequer, whether it was his intention to bring forward any measure relating to the Bank of Ireland?

The *Chancellor of the Exchequer* said,

the hon. and learned Member was aware that a Committee had been appointed a few days ago, to inquire into the nature and operation of the Joint-stock Banking Companies, and as that inquiry was extended to Ireland, he was not disposed to take any step until they fairly ascertained upon what principle those Joint-stock Banks were conducted, especially as the principal portion of the business in Ireland was divided between the Bank of Ireland and the Joint-stock Banks. The decision to which the Government would come respecting the renewal of the Bank of Ireland charter, would, in a great measure, depend upon the result of the inquiry before the Committee.

MUNICIPAL CORPORATIONS (IRELAND) COMMITTEE.—**ADJOURNED DEBATE.**] The Order of the Day for the Adjourned Debate on the Municipal Corporations (Ireland) Bill having been read,

Mr. Sergeant *Jackson* proceeded to observe, that he should have been glad to have been spared the necessity of again intruding upon the patience of the House, as he had on a former occasion partaken largely of its indulgence; but he trusted the House would be of opinion that the allusions which had last night been made to him, in the speech of the noble Lord on the opposite benches (Morpeth) had rendered it imperative upon him to present himself to its notice, in order that he might justify the statements he had made when he last addressed them, and vindicate the conduct of those with whom he had had the honour to act. He had not voluntarily put himself forward in a former debate, but he had risen on account of observations which fell from the noble Lord, the Home Secretary, on that occasion, in order to justify the resolutions, and more especially the 13th resolution, which had been passed at the Protestant meeting in Dublin. The noble Lord had himself thrown down the gauntlet, and stated, that he was prepared to defend the conduct of the Irish Government, which was impugned, thus identifying himself with the acts of that Government. He, therefore, having taken an active part in the proceedings of the Protestant meeting in question, had thought it his duty to come forward in justification of those proceedings, with which the noble Lord had been pleased to find fault. The learned Sergeant, after complaining that he and the

other Irish Members, who thought with him, had been taken by surprise by the noble Lord having provoked a discussion on the first introduction of the Bill, and that they had thereby been prevented from getting over from Ireland the information they wished to procure, in sufficient time to make use of it satisfactorily on that occasion, said, that he had then brought charges against the Lord-Lieutenant, which charges he would now repeat—and of which no one single fact had since been successfully impugned. Which of those charges had the noble Lord attempted to refute? Had the noble Lord affected to deny the grave and solemn charge that the Lord-Lieutenant of Ireland had selected for promotion to an elevated station, a gentleman who was a member of the National Association? That circumstance comprised the first charge against the Lord-Lieutenant, and the noble Lord had admitted the fact to be true. Had it been denied that Mr. Cassidy had been appointed a magistrate of the Queen's county after having resisted the payment of his rates? He was prepared to make good that assertion, and would call upon his hon. Friend, the Member for the Queen's county, to come forward and move for copies of the correspondence between the Lord-Lieutenant of Ireland, and the Lord-Lieutenant of the county in question, as a proof of the fact that Mr. Cassidy was not considered a fit person for a magisterial appointment by the Lord-Lieutenant of his county. Another charge which he had brought against the noble Lord at the head of the Irish Government was, that in the exercise of the Royal prerogative of mercy, that noble Lord had made a wholesale delivery of the prisoners confined in the different gaols in that country. Had that charge been disproved? He had been furnished with returns, in connexion with that subject, from three counties in Ireland, which fully justified him in making the charges he had brought forward. The noble Lord had last night contented himself with selecting a particular case, in order to show that the prerogative of mercy had been exercised in a proper manner; but did that amount either to a vindication or denial of the fact, that the Lord-Lieutenant had acted in these matters, without consulting the Attorney-General, and the other legal functionaries to whom it was usual in such cases to make application?

cases of trials for murder. The noble Lord had on this subject produced a letter, written by Mr. Tickell, a gentleman, he readily admitted, of the utmost respectability. Mr. Tickell was the prosecuting counsel in this case; and in his letter he stated two or three grounds on which he rested for the impeachment of the accuracy of the statement, he (Mr. Sergeant Jackson) had previously made in the House. In the first place, Mr. Tickell, from having read some incorrect report of what he had said, had incorrectly attributed to him that he had stated that on one of the trials a person had been put upon the jury who was suspected of having been concerned in the murder for which the prisoner was tried. Now he had not said any such thing. What he had said was, that a party who had been assisting the prisoner in challenging the jury was transferred into the jury-box, and that no attempt was made to set him aside either on the part of Mr. Gale or Mr. Tickell. He had before him at present, a report of what took place at the trial, and every fact that he had alleged with respect to this case he would be able to prove before a Select Committee. He therefore hoped that the noble Lord would not shrink from this inquiry, or refuse to grant the Committee, and enable him (Mr. Jackson) to prove those facts that he had alleged. In the report of this trial to which he referred, it was distinctly stated, and he was instructed that the fact could be fully proved, that a person who was assisting the prisoners in their challenges was afterwards transferred into the jury-box, and was one of the parties who, as jurors, tried the prisoners. He would not say that Mr. Tickell or Mr. Gale must have seen this individual so assisting these prisoners, but when an objection was subsequently taken to his being placed upon the jury, Mr. Tickell referred to the instructions which he had received from the Attorney-General, and refused to set him aside. Now, after the swearing in of this man upon the jury, could there be a doubt what would be their decision? There was no verdict. He had stated that on the second trial a person convicted of a violation of the law was sworn on the jury, and, as might have been anticipated, there was no verdict. The noble Lord in referring to that part of his statement, had found fault with his having used the designation convict, as meaning that he was

a person guilty of an offence similar to that for which the prisoners were tried. Now what he stated was, that a person was on the jury who had been convicted not of a similar offence, but of an offence of a similar class. Why, did any man mean to deny that it was not a similar class of offence to be convicted of a riot at which a manslaughter had taken place? This man was convicted of having been concerned in a riot at the fair of Rathdowney, at which a man was beaten to death. He had never meant to say that this man was convicted of murder, not even of manslaughter, but what he had stated was what he now repeated, that he had been convicted of an offence against the peace and law of the land, and that he was unfit to serve upon a jury. It was not a question of the amount of the charge upon which this man had been convicted. It was enough that he had been convicted of an offence against the peace and law of the land; and when the counsel for the Crown were asked to set this man aside, they refused to do so. Indeed, so remarkable was this circumstance, that the learned Judge before whom the trial took place in charging the jury, adverted to the circumstance of the Crown not having exercised its privilege to set aside jurors, whilst the prisoners had liberally exercised their right to challenge, and he expressed a hope that a jury, in whom so much confidence had been placed, would discharge their duty to the satisfaction of all parties. Now, he would ask any man of common sense what was the plain and natural consequences of the Crown waiving its prerogative to set aside jurors, whilst the prisoners exercised an unlimited right to challenge as many as they pleased? Why the practical result of such a system would be (and he defied the noble Lord to show it could be otherwise) that persons in Ireland charged with capital offences would have it completely in their power to pack the juries by whom they were to be tried. The hon. and learned Member for Kilkenny, amongst many other statements equally well founded, had charged him with being an advocate for packing of juries. Now there never was a human being in existence less capable of deserving such an imputation than he was. He believed the hon. and learned Member had called this surrender of the important privilege of the Crown by the mild term of an innovation. He

was opposed to all packing of juries, and it was because this innovation enabled those charged with capital offences to pack juries that he opposed it, and would *totis viribus* always continue to oppose a system pregnant with such evident and practical evil. Why, under this system it would be much better for a man to be charged with murder than go to trial for the stealing of a pocket handkerchief. In the former case he would have the advantage of choosing his own jury, which in the latter case would be denied him. They all knew that if one black sheep got into the jury box there would be little chance that the course of justice would not be impeded—if one jury man was determined that there should be no verdict it was no matter how the other eleven might be disposed to act. Now he considered that in Carter's case justice had been shamefully frustrated by the course that had been pursued. He would now take the liberty to call the attention of the House to another case in addition to those he had already brought forward, as illustrating the wisdom by which the Lord Lieutenant's conduct had been distinguished in the course of his visits to the different gaols in Ireland. He was not at present able to state fully all the particulars of the case, but he had no doubt that a return of the names and cases of all persons who had been the objects of the viceregal clemency which he had moved for a few evenings ago would fully bear him out in the statement which he had to make in respect to the case which he would now mention. A person in the employment of a maltster, in the north of Ireland, was convicted under the 7th and 8th of Geo. 4., cap. 52, sec. 46. He was convicted of no trivial offence, namely, that of having maliciously malted corn with the view of subjecting innocent parties to the penalties provided by the law. Now, the section of the Act under which this man was convicted specially provided that any person convicted under this Act should suffer an imprisonment of not less than three nor more than twelve months from the date of his commitment, and such person for the whole time should be subjected to hard labour; and the Act specially provided that under no pretence, or under no authority or order, such person should be released from his imprisonment until he had completed the full period of his sentence. But what did his Excellency the Lord-Lieutenant of Ireland do on his

visit to the prison where this man was confined? He ordered his discharge before the term of his sentence was completed. This was done in direct contravention of the provisions of this Act of Parliament, and if Lord Mulgrave had been in ignorance of the existence of this Act that was no justification, for if he had taken the trouble to refer to the tribunal before whom this individual had been tried, they would have informed him that such a statute was in existence and they would have advised him that he ought not to interfere with its enactments. He would now refer to a case of a different description, and under another head. It was a case of the improper exercise of the patronage of the Government. Amongst the late appointments to the situation of stipendiary magistrates in Ireland he saw the name of Lawrence Cruise Smith; and, with respect to the appointment of this individual, he would trouble the House by reading a letter which he had received. This gentleman so appointed was a Member of the National Association of Ireland; but before proceeding further he would read the following letter:—

"I take the liberty of mentioning, for your information, a circumstance relating to Mr Laurence Cruise Smith, of Snugborough, in this neighbourhood, whose name you may see gazetted as one out of nine stipendiary magistrates just appointed (in the *Evening Packet* of the 9th instant.) This gentleman (a justice of the peace) was sitting at the petty sessions in this town about a year since when an individual (Patrick Cruise, a painter in the village) accosted him, and demanded from him payment as an electioneering agent for Meath at the contest in 1831, Mr. Smith being as he alleged, one of the committee for Mr. H. Grattan the then rejected candidate. After some altercation, Cruise concluded by telling him in the face of the Court that he was a pretty person to sit on the bench of magistrates, having, at the time of the aforesaid contest, endeavoured to engage him (Cruise) to burn the flagyard of Mr. Richard Sheil, at Dollardstown, because he refused to vote for Mr. H. Grattan, in opposition to his landlord, Sir M. Somerville. And this statement Cruise at the time declared himself ready to verify on oath. Mr. Smith's only reply to this grave charge was, that if he wanted to do so it was not likely he would apply to such a blackguard. Sir William Somerville, who was on the bench at the time, told Mr. Smith publicly that he was bound to exonerate himself from so foul a charge by prosecuting the author of it. Within a day or two after, at the meeting of the turpiki board, at Primatstown, it was alluded to as a laughing matter by Mr. L. C. Smith, in the

presence of Lord Killeen, Sir W. Somerville, and several magistrates; amongst others Henry Smith, of Annsbrook, when he was openly told, that it was too serious a charge to make a joke of, and that, in the opinion of his brother magistrates, he was called upon to take steps to clear himself of the imputation. From that day to this he has never done so—whether by demanding an investigation, or by prosecuting the individual for the slander. And now he is elevated to the post of stipendiary magistrate. I have been informed by a serjeant of police very lately that Cruise detailed the whole transaction to him as he alleged it occurred, and that his statement fully bore out the charge as far as it went”.

Now, here was a case in which, in the first place, an individual was selected to fill the office of stipendiary magistrate who had filled the chair at meetings of the General Association of Ireland. The noble Lord had said that no person had yet gone the length of saying that that Association was illegal. Now, the hon. and learned Member for Dublin (Mr. West) and himself had gone the full length of declaring that to be an illegal Association. He had been in communication with persons in this country upon the subject, and he found that the opinion of some of the most eminent legal authorities was that this was an illegal Association. It was illegal as to its objects, and illegal as to the means by which it sought to accomplish those objects. He had no hesitation in saying that he considered it a conspiracy for defeating the laws of the land, and interfering with the subject. He asked what justification could there be of the conduct of the executive Government in Ireland in selecting for a seat on the magisterial bench for the administration of the law a person who had presided at the meetings of such a body as this? When the Constabulary Bill was brought forward the Government had stated that they would exclude all individuals who belonged to any illegal associations, and a clause was specially introduced to prohibit any persons members of the Orange Society from holding the situation of police constables. He considered that in thus appointing individuals who had been conspicuous as partisans, the Government had broken faith with the House and with the Protestants of Ireland, and had been guilty of a violation of their duties as his Majesty's Government. If the facts stated in the letter which he had

read were well founded, and he had every reason to place the fullest confidence in the authority on which he stated them, he would ask, could there be a more improper appointment than that of Mr. Smith? The next case to which he would call the attention of the House was remarkably illustrative of the mode in which the Lord-Lieutenant had exercised the prerogative of mercy during his visit to the country of Leitrim. On this subject he would now read the letter of a professional gentleman of respectability, and who had given him permission to make any use of his letter that he thought necessary:—

“I am enabled to give you some information of Lord Mulgrave's doings in his recent tour of general gaol delivery through the county of Leitrim. There were upwards of twenty persons, charged with various offences, enlarged by Lord Mulgrave, in person, from the gaol of Carrick-on-Shannon. Some had been tried before the Judges of Assize last summer, and others at the July Sessions preceding Lord Mulgrave's arrival. Some under rule of transportation for larceny; one for intent to do some bodily harm, under Lord Ellenborough's Act; and two ringleaders, named Michael Burne, and a man nicknamed Tinker Glancy, were tried and convicted before the Assistant-Barrister, Mr. Finlay (a Whig, too). The former was convicted on four or five separate indictments for riots and assaults in fairs and markets, and his sentence was six months for the first offence; six months more, in addition, for the second offence; six months more, in addition, for the third offence; and one month more, in addition, for the fourth offence, a common assault—in all nineteen months, and every alternate month, for twelve months, to be kept to hard labour. Glancy (called the Tinker) was convicted also on different indictments, and his sentence was twelve months, and every alternate month to be kept to hard labour. Yet these are the men selected by Lord Mulgrave, in the plenitude of his power, upon whom he deemed it necessary to exercise the prerogative of the Crown, and that before the arrival of another quarter sessions, or consulting the barrister or magistrates, as I have been informed and believe; and, so far from this being a check upon outrage, I have seen Michael Burne, shortly after his enlargement, arraigned before the magistrates for disturbing the peace; and, so far from Lord Mulgrave's merciful intentions having had any salutary effect upon the peace of the country, an attempt has since been made to take the life of the Rev. Mr. Hogg, an exemplary Protestant clergyman (and a curate, too), and burn his premises. Yet what was the reward offered

by the Government?—50*l*. while private subscriptions have been offered exceeding 400*l*."

This was, as he had already stated, the letter of a professional gentleman, who would, if necessary, come forward to prove what he had alleged. [Mr. O'Connell: "Name."] He should have no hesitation to name his authority on a proper occasion; but the hon. Member knew well how safe it was for individuals who gave information of this description to have their names before the public. On a proper occasion he would name him. Let the noble Lord grant a Committee of Inquiry, and he should be able to prove the facts by evidence. The hon. and learned Gentleman had only to refer to the proceedings before the Intimidation Committee to be enabled to decide whether he would be justified in naming this individual. A case had been some time ago mentioned to shew the difficulty which, in the present state of Ireland, clergymen had to encounter in effecting insurances upon their lives. He had recently been put in possession of an instance where a clergyman applied to have his life insured, and a special proviso was put into the policy, that if he met his death from illegal violence or assassination the policy should become void, and that all money paid on the insurance should be forfeited. He asked, could anything more forcibly show how the whole state of society was unhinged and human life and property placed in daily peril by the present state of things that prevailed in Ireland? He had now to produce another case, showing the good effects that had followed from the exercise of his Excellency's clemency. It was a case that occurred in the city of Cork. He would read the following extract from a letter he had received:—

"There was, however, a curious instance of the bad effects of his Excellency's clemency, in the case of Margaret Lynch, who was convicted on the 23rd of October, 1835, of stealing in the dwelling-house of Mr. George Langley. She was discharged by his Excellency, and was tried again on the 12th of August, for breaking the windows of George Langley on the 29th of July, when it appeared that she had been on that day discharged, by order of the Lord-Lieutenant, and went straight from the gaol to take vengeance on Mr. Langley, by breaking his windows. However, it seems that she had worked out nine months of her conviction. When his Excellency visited the

prison, he asked if there were any for first offences. The Doctor pointed out some in the corner of the room, to which they had reached, and some of the prisoners, hearing what was said, became clamorous, and he asked a few questions respecting some of them, and then desired a list to be sent him of the names, and length of imprisonment of those he pointed to, and without any further, or particular inquiries as to each case, or other reference, sent orders to the governor of the gaol (alias the gaoler, who is so styled) for liberation."

He would add to this another case, which he stated on highly respectable authority, and it was communicated to him as follows:—

"An individual, named Joseph M'Cormick, was sentenced at the Spring Assizes, held at Trim, in the last year, to transportation for life, for having stolen two cows from the lands of Mrs. George Sandy, resident in this parish. During his detention, however, in gaol, previously to removal for transportation, a memorial was drawn up by his own immediate family, or former associates, containing a tissue of falsehood. Upon said memorial, the prisoner's sentence was commuted to imprisonment for one year. This mitigation, however (obtained upon utter misrepresentation), was not deemed sufficient, the prisoner having been released by the Lord-Lieutenant, on his late visit to Trim, previously to the expiration of the legal term of confinement. M'Cormick's first act, upon liberation, was to summon Mrs. George Sandy to the Sessions of Duleek for an alleged debt, which she was so far from having incurred, that, in the particular instance of his claim (not to mention others), she had showed him the most unbounded kindness. His claim was not only rejected by the magistrates, but M'Cormick himself was remitted to gaol, upon Mrs. Sandy's affidavit of dread to her property from his persecution. The prisoner left the Court of Duleek, acknowledging that he could not in Ireland find two securities in ten pounds each, and subsequently, on his way to gaol (where he now is), told the serjeant of police that he had summoned Mrs. Sandy for the mere purpose of annoyance and revenge. His character (quite irrespectively of this transaction) can be proved by respectable witnesses to be a most abandoned one."

The noble Lord had referred to the state of the calendar, to show that crime had diminished in Ireland; but he would tell the noble Lord that a more fallacious criterion he could not have taken. It was a notorious fact—a fact of which the noble Lord could not be ignorant—that the more rampant crime was in a country, the less likely it was that its real extent would appear on the face of the calendar. The

party must actually be in custody before his name was inserted in the calendar; and, as was well known, the more extensive crime was in Ireland, the less probability there was of having the perpetrators brought to justice, owing to the reluctance of prosecutors, and the apprehensions of witnesses. So far, therefore, the calendar could not be a true criterion of the state of crime; on the contrary, he maintained that the smaller the calendar was, the stronger was the evidence which it furnished of the audacious extent and height of crime that existed. But what was the calendar which the noble Lord had taken in support of his assertion? Why, the Judge's calendar of the last Summer Assizes. The noble Lord ought to have known that this was, of all others, the most fallacious calendar that he could have selected. The interval between the Spring and the Summer Assizes, embraced a period of only four months, and had not the noble Lord been long enough in Ireland to know that it was in the winter, rather than in the summer season, that crime was most extensive? The long and dark nights of winter were the most favourable, not only to the perpetration, but to the concealment of crime, and, consequently, nothing could be more fallacious than the criterion which the noble Lord had brought forward. He would not weary the House by going through the whole of the counties of Ireland, but he hoped they would let him call their attention to the state of crime in one of them, the county of Tipperary, during the last year. There were no fewer than 1,567 persons committed for offences of various kinds to the gaols of that county, during the last year; and if the House would indulge him with their patience, he would shortly enumerate the heads of some of the crimes with which these persons were charged, together with the number in each class. They were:—For murder, fifty-four; for shooting at with intent to murder, twenty; for assault, with intent to murder, seventy-three; for manslaughter, fifty-one; for sacrilege, eleven. There was another crime which had not until lately been known in Ireland, and which he sincerely regretted should be found to exist there at all—that was the crime of assault with an unnatural intent, and the number committed for that crime, he was sorry to say, was no fewer than twenty-one. These were some of the principal of the crimes for which

these 1,567 persons had been committed in the county of Tipperary; but he would not take up the time of the House by going further through this black catalogue of atrocious offences. He would now ask the noble Lord, who had spoken so vauntingly about the diminution of crime in Ireland, whether he had seen the police reports which had been transmitted to his office in the Castle? Had he seen the report which had been received from the police magistrates of Dublin? If he had not been misinformed, the noble Lord had received a report from those magistrates, informing him that, so far from crime having diminished since the last summer, it had increased, not merely by the score, but by the hundred. He had received a letter from a gentleman who had seen the report, forwarded to the Government-Office, and in that letter it was distinctly stated, that every description of crime had frightfully increased, with the exception of three, namely, treason, sedition, and one other crime. If the noble Lord had received such a report as this, ought he not to have stated the fact. He had received copies of the *Hue and Cry*, and the last that had reached him certainly did not go to confirm the statement made by the noble Lord; but it was clear that the noble Lord had not seen this document, or he never would have stated, as he had done, that an improvement had taken place in Ireland with respect to crime. He had not received the *Hue and Cry* of Saturday last, but he would give to the House a summary of the contents of the previous one, for the weeks beginning the 12th of January, and ending the 11th of February. Now what were the particulars of the offences which appeared by this official document to have been committed in a single month, and the rewards which were offered by the Government for bringing the perpetrators to justice?—

Jan. 12.—House burning	30
Ditto with corn and potatoes..	40
Armed parties attacking six houses and robbing arms ..	40
17.—Attacking houses and murder	100
24.—Murder of one and severe beating of others	40
25.—Murder.....	50
26.—Attacking two houses, robbing guns and firing	50
Murder, firing shots, and beating	50
27.—Maliciously attacking churches in the county of Dublin....	40

30.—Placing stones on road to upset and rob Cork mail.....	30
Feb. 1.—Firing at and wounding.....	50
Forcibly attacking a house and beating a man and his family	40
Breaking into a house, beating a man until he was insensi- ble, and also beating another man, his wife and daughter..	50
7.—Attacking and wounding sol- diers.....	50
Attacking glebe house, and throwing stones into it	30

The attack on the soldiers was a most atrocious one, but he should best describe it by reading to the House the proclamation in which the reward for the apprehension of the perpetrators was offered:—

“And whereas it has been represented to the Lord-Lieutenant, that on the 31st ultimo, as a party of military, consisting of a corporal and two privates of the 22d Regiment, were escorting a deserter from the 66th regiment from Tipperary to Michelstown, they were attacked near the wood of Glengurra, parish of Kilkenny, and county of Limerick, by upwards of fifty persons, who beat them in the most savage manner with stones, fractured the skull of one, inflicted four severe wounds on the head of another, and stabbed the third with his own bayonet, enabling the prisoner to escape.”

Now, he asked, did this document bear out the statement of the Noble Lord? He might furnish similar proof of the fallacy of the noble Lord's statement from other counties, but he would only instance the county of Cavan to show that the use which the Lord-Lieutenant had made of the prerogative of mercy in enlarging prisoners, so far from diminishing crime, had tended only to increase it. They had heard that pacificators had been sent by the Dublin Association through the country, for the purpose of promoting peace, and getting names placed on the registry. He had received letters from three persons of the highest respectability and credit, residing in the county to which he referred, on the subject of the proceedings of these pacificators. The first of these letters contained the following statement:—

“The Dundevan tenants were all visited, a few nights ago, by a body of at least 400 men, who ordered their workmen and servants to leave them, on pain of death, which they have done accordingly. They fired a shot at each house after delivering their message. I hear ——— and ———, of ———, have been visited in like manner as the Dundevan people, and their workmen and servants ordered away. Intimidation and terror are

the order of the day, intended to operate on the registry. The priests are the whole and sole cause of all these violent practices. One of the labourers and servants of the Dundevan people went to the priest to know whether they might finish their half-year which is nearly expired.”

This, then, was the peace which the pacificators had produced, and these were the means by which attention to the registry was enforced. The next letter he should read was dated the 25th of January. It was as follows:—

“On Monday night, the 23d instant, a large party of Dan's nocturnal legislators assembled at some place near the New Mills, and came down to a land called Wenies on the old road from Cavan to Castleterra, to the house of a Phillip Reilly, that they thought ought to have registered last sessions; and after giving him their directions, and threatening him with all kinds of destruction, they left him firing several shots; their music began, and they marched to Castleterra, and then to, Drumgoohan, the property of the rev. Wm. Beatty, where I live, and visited Charles and Edward McCabe, and Phillip Tully; and after using the same kind of arguments they had used before to Reilly, and firing several shots, they went to Cloney, to the Wood Ranger, Peter Smith, who had some people summoned for the next day, for cutting timber, and used such threats, &c., to him, that he declined to prosecute.

“A similar party has been parading in the adjoining parish of Drung, threatening destruction to all who pay tithe.”

Was the noble Lord surprised that he did not find in the calendar a report of crimes like these—crimes that were sufficient in themselves to shock the frame of any society? But when it could not be denied that such a state of things existed, and that, too, to a serious extent, was it not a little too much to be told that crime in Ireland had diminished? He hoped the House would allow him to read to them one other instance of the result of that miscalled species of peaceful agitation pursued by the pacificators. The letter to which he now referred was dated the 1st of February, and it contained the following passage:—

“I am just this moment informed by F. Thompson, Esq. J.P., that it appeared in evidence at Cavan Petty Sessions, yesterday, sworn to by five or six witnesses, that these parties visited the houses of several persons who had leases, which they made them produce, and threatened them with destruction if they did not come forward to register next Session.”

He would not trouble the House with any more cases of this description, though he had many others which he might adduce. He thought he had now shown that the noble Lord had not displaced a single fact contained in the statement which he had originally made, and that the charge which he had been compelled to bring forward against the Executive Government of Ireland was fully established. Indeed, the noble Lord had not undertaken to deny that charge; on the contrary, he had in terms admitted it. He could not, of course, expect the noble Lord to give any answer to the additional facts which he now stated; but perhaps his hon. and learned Friend (Mr. Sheil), who had just returned from Ireland, and had no doubt made it his business to get full information on the subject, would be able to satisfy the House that the whole of the statements was unfounded. Before he sat down he wished to mention another case, that of Lord Miltown, who had been in the commission of the peace for the counties of Dublin and Wicklow, but was dismissed from that office by Lord Anglesey, because he had taken part at anti-tithe meetings. After his dismissal Lord Miltown became a member of the Roman Catholic Association, presided at its meetings, and made speeches, to say the least of them, of a strong nature; and what was the result? Why that he was taken by the hand by Lord Mulgrave, and restored to the commission of the peace. He was sensible that he had trespassed too long on the attention of the House. He thanked them for the indulgence which they had shown him, and would now sit down, repeating the charge which he had made against the Executive Government of Ireland of having abused the prerogative of mercy. He was ready to prove that charge, and if the noble Lord would grant him a Committee for the purpose, and he invited him to do so, he would undertake to substantiate every statement which he had made.

Mr. *Smith O'Brien* observed, that the hon. and learned Member who had last spoken, had addressed the House for an hour and three quarters, and yet there was not one word in all that long speech that bore upon the question then before the House. The question for debate was whether municipal corporations were to be granted to Ireland. After the able and powerful manner in which the subject had

been discussed, he felt that he had not the power to add perhaps anything to the arguments which had already convinced the House that they ought to pass such a Bill; but the country to which he belonged had a claim upon her representatives to enforce the demand which was now made, and to appeal (and he was sure it would not be in vain) to the sympathies of the British people, and of that House. He had to consider the arguments of their opponents, which might be placed under a few simple heads. One set of Gentlemen contended that corporate institutions were not necessary for good government in any country, and they instanced Birmingham and Manchester to sustain their arguments. By others it was contended that they would, by passing this Bill, transfer a monopoly from Protestants to Catholics, and especially that it would increase the power of an individual possessed already of enormous power in Ireland. It was also contended that municipal corporations would be merely schools for agitation, and those persons considered the new corporations would be the means of severing the connexion between the two countries and the subversion of the Irish Protestant Church. As far as he could understand the question, this was the sum of the reasoning against which he had to contend. If the argument were as to central administration, or the local administration of affairs in the cities and towns in Ireland, that, he admitted, would be a most important point to discuss. According to this Bill the functions which had hitherto been performed by a complicated system of boards would devolve upon the local bodies who had the best opportunities of knowing how they ought to be performed. He alluded to the maintenance of the poor, and the regulation of institutions for their relief, everything that affected the education of the people, everything connected with public works, and other such objects. The noble Lord, the Secretary for Ireland, had placed this question upon its true footing when he told the House that it was not a question whether they should have central or local authorities—whether they would abolish or reform corporations—but whether, after passing a Bill by which the people of England were permitted to exercise the functions of self-government, that House was to turn round and declare to the people of Ireland that they alone were

unfit for the exercise of these privileges. No analogy could be drawn between a system of government based on self-election, and one based on a reasonable representation. The hon. Gentlemen on the opposite side of the House were not justified in supposing that if the Catholics of Ireland possessed unqualified power they would refuse to select and appoint Protestants equally and indiscriminately with Catholics. Every day's experience proved the contrary. With respect to the argument that was used against the Bill, that it would increase the power of the hon. and learned Member for Kilkenny, he approached this subject with some delicacy, but he was bound to say, that if the conduct of that hon. and learned Member were as reprehensible as was represented by his enemies, that would form no just reason for disfranchising all the constituencies of Ireland, and depriving them of their municipal rights. If he were sure that the power of the hon. and learned Member for Kilkenny would be increased, and, more, if he were sure that that power would be abused, it would form, in his opinion, no just or sufficient motive for the rejection of this Bill. A long series of misgovernment had reduced the public mind in Ireland to a state which compelled the people of that country to place unlimited confidence in the honour and ability of him who had offered himself as their champion and the advocate of their rights, and would it not be unwise, unworthy, and unjust, to make the fruits of their own injustice an argument for its continuance? The course which the Conservatives pursued necessarily augmented the power of the hon. and learned Member for Kilkenny; it induced many men to associate and co-operate with him, who did not approve of some of the principles which the hon. and learned Member avowed, but who still had one cause in common with him,—viz. a determination to resist the degradation of their country. Another argument made use of by the opponents of this Bill was, that it would tend to weaken the connexion between the two countries. Slender, indeed, must that connexion be if it could be endangered by the granting of municipal institutions to Ireland the true bond of connection between the two countries was their mutual interest, and if that House consented to disturb that interest, and to add insult to injury, though but forty Irish representatives voted on the

last occasion for the repeal of the union, double that number would be found to declare that the conduct of the united Parliament was such that Ireland could no longer endure the legislative union. The people of Ireland had made up their minds—they were determined to have their just rights—they sought no more, they would not be content with less. What had that House done to relieve them from the odious impost of tithes? Did they suppose that they could make the people of Ireland pay tithes? If that House was determined to uphold the Protestant Church—and the time he feared had arrived when they could no longer do so—it could only be done by reducing that Church to moderate dimensions, and taking away from it the character of an odious ascendancy. What had been the consequence of the course which the Conservatives took with regard to this question? It had created the Association in Dublin. They had seen that body collecting tribute from every part of the country, and enrolling amongst its Members men of every station and of every persuasion; they had seen the debates carried on with a regularity and an ability that would do honour to that House; they had seen it extending its ramifications throughout every part of the country, and exercising an influence which was almost unparalleled in any country. If they rejected this Bill, did they imagine that their idle denunciations would suppress that association. The public mind in Ireland stood in the same attitude which it took up in 1792. The representatives of Ireland now told the British Parliament that if they did not concede their rights, they would demand them; and, supported as they were by the people of that country, they would demand a dissolution of the legislative union. Before he sat down he could not help expressing his sincere satisfaction at the language of the noble Lord who brought forward this measure. He knew not what might be the fate of the measure, but he was truly delighted at the declaration of the noble Lord that his Majesty's Government was prepared to stand or fall by its success. If the present Administration were in real danger, let them appeal to the country to decide this great question. They could not have a nobler opportunity for making that appeal than upon the simple question whether or not they were right in offering to Ireland free institutions.

Mr. Vesey: said Unwilling as I feel to prolong the debate, and anxious as I am to avoid all subjects foreign to the great subject now under deliberation, I feel myself imperatively called upon to make a few observations to the House to corroborate the statement of my learned Friend, the Member for Bandon, relative to a case in which I am almost personally concerned as involving the character of my noble Relative with regard to the manner in which he has discharged his duties of Lord-Lieutenant of the Queen's County in this particular case, namely, that of Mr. Cassidy, and if the House will bear with me for a very short time I will briefly recapitulate the reason, why my relative refused to recommend Mr. Cassidy for the commission of the peace, and I will also prove the incorrectness of the statements made by the noble Lord, the Secretary for Ireland, when he attempted the other evening to justify Mr. Cassidy's appointment. This Gentleman was recommended by Lord de Vesey by several Members of the Queen's County liberal club, many of whom I believe are also members of the National Association, and although Lord de Vesey knew the general character of Mr. Cassidy he yet thought to make the most minute and accurate inquiries on the subject and on ascertaining the actual facts he wrote the following letter to Government.

"Abbeyleix, Feb. 2, 1836.—Sir, I had an opportunity yesterday, at the road sessions, where there was a large assemblage of Magistrates, to make inquiries respecting the gentleman for whose appointment to the commission of the peace an application had been made to his Excellency the Lord-Lieutenant. Mr. Cassidy is, I have reason to believe, though I could not accurately ascertain the fact, a clerk in his brother's distillery, which circumstance, according to the instructions I received, precludes my recommending him for the Magistracy. He was, I understand, fined 10*l.* at the petty sessions for Ballybrettas, for rescuing cattle distrained for county cess; and in his answer to an application from Mr. French for tithes due to him, has denounced the payment of them in the strongest language, and has asserted that, 'the ministers of the law church in Ireland are not actuated in their proceedings by the holy spirit of Christianity.' As I have received my information from the best authority, I should consider it a gross dereliction of my duty were I to recommend for the administration of the law, persons whose example has given encouragement to the prevailing disposition to resist the law."

The facts contained in this letter (from

documents which I now possess) I can fully corroborate. In the first place, with regard to his being clerk in his brother's distillery, I now hold in my hand two letters addressed to some customers of his brother's, the one a receipt and the other a bill demanding payment for articles purchased in the distillery, both of which documents are signed by his name, and both dated in August and September, 1836, at the very period he was appointed a Magistrate. Now, Sir, by this appointment, the Government have transgressed the rules which they transmit to the Lord-Lieutenants of counties—namely, that they shall not recommend for the commission of the peace any person connected with a distillery. As to the next point, relative to the outrage committed by Mr. Cassidy, in connexion with his resistance of Grand Jury cess, I have here a document which will prove to the House, notwithstanding the statement of the noble Lord, that Mr. Cassidy was not present at the outrage complained of, and that he had actually reproved his servants for having committed a breach of the peace, that Mr. Cassidy himself was the person who made the rescue. I have here the sworn information of the cess collector in which he deposes:—

"Jacob Henry, of Closeland, in the said county, saith, that he was duly authorised by warrant under the hand and seal of William Kinsella, high constable and collector of the barony of Portnahinch, to collect a part of the county cess. Deponent further states, that on Monday, the 21st instant, he went and demanded the amount of Mr. Robert Cassidy, part of the said tax due for the lands he holds in Ballytaduff, at the same time producing to the said Robert Cassidy his warrant, and also receipts for the said amount, filled and signed by the said Kinsella. Deponent further states, that the said Cassidy refused to pay the said tax, upon which deponent said he would seize for the amount; whereupon the said Cassidy said, 'Seize as soon as you please,' or words to that effect. On deponent's proceeding so to do, and turning into the said Cassidy's yard, he was met by the said Cassidy, who called to his steward (Austin Cavanagh), and ordered him not to let this deponent take anything off the lands. Deponent then seized a horse and cart which were in the yard, when the said Robert Cassidy did, aided and assisted by Austin Cavanagh, rescue said horse and cart by taking hold of the horse by the bridle, and saying, he would not allow deponent to take him."

Mr. Cassidy was in consequence of this act, fined 10*l.*, and never appealed, so

clear and conclusive was the case against him. The steward was either not fined, or else escaped with a mitigated penalty, as he had evidently only acted under his master's orders. Two days afterwards another seizure was attempted and made; the servants, following their master's example, effected another rescue in a most riotous manner, on the King's highway, and arrived with spades and pitchforks, and other offensive weapons, as will be proved by the following affidavit:—

"William Kinsella, of Coolbanagher, in Queen's county, collector of the county tax for the barony of Portnahinch, saith, that on Tuesday, the 22nd inst., he went to the lands of Mr. Robert Cassidy, of Jamestown, to collect a part of said tax, and on demanding the amount due by said Robert Cassidy was refused; whereupon deponent seized a mare, the property of said Robert Cassidy, for said amount of tax due, and was in the act of bringing her to Ballybrittas pound, when he was followed by James Byrne, and a boy, that deponent heard and believes was Patrick Cavanagh, son to said Robert Cassidy, steward. He was also met on the road in Jamestown by a number of men—viz., Austin Cavanagh (steward), Edward Malone, Timothy Strong, both the latter armed with forks in their hands, Edward Malowny, Bryan Dunne, and Michael Dunne; some of the latter men had shovels in their hands. Deponent further states, on said James Byrne coming up, he seized said mare, assisted by said Edward Malone, who appeared with a pitchfork in his hand, and raised it in a fighting position. The other persons above-named also assisted, and said the mare should go back, and Austin Cavanagh (steward) said at the same time what their master had done, they would now do the same, and thereon they, in a riotous manner, rescued said mare from deponent."

Notwithstanding these facts, which were circumstantially made known to the Government, this gentleman has been appointed to the commission of the peace, and now sits on the very bench administering the law with the actual Magistrates by whom he was convicted of a breach of the law. Mr. Cassidy has, moreover, no property in the Queen's County; he is only a 10*l.* freeholder in that county, and in the very district to which he has been appointed, there are no less than eleven most efficient, intelligent, and active Magistrates, who are constant and assiduous attendants at the petty sessions. As to who may be the gentlemen of high rank, station, and character, who recommended Mr. Cassidy, I cannot make out, as the noble Lord would not favour me with even

one of their names; but this I will assert, that there is scarcely a resident proprietor in the county, whatever may be his rank or station, whose feelings have not been greatly outraged at this most extraordinary appointment of the Government. The noble Lord stated, that the Government were quite justified in this act of theirs, as Lord Oxmantown had recommended him for the King's county; but, Sir, the cases are widely different. In the Queen's County he has no property, and is, in fact, only a 10*l.* freeholder, while all his property lies in the King's County. But, Sir, Lord Oxmantown was not aware of the outrage he had committed, or else he never would have recommended him, as the following extract from a letter I have just received from Lord Oxmantown will prove:—

"I can have no hesitation in saying, that had I been applied to by a Magistrate of the Queen's County to recommend him as a proper person to be appointed Magistrate for the King's County, knowing that he, a Magistrate, had been convicted by the Magistrates of the King's County for an offence against the laws, such as you have described, and by neglecting to appeal, had admitted his guilt, I should not, for a moment, have thought of recommending such a person. To have recommended any one under such circumstances, would have been, in my opinion, highly improper; had the Government, notwithstanding, forced the appointment of such a person, I should have felt that they had taken a course which could not be justified. I have always thought, that magisterial appointments were not to be made on political grounds, and, therefore, that the Government were not to interfere with the lieutenants of counties in the appointment of the magistracy, except where there was clearly an abuse of authority, the lieutenant refusing to recommend, without sufficient reason, a person having an indisputable claim to the commission of the peace from his property and station in the county; and while I have always felt that a very grave imputation indeed would attach to any lieutenant of a county for the abuse of his authority, I have also thought, that an equally grave imputation would lie against Government for an abuse of theirs."

Now, Sir, to that doctrine I fully and cordially subscribe—on that principle so admirably set forth by Lord Oxmantown, Lord de Vesey has invariably acted; but have the Government been guided by the same principle—have they been guided in their appointments by the strict rule of impartiality? The following statement

of Lord Oxmantown will fully demonstrate that they have not :—

"There is one fact more, which I think it right to mention to you—that the Government have made an appointment in this county of which I disapproved; it was in the case of Mr. Bannan, a Roman Catholic, who was recommended by the county Members. Of Mr. Bannan, personally, I know nothing; to his appointment as a magistrate my objection was, that he had no property whatever in the King's County, and none in any other county which could be considered as conferring upon him a claim to the commission of the peace. As he was recommended by the county Members, out of respect to that recommendation I felt it to be my duty to make full inquiry, but not to abandon my own opinion in deference to theirs; for surely the appointment of the magistracy should not be made on political grounds. I therefore resisted the appointment of Mr. Bannan to the utmost, but he was, nevertheless, appointed."

Now, Sir, when Government have thus made use of their power of patronage, how can the respectable and peaceable inhabitants of Ireland have the slightest confidence in them—how can they look with any thing but apprehension at the Bill now before the House, which professes to give them such an additional power of patronage which they have so grossly abused, and which will throw strength into the hands of that party whose doctrine is the annihilation of our church, and whose daily practice is resistance to the law? And while the deepest apprehension and alarm exists in the minds of one party, what exists in the other? Where are their meetings, and the petitions with which we were threatened. I have just returned from that country, and I can safely assert that there is a total apathy on the subject. The people do not care about it; and in the immediate neighbourhood where I reside, I do not believe they even understand the question of municipal reform. And yet, Sir, among the very few petitions presented to the House on that subject, I find three from three small towns in that neighbourhood. These towns are not within ten miles of any corporate town, and thereby could derive no advantage from corporations being reformed, nor, from their size, can they hope to obtain the establishment of one for themselves. Why is there not some from Mountmellick, the most important town in the Queen's County, and almost the only inland commercial town in Ireland—a town inhabited by a set of

men (the Society of Friends), famed for their industry, intelligence, and quiet habits, peaceably following the pursuits of commerce, apart from the turmoil of politics, and the tumult of party strife—spreading, by their industry, a useful example to the surrounding peasantry; and, by their provident speculations, increasing wealth, and widely extended benevolence—diffusing employment, sustenance, and comfort to their neighbouring poor? Why, I say, have not the inhabitants of this town called upon the Legislature to grant them a share in those corporate blessings now offered by the Government to their more fortunate neighbours? Because they value too highly the blessings of peace and tranquillity, and know full well the turmoil and party strife that would be engendered by the establishment of such a corporation as is proposed by the present Bill. For what other reason but this have so few petitions come from the larger towns in Ireland, and almost all from the small and insignificant ones, or from the rural districts where the unfortunate peasant is forced to sign petitions, not only embodying corporate reform, but also in a more conspicuous manner praying for the abolition of tithes, whereby he is induced to believe he will derive unheard of benefits. I pray, I beseech, the people of England not to force this Bill upon us, which is looked upon with apprehension by one party and with apathy by the other—let them not be deceived by the threat of civil war so openly promulgated by the hon. Member for Liskeard, in case these corporations were refused, and a Tory Government was formed. Where are his proofs that there will be such a war? He has none to offer. There will be no civil war; give to the poor Irish peasant substantial justice; give him a just and equitable provision, such as will relieve him from penury and want, and secure him from starvation. Let him have, through the means of a practicable and well administered system of Poor-laws, a share in the blessings of the state, and he will thereby take an interest in the stability of the state. Settle the tithe question by taking the impost off the poor occupier, and placing it on the rich landlord—abolish corporations, and thereby do away with all excuse for party feud. Give us a good government determined to administer the laws with justice, with impartiality, with

firmness, and at the same time with a constitutional and befitting clemency; and then, if you give us these blessings, notwithstanding the predictions of the hon. Member for Liskeard, I will venture to predict that Ireland will obtain that security which will invite capital, which will diffuse employment among the poor, and which will, I trust, eventually expel that turbulence and misery which now reign triumphant in my ill-fated country.

Mr. E. L. Bulwer had heard more than one speech delivered by hon. Gentlemen, during the course of the evening, which scarcely contained a single sentence that was applicable to the subject before the House. The hon. and learned Sergeant, the Member for Bandon, had delivered a speech with considerable emphasis, the tendency of which appeared to be to establish the necessity of appointing a Select Committee to inquire into the conduct of the Irish Executive; but he had not heard that hon. and learned Gentleman advance an argument which bore either upon the amendment proposed by the noble Lord (the Member for South Lancashire), or upon the merits of the original Bill. There was, however, one peculiarity in the observations of hon. Gentlemen who, as practical Irish residents, had spoken that night on the opposite side of the House. They had thrown over their predecessors, and had thought it more prudent and politic not to tell the Irish people that the Protestant church was omnipresent in abuse. He now began to perceive what was meant by the expansive principle of the establishment. It was not content with the little circle of tithes and hierarchies, but now it expanded with a vengeance, and swallowed up a score or two of corporations. They say (proceeded the hon. Gentleman), that one crime can only be defended by another, and your way of defending an unequal ecclesiastical establishment is by stifling the power of the people in equal political privileges. When the man in the crowd had his hat stolen, another obliging gentleman cried "Since you have lost your hat, I'll just make free with your wig." You rob the Irish of their church reform, and then by way of making it up to them you run away with their corporations. Oh! but the Association has sprung up, and Mr. Pigot has been put into office, and these are arguments against corpor-

ations. Why, what a subterfuge is this—there was no Association last year, and yet last year you refused the municipal reform. The name of Mr. Pigot, then, never haunted your unprophetic breasts, or shook these benches with the tremulous horror of Protestant alarm; and the whole country is to be denied municipal reform because there is a great Association which demands it. Sir, there was an association in Birmingham, nay, all over England—this quiet, loyal England—for obtaining Parliamentary reform; and in the meetings of those associations language as violent, sentiments as democratic, opinions in favour of the ballot and short Parliaments, ay, and of the voluntary church principle too, were uttered. How did you dissolve those associations—by what spell did they wither away—by what rites did you lay them in the grave? Why, you granted the reform. Oh! but says the right hon. Baronet, if you cannot put down the Association, why do you encourage it—why do you mix it up with the Government—why do you put Mr. Pigot into office? And have I heard that from the right hon. Baronet? Why, who condemned the Orange lodges more than he did? And was it not one of the first acts of his Government to put into office the deputy grand master of the Orange lodges—the hon. and gallant Colonel the Member for Sligo? Compare the Orange lodges with the Association; both are bad, both are symptoms of constitutional disease; but one is open, universal; the other is secret, exclusive. Why did you mix up the Government with those lodges? Why did you encourage them? Why did you put your Mr. Pigot into office? Oh! but you will not take power from one party to give it to another; and then you talk of contests and animosities of party in every town. Is this argument honest? If so, why did you never apply it to England? Are there no parties here? Did you not transfer power from one party to another when you passed the Municipal Bill for England and Scotland? Parties! The word parties is more applicable to this country than it is to Ireland, for here at least there are two parties nearly equally balanced in point of rank, property, and numbers; but when I look to Ireland, I see, indeed, one party formidable from its rank, intelligence, and the long habit of lordly domination. Where is the other party? I see only the

people. In Ireland it is not a strife between party and party—it is a strife between an oligarchy on the one side and a population on the other. I do not desire to press an analogy between ancient municipal institutions and modern ones, but I say this—it was precisely on account of such parties that municipal institutions were first formed—the party of the population struggling for equal rights, the party of the oligarchy struggling for the maintenance of ascendancy. What! are the Orangemen, implacable as they may be, worse than the old counts of Italy or the old barons of the Rhine? Are the Catholics, ground down as they may be by the oppression of centuries, worse than the half serfs who first formed themselves into guilds and corporations? What a libel on ourselves! Ireland, so long united with the most enlightened country in the world, is not in the 19th century fit for the institutions, which on a far more gigantic scale grew up amidst the feudal ages, and which even the Roman despotism acceded to its dependent towns. Then, not contented with disguising a people under the title of a party, you view that people through the medium of a single man, hour after hour; and when we are to legislate for Ireland you declaim against the learned Member for Kilkenny. Grant him all that you contend for, and what then? Are we to legislate for a nation, or are we to legislate against an individual? Why, is it not you who tells us that you will never be daunted by the physical or moral array of numbers—that you laugh to scorn allusions to the power of millions? and yet, from the height of your superlative chivalry, you call upon the present British Parliament to present to Europe the ludicrous and dastardly spectacle of doling out justice to a people according to your fears of an individual. I neither deny nor vindicate the power of the learned Gentleman. Undoubtedly it has arisen partly from the grievances of which he has been the great organ of complaint, partly from your own heated and unceasing invectives, for, as it was well said by a profound writer on the French revolution, “a man soon becomes in troubled times precisely as powerful as his enemies insist that he is: but it arises also from the grateful belief of his countrymen, right or wrong, that he has rendered them important services, and from the indomitable zeal with which such services have been accomplished.” I don’t

tell you that if you pass this Bill—*may*, if you do the amplest justice to Ireland—you will crush the power of the learned Gentleman. So long as there is gratitude in a people—so long as there is eminence in intellectual superiority—so long the hon. Member for Kilkenny must be a leading authority with the Irish people. But the power of a man is for his life, the effect of legislation is immortal. Train up the people to think for themselves, to act for themselves, to govern themselves on the constant stage of local legislation—give them that rehearsal of their liberties, and you will raise a state of society in which individual agitation cannot again attain the same exaggerated power. You may not weaken the learned Gentleman, but you may render him the best of his race: go on legislating against the people, and you legislate for the perpetuity of a demagogue. Whenever two countries are united together, one more powerful, more civilized than the other, the evils to the less powerful country are obvious; she loses national independence; she loses national legislation; the polish and wealth of her neighbour will drive away her resident aristocracy. This is what she loses. What ought she to gain in return? The blessing of the wiser laws, the firmer order, the more liberal institutions, by which her neighbour is governed—by which her neighbour prospers. If she does not do this, she loses all, and she gains nothing in return. And to this total in the balance sheet of benefits you wish our legislation to arrive. It was formerly the custom in royal houses to unite the young prince, when he began his letters, with a kind of flogging-boy—that is to say, a boy who was flogged when ever his royal highness was in fault. If the prince *did* well, he had his cakes and sugar-plums; if ill, they hoisted his double, and his royal highness was flogged by proxy. Precisely the connexion between England and Ireland. Ireland has been the flogging boy to England, and always on this principle, that England is to have all the sugar-plums, and Ireland all the flogging. Why, what did you all agree to give to England? Municipal reform. What did you all agree to give to Ireland? The Coercion Bill. You say you are willing to correct abuses—you prove your sincerity by giving up the orange corporations. But that is no longer enough; it is no longer enough to correct abuses in the administration

of power—the time has come when you must admit the people to a share of the power. This is where you stop short. You will do away with the flogging, but you still won't give the boy any of the sugar plums. Do not rely on the smallness of our majorities. Do not let that thought actuate your Friends in another House. Recollect this Parliament is your own creature, not ours. Recollect, still more, that a majority of one carried the Reform Bill; and be convinced, that if you consider the majority we may have on this occasion small, the majority that the right hon. Baronet will ever get in any Parliament, while he professes the same political doctrines, will not amount to the half. But I have high authority on this head. When the right hon. Baronet yielded to the necessity of Catholic Emancipation, what was a principal argument with him? He said, "I do not go only by numerical majorities. I have examined the constituencies on both sides of the question, and I find the larger constituencies on one side, and the smaller on the other; and I do—what? I yield to the force of public opinion." Will he now abide by his own test—the test he established as a guide to his conduct in the most memorable crisis in his brilliant political life? Why, what has he to set against the multitudes of Birmingham, Manchester, Salford, Nottingham, Sheffield, Wolverhampton, and the metropolitan districts? Let him now not look to mere numerical majorities; let him compare the constituencies on either side, and let him once more yield to the force of public opinion. You have had your turn—Ireland has been in your hands—you have exhausted upon her all your systems of treatment—you never gave us up the patient until you had found the disease incurable. Is it not justice, is it not logic, that we should have fair play for our experiment, which, after all, is only to leave a little to nature? Be just while you have it in your power to be generous. Recollect how often Ireland comes before you, always a suing and always a rejected one; beginning every Session with hope, ending every Session with disappointment. You say these grievances are not practical; their fruits are practical. Discontent, excitement, Catholic associations, passive resistance—the fears of the rich, the combinations of the poor. Practical, indeed must be the evils that result from keeping a whole peo-

ple eternally vibrating between the excitement of suspense and the exasperation of despair. See the state of England at this moment; her trade prosperous, her commerce increasing; peace abroad, tranquillity at home—no foe to menace her safety or curb her powers. Look at her gigantic colonies, covering a new quarter of the globe. Look at that vast Indian empire which she governs almost with the easy hand of neglect; and, close beside us, see that fatal neighbour whom you have proved that you cannot crush as a slave, and whom you will not suffer us to conciliate as an ally. We are weak only in one quarter—there where alone we have abused our power, and sullied our great name as the hereditary asserters of political rights and religious toleration. If in this question our constitution, still the constitution of an aristocracy, should be endangered—if in this struggle, that constitution should ultimately perish, I do say it would be the most striking instance of moral retribution which the whole history of nations could afford. Better had that constitution perished in its early and illustrious struggles against despotism and intolerance, than that it should now be weakened in loyalty or affection, and, sapped and undermined, should finally crumble away in the unholy cause of sacrificing the rights of a people to the fears of an oligarchy, or the avarice of a church. But, whatever may be the consequence, our course is clear. Of that people we are the trustees and representatives. When we refused to repeal the Union, when we placed the present Administration on the ruins of the last, we pledged ourselves to do justice to Ireland. You ask what we mean by justice. Justice to Ireland is something your philosophy cannot comprehend. Why, what can it mean but this—the just application of equal laws? Again and again upon this and the Irish Church question you have told us that it is for a shadow we contend. It may be a shadow, but it is the shadow of a gigantic substance—it is reflected upon you from the largest towns—from the most powerful constituencies—from the established and legitimate Administration of these realms—the shadow is the principle of justice, the substance is the determination of the people.

Mr. George Young was of opinion that, though a few centuries since, municipal institutions might have been extremely

beneficial for the purpose of enabling the commonage to struggle the mere effectually against the encroachments of the aristocracy, the machinery of which they were constituted was at the present period of rather an expensive and cumbersome nature, and not very well adapted to the attainment of the ends proposed by their establishment. Since, however, a reform had been introduced into the English corporations, the reasons advanced for withholding a similar reform from the municipal towns of Ireland should, in his estimation, be stronger than those which he had heard advanced in the course of the present debate. He admitted that there was a great difference between the state of society in Ireland and that which prevailed in the sister country; but, great as was this difference, it by no means justified the enormous length to which hon. Members had gone, of asserting that no single town in Ireland was so fit for the exercise of municipal privileges as was the very least of those English towns which were included in the schedules of the English Municipal Bill; that Limerick, in brief, or Dublin was not so well qualified for incorporation as Windsor. He conceived that it would be only doing an act of justice to grant Municipal Corporations to Ireland. For 44 years Roman Catholics had been eligible for corporate offices, and yet up to the present moment a single Member of that religion had not been admitted into the corporation of the city of Dublin. In the year 1829 also when the Catholic Relief Bill was passed, the 14th section of it provided, that it was lawful for Roman Catholics to become Members of any lay body corporate, and to vote at corporate elections upon taking the oath prescribed, but yet not one had been admitted to the corporation to which he had alluded. And now that the Roman Catholics' claim could no longer be resisted, it was said, "No, rather than that they should take part in these corporations we shall abolish them." He would say that that was in the highest degree unjust and offensive, and a course at which the people of Ireland had every right to feel indignant. He advocated the existence of corporations in Ireland upon the ground also that they would be the means of bringing together the inhabitants of towns to consult upon those subjects in which they could have, whether Protestants or Roman Catholics,

Whigs or Tories, but one common interest—namely, that of providing for their municipal wants, a circumstance which, in his opinion, would go far to do away with the acrimonious feelings which had been so long mixed up with Irish affairs. For these reasons he would vote for allowing the Bill to go into Committee, and he hoped the House would evince, by a decided majority, a determination on the part of the British people to extend to Ireland the advantages of municipal government.

Colonel *Perceval* observed, that the speech which had just fallen from the hon. Member for Tynemouth (who spoke from the opposition benches) would have better graced the other side of the House. He was far from impugning the impartiality of the Speaker, but certainly the right hon. Gentleman had called on two hon. Gentlemen in succession who had taken the same view of the question before the House. The argument of the hon. Member for Tynemouth was, not that there was not a vast difference between the condition of England and the condition of Ireland, but because Municipal Corporations had been given to England and Scotland, although the hon. Gentleman disapproved of corporations, yet he was for forcing them on the people of Ireland. The hon. Member had stated, that though since 1793, persons professing the Roman Catholic faith might legally take a part in municipal Corporations in Ireland, yet that they had not been admitted to any share in corporate rights; and because the corporations had been exclusively filled with Protestants, therefore, argued the hon. Gentleman, it would be just to deprive the monopolising party of their privileges, and hand them over to the opposite party—a party whose feelings and intentions were represented by the Catholic Associations. He could not understand the justice of thus taking power from one party to give to an opposing one; but he believed that if the amendment of the noble Lord, the Member for South Lancashire was carried, by which corporations would be done away with, as it was impossible to place them in any position in which no predominant party would prevail—justice would be secured to all parties. The hon. Member for Lincoln, who had indulged in poetic flights—had thought fit to attack the course which had been pursued by the right hon. Baronet, the

Member for Tamworth. He was not about to defend the right hon. Baronet—a single sentence from the right hon. Baronet would be sufficient to put an extinguisher on the hon. Member opposite. The hon. Gentleman indulged besides in certain prophetic trances respecting the majority which would support the Gentlemen of his (Colonel Perceval's) side of the House in case a change of Administration should take place, "for," said the hon. Member, "it will not amount to half of that which will appear for Ministers on the present question." He should leave the hon. Member to enjoy the evident self satisfaction which he felt in those poetic trances. He would not disturb his imaginings. But the hon. Member in the course of his speech had thought fit to allude to him, as having been a Member of the late Orange Association. He thought he had a right to complain of his Majesty's Government for their conduct to him and to those other persons who had come forward in obedience to the wishes expressed by his Majesty; and honestly, unequivocally, and without mental reservation, or equivocation, had yielded up their own feelings, and had lain the association at the feet of their Sovereign; and had, in addition, recommended others, one and all, over whom they might be supposed to possess some influence, to follow their example. What was the conduct of the opposite party on the occasion? He knew well that the concession of the Orange body—and their ready compliance with the wishes of the King, were gall and wormwood to that party, and that it was so, was proved by their consequent proceedings. The press, influenced by the Government, and by those who governed the Government—heaped on their conduct the vilest taunts and insults; and to such a pitch did they go, that the hon. Member for Cavan and himself had felt it necessary to intimate to the noble Lord, the Secretary for Ireland, that if such a line of conduct was continued, the advantages likely to arise from the devotedness of the Orangemen to their Sovereign's will would be set aside. The noble Lord assured them that he would employ his influence to have an end put to the evil complained of. He did not doubt that the noble Lord had performed his promise; for in a few days a change took place in the tone of the press. But the intimation that the press received was given in language of taunt and insult—

that it was much better that nothing should be said as to the course which had been pursued by the Orange body. The noble Lord at the head of the Home Department, in introducing his measure on Municipal Reform in Ireland, had complimented the Irish Members belonging to the Orange association on their ready compliance with the desire expressed by the King. What course, he would ask, did the Government pursue to mark their sense of that conduct? They allowed the press to urge the advantages likely to arise from the establishment of the association projected by the hon. Member for Kilkenny, on the excitable minds of the Irish people. The Government had been so over-scrupulous in their impartiality that they would not permit any Orangeman (before the dissolution of that body) to hold any situation in Ireland. That Association had been established for none but loyal purposes—indeed their fault, if any, was an over attachment to their king and the institutions of their country, and the connexion between the two countries; and it was for their unswerving loyalty and their firm adhesion to that connexion, that they had been exposed to all the vituperation which had so foully assailed them. He perfectly well recollected that overtures were made some years ago to the various Orange institutions to prevail on them to join the movement, to bring about a repeal of the Union; and it was their refusal to join in such an attempt that had brought down upon them all this obloquy. Now, what had been the conduct of the government of Lord Mulgrave to that body? His noble Friend, the Member for Fermanagh, had been recommended to the Lord Chancellor by Lord Headfort (the Lord-Lieutenant of the county,) for the commission of the peace in the county of Cavan. The answer of the Lord Chancellor was, that he could not be appointed unless he gave a pledge that he did not, or would cease to belong to the Orange body. That might be all very right, but would the House call it impartial justice, that the Government should give its sanction, and encouragement to an institution in the heart of Ireland, in the city of Dublin, having 2,300 and odd members, including 600 chaplains; and should select from that association, avowedly formed for the purpose of opposing the law of the land, which never would cease till tithes were abolished—till short parliaments, univer-

sal suffrage, the vote by ballot, were established, and the legislative union repealed. Hon. Members cried no, no, he said yes, yes. It was an undisguised fact; and was it he, repeated impartial justice, that the government should select constables, magistrates, registering barristers; nay, for its confidential advisers, members of this association pronounced by many able lawyers to be illegal? He asked, could equal justice be pretended to by the noble Lord opposite on behalf of the Lord-Lieutenant of Ireland, when the Orangemen of that country having dissolved an association to which they were ardently attached, and which they had found of the greatest service in 1798? It was a recommendation to any public office in that country that a person was a member of the General Association; while Mr. Leigh, on a mere suspicion, and as it turned out, a false suspicion of being an Orangeman, was declared ineligible to fill the office of high sheriff for the county of Wexford.—He had other grounds of complaint with regard to that county—his Excellency the Lord-Lieutenant, had been pleased to honour it with a visit at the end of August, or the beginning of September, and on that occasion had been pleased to exercise a degree of unconstitutional clemency—liberating twenty-five prisoners from the gaol. This was not all. An individual whose chief recommendation, he believed, was that he was a zealous disciple of so-called “peaceful agitation,” had been appointed to the commission of the peace; when the recent application was made to the Lord-Lieutenant of the county for his recommendation, it was refused—and the appointment was remonstrated against on the ground that the individual was not in that station in life from which the magistrates of the county should be selected. His father, a most respectable man, was a bleacher, and he had no property in the county to qualify his son for the office. But the appointment must be made, and it was made. That individual had made himself remarkable for attending those meetings by which the county of Sligo, from having been six months ago, the most peaceful and tranquil, had now become a disturbed and agitated district. “Pacificators” had been sent down, death’s head and cross-bones were recommended to be placed at the doors of refractory electors. He would call the attention of the House to a

passage he had seen attributed to the hon. Member for Mayo (Mr. Dillon Browne) in a liberal paper, called the *Champion*, published in Sligo, and the correctness of which that hon. Gentleman had not denied, when he (Colonel Perceval) had shewn it to him. It was this:—“Mr. D. Browne said he would adopt Mr. O’Connell’s advice of placing death’s heads and cross-bones at the doors of such people as refused to register; and he further added, if they were visited with greater afflictions, let them bear with them. He concluded with a vote of thanks to O’Connell and Lord Mulgrave. But with regard to the appointment which he had alluded to—of Mr. Kelly—he had to observe, that that gentleman had most effectually agitated since he had been called to the commission of the peace, and a rule nisi had lately been obtained against him for vituperative language towards the assistant barrister while in the discharge of his official duties. Much credit had been given to the late Attorney-General, the present Master of the Rolls in Ireland, for his impartiality and firmness. Now, a plausible measure had been introduced into that House by that right hon. Gentleman, by which, under the pretence of avoiding suspicion, it was provided that the assistant barrister should not preside in counties within the circuits on which they professionally practised; and this plausible arrangement was taken advantage of for the purpose of removing Mr. Robinson from Carlow, and putting the liberal barrister, Mr. Moody, in his place. But he being found not quite sharp enough in doing the work intended for him—Mr. Hudson had been appointed in his stead. Another measure confirming a degree of patronage not unpalatable to the government which had been suggested by the present Master of the Rolls, Mr. O’Loghlen, was the appointment of thirty-two crown prosecutors for the sessions, being one for each county. A gentleman named O’Hara had been appointed for Sligo, who during the late registries, took a very prominent part in forcing the people to the sessions; and, he believed, in many other counties the crown prosecutors were to be found similarly occupied. Mr. O’Hara was the acknowledged agent of that party which coerced unfortunate and reluctant tenants to come forward and register; and he had himself seen several placards which had been taken from the doors of tenants, warning them, that if

they did not register they might prepare their coffins. He had seen witnesses coming upon the table to register, who stated that they had been forced by the priests to come on the table, but that they would not "hurt their souls" by swearing to the qualification. He had also frequently seen the priests prompting and making signs to the claimants and witnesses when under examination on oath—conduct which, when taxed with in open court, they reluctantly and with shame admitted. These facts he would prove before a Committee if granted. He had stated enough to show that the Irish government were not scrupulous about soliciting to fill the most important public offices, the members of an association which the King's Prime Minister had unequivocally condemned. He believed the people of Ireland, if their opinions could be fairly and without intimidation expressed would be found unfavourable to this Bill. He had himself last Session presented a petition against it from the county he had the honour to represent, though some of the parties signing it had, after an intimation from certain quarters signed a counter-petition. He should conscientiously vote for the motion of the noble Lord, the Member for South Lancashire, and he humbly entreated of the noble Lord opposite to grant a Committee to enable them to prove the several allegations which had been made by the hon. Members for Dublin, Bandon, and others, against the Irish government.

Mr. *Dillon Browne* begged to explain. He should not have intruded himself upon the notice of the House but for the remark which had fallen from the hon. and gallant Member for Sligo, who had certainly quoted the words which he had used on the occasion to which he had referred; but the gallant Officer had mistaken the application of them. He had applied the words in speaking of those persons who would receive a bribe. He had said that if any individual could be base enough to receive a bribe, it would not be too great a punishment to such a person to have cross-bones and a death's head marked on his doors. He thought this was a sufficient explanation of the matter. He could understand, however, the feeling under which the charge had been made; he knew the slight tenure on which the hon. and gallant Officer held his seat for Sligo; and he was proud to say, that the position in which the gallant Officer stood was

mainly owing to his humble exertions. Of Mr. O'Hara, to whom allusion had been made, he must say he had known that gentleman all his life. He had ever known Mr. O'Hara to be a most intelligent man; and he was confident that in any act of his he had not conducted himself in a manner inconsistent with his public duty.

Viscount *Howick* said, he felt that he should act more in conformity with the general wish of the House than with the practice of some hon. Members, in not following the hon. and gallant Gentleman opposite with respect to the questions which he had again brought on the stage, and which he was totally without the means of discussing. And even as regarded the general subject before us—the question of whether municipal corporations should be established in Ireland or not (it having already in the course of this and the preceding Session been so fully discussed)—the hon. and learned Member for Liskeard (Mr. Charles Buller) in the able and eloquent speech in which he delighted the House had so completely, in his opinion, established the principle on which the utility of such corporations rested, and the peculiar application of those principles to society—he had so completely established these facts, whilst on the other side of the House there had been such an absence of all attempt to reply to the arguments of the hon. and learned Gentleman, that he held it to be quite unnecessary for him needlessly to prolong the debate by going into a discussion of the general question. He deemed, it therefore, wiser to confine himself to this one point—a point which had given to this debate a new and deeper importance than it before possessed; he meant the grounds which had been put forward for rejecting the Bill on the other side, in consequence of its being assumed that its adoption would cause increased danger to the Established Church of Ireland. He would not inquire why it was, that during the last Session this argument was not put forward; he would not stop to ask why it had happened that, except in the speech of the right hon. Baronet, the Member for Cumberland (Sir James Graham), he did not recollect any stress or weight having been laid upon that argument. Was there a wish on the part of those who held these opinions to excite religious dissensions, and to create religious prejudices in England, Scotland, and Ireland, in the anticipation of the event

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the Established Church in Ireland or not. If it was, let him ask how was the danger to the Establishment to arise? They did not apprehend a display of actual force—they did not suppose that the town councils would take up arms and resist the Church? No; but they were afraid that, inasmuch as the municipal councils would have the power of discussion, of petitioning the Parliament, where, as representing the wishes and feelings of the great body of the inhabitants of the towns they would wield a moral force, that force would be added to their enmity to the Established Church. Did those Gentlemen who used the argument to which he referred consider what it was that they really assumed? Did they mean to tell him that the Church Establishment of Ireland was so obnoxious to the whole population of Ireland, that it was so hated and detested by the great body of the people, that any increase of their political power, or any means which might be afforded them of increasing that political power, would contribute to the fall of the Established Church? He confessed if that was what was meant to be asserted by the strong friends of the Established Church, it was, from those who profess to support it, the most inconsistent argument he ever heard made use of. But what would be the effect of a denial of this Bill? Was it possible that it would not be what was last night hinted at by the hon. Member for Liskeard? Would it not be felt by the people of Ireland that the Church Establishment was the great obstacle to the attainment of their civil rights? And if that feeling be created, with a political power alluded to, did they think they would have improved their position by the refusal to grant them Municipal Corporations? But, Sir, there was one ground upon which he could understand the character of this argument. Perhaps there might be hon. Gentlemen on the other side who meant to put forward this position—that if the Church of Ireland were ever so odious, if the feelings of the people were against the Church, and our authority as hostile as it might be, they were, nevertheless, still determined to maintain both by means of their superior power! If this, he said, be their position—if they meant to say that they knew the Church of Ireland was odious, that for the sake, nevertheless, of maintaining that Church, and on account of it, they refused to grant Municipal Corporations, and thus

defeat that system of Government which they necessarily produced, their power in Ireland would be maintained by force of arms—he then might understand their argument. Then, indeed, he should say they acted consistently by striking out all those clauses that gave civil privileges to the people of Ireland; he said that they were right to legislate as they would for aliens, anxious to shake off the yoke. But before they came to this question of policy, let them consider all it involved and implied. Remember they would have not the voluntary, but the forced, obedience of the people, if you rest your Government upon coercion and not upon the affections of the people. They must carry out a principle to the greatest extent. What, then, have they to do? Had they not recommenced the very struggle they had in the case of Catholic Emancipation? Yes, the very pages might be transferred from *The Debates* of 1829. He could quote from that work the very sentiments which were then uttered by hon. and right hon. Gentlemen opposite. If, then, he said, this were the same struggle, let them look back to the period he referred to, because it afforded a most instructive lesson to them. He would go back no further than the year 1825, when it would be remembered, that a Bill for emancipating the Roman Catholics was passed by this House and sent up to the other House of Parliament, where, unfortunately, it was defeated by a considerable majority, led on by those who were then the colleagues in office of the right hon. Baronet (Sir R. Peel) opposite. Two years afterwards, in 1827, a new Parliament was assembled, and then, for the last time, this House divided by a bare majority against Catholic Emancipation. In the following year the decision of the House was reversed; but, again, a majority of the other House, acting, as he before said, with those immediately connected in office with the right hon. Baronet (Sir R. Peel), stopped the progress of improvement and defeated the measure. In the following year, within only two years of the time when the right hon. Baronet had separated himself from the Government of Mr. Canning, lest his assumption of the lead in that Government should give some remote assistance to the advancement of Catholic Emancipation—within two years from that time the right hon. Baronet was compelled himself to come forward, to confess that his previous policy had been wrong—that

his former opposition had been unfortunate—and to call upon this House to pass a measure of Roman Catholic Emancipation! Unwilling as he was to detain the House, he could not forbear reading a few lines from one particular passage of the speech made by the right hon. Baronet upon that occasion, in which he stated his reasons for proposing a measure of Catholic Emancipation. The right hon. Baronet on that occasion was arguing on precisely the same question as that which he maintained was now before them; namely, "Could they or could they not carry on the Government of Ireland by a system of coercion? Could they or could they not go on permanently resisting that which the people of Ireland were determined to obtain?" And these were the words used by the right hon. Baronet:—"He said they would then be commencing a Government with nearly the whole constituent and representative body against them, and it would be practically impossible to conduct the internal Government of Ireland. Separated as that country necessarily was from England, it would be impossible to carry on an internal Government in opposition to the feelings of the representative and constituent bodies. There would be a moral influence opposed to them which would render it hopeless to conduct the business of Government."—Let him ask, would that difficulty be diminished now? An hon. Member, who last night sat immediately behind the right hon. Baronet, told them distinctly that the Roman Catholics were daily increasing in wealth and influence, and that in a very short space of time they would have seventy or eighty representatives in the House. Those representatives would be arrayed against the hon. Gentlemen opposite; because, let the right hon. Baronet remember, that this question of Municipal Reform, which originally only interested the cities and towns of Ireland, had been, in consequence of the course taken by the Opposition, a question deeply interesting to the feelings of every Roman Catholic. His noble Friend (Lord Stanley) stated last night distinctly, "it was because they were Roman Catholics—it was not because they were Irishmen, but because they were Roman Catholics, and because being Roman Catholics they would be opposed to the Established Church, that he refused to grant them the privileges proposed in this Bill." Why, these were precisely the

grounds on which, for so many years, the measure of Roman Catholic Emancipation was resisted; and he told them that the difficulties with which they would have to contend in resisting this measure, would be of precisely the same character as those with which they had to contend on the question of Catholic Emancipation, a question by which they were ultimately defeated. But he continued his quotation from the speech of the right hon. Baronet in 1839. The right hon. Baronet went on to say:—"Again, then, he asked, Sir, what was to be the remedy? Was it to retrace our steps? He would warn them that finding the powers they had already conferred so great that they could no longer struggle with them, they should be cautious how they struggled with them; they should be cautious how they trifled with them, when they encountered a collision which might endanger the welfare of the State; for he firmly believed, that the commencement of a system recalling civil privileges ready bestowed, without an attempt to settle the question, and a declaration that nothing was to be conceded, would be attended with consequences the most disastrous. It would cause a reaction which would of necessity lead to a struggle; and that struggle, if pursued to its legitimate consequences, would result in a result little short of the re-enactment of the penal laws. But, Sir, even the penal laws be applied to Ireland as it at present existed? Reflect upon the difficulties that would attend such a project. Could they force back the great vessel that they had let loose by lifting it from the vessel, and inclose him within his narrow limits? Look therefore, to the different considerations which bore upon the subject, he would ask the most determined enemy to cession, in what mode the internal government of Ireland was to be conducted?" This was the opinion of the right hon. Baronet in 1839. Would the difficulty of carrying on the Government in Ireland, upon the principle that Catholics, as Catholics, ought to be denied the advantages which were to be granted to England, be less now than they were in 1839? He admitted the real difficulty of it; far was he from underestimating the importance of it as the cause of a disturbed and diseased society. But what, he asked the right hon. Baronet, was this; would he find it

Association less formidable than that to which he yielded in 1829? Was it easier now to defend their ground when they had given up every commanding position that they then occupied? when all the aids to resistance they then possessed had since been completely abandoned? When they had given such an extensive political power to the Roman Catholics of Ireland, was there any safety, nay, was there anything but the greatest madness in abruptly pausing and refusing to go further? In the year 1825, Mr. Canning said, and although he had not then the honour of a seat in Parliament, he happened to be present on the occasion, and had the pleasure of hearing him, and his words made a great impression on his mind—Mr. Canning said, speaking of the former system of Government, “The rack was a horrible engine, but a beautiful piece of mechanism—so the penal laws were dreadful, but admirably adapted to the purpose for which they were originally intended;” and he went on to show, that by trampling down and brutalising the whole people of Ireland, they might chance to carry on the Government for a time, but that the very first concession that was made would carry with it, of necessity, all those other concessions which had since gradually followed. Unfortunately the right hon. Baronet would not take the warning which Mr. Canning then gave him. A few evenings ago, the right hon. Baronet felt it necessary to enter into a defence of his change of opinion upon the subject of Catholic Emancipation in 1829. But he was sure that those by whom he was then most condemned, could now hardly resist the conviction, that in 1829 the right hon. Baronet acted in the manner that best became him. He made, by braving the obloquy then heaped upon him, by having the courage to remain in office and assist in extricating the country from the difficulties into which he himself had brought it, the best amends in his power for the fatal errors of his former political career. But if the right hon. Baronet were right in 1829, he asked him was he right in 1825 and 1827? He imputed no motives to him for his change of opinion in 1829. He was convinced that he was sincerely anxious to do that which was best. It was reserved for some of those who had now joined his ranks, to impute to the right hon. Baronet unworthy motives for his conduct. He did not allude to the right hon. Baronet, the

Member for Cumberland, but to some of the speeches made in 1829, by some of the hon. Gentlemen who had since taken their seats on the same side of the House with the right hon. Baronet. But acquitting the right hon. Baronet of anything but the most conscientious motives in his conduct, he would put it to himself, whether he was not afflicted in the years 1825 and 1827, most fatally for his country and most unfortunately for his character as a prudent and sagacious statesman, with a most extraordinary blindness? Did not Mr. Canning, did not Lord Plunkett, and many other distinguished persons, the associates in office of the right hon. Baronet, describe to him, in language which might now be quoted as a correct historical description of the course of events, although it was then used only prophetically—did they not point out in language exactly conformable to subsequent occurrences, the certain and obvious tendency of the course he was pursuing. Did they not repeatedly call upon him to say, whether he could permanently maintain the line of policy he had adopted? Did they not repeatedly ask, whether it was possible that the existing state of things could go on from year to year without at least coming to a fatal result? And did not the right hon. Baronet refuse to listen to their warning voices, and blindly persevere in his mistaken career, until at length the fatal result so long predicted actually arrived, and which, he was afraid, did not verify the assertion made by his noble Friend last night, that they would “refuse to clamour what they had denied to justice.” The right hon. Baronet in 1825 and 1827, made use of very much the same language as at present in speaking of the danger of the Association in Ireland, of the danger to the Established Church, of the impossibility of placing confidence in giving political power to the Roman Catholics. And why was it that he at last consented to give them power? Was it because the Association had been less urgent in its demands, or less menacing in its attitude? Was it because the Church was in less danger? No; the reasons were those stated by the right hon. Baronet himself, that the means of further carrying on the struggle had altogether failed him. With this experience, with this reason, with this dearly-purchased experience before them, would they again commit the same mistake? Should they once more

commit themselves to a system of Government to which the great body of the Irish people and the Irish representatives were, and would be, the determined opponents? Would the Imperial Parliament once more commit itself in a struggle of that kind? Was the right hon. Baronet now prepared to face those self-same dangers which in the year 1829 he most wisely shrunk from encountering; or would he again come down to the House and advise us to retrace our steps? Having denied what was asked in justice, would he tell us to give it up to clamour, when the power opposed to them no longer thanks you for the concession, but boldly tells you you dare not refuse it? He asked the House, whether they were prepared to risk the peace of the country, the existence of the empire, upon so desperate a chance as this? Would they embark in this career? If not, he said, let them lose no time in adopting those measures of conciliation which the present circumstances require, and which experience told them could not be permanently resisted. They had already, fatally in his opinion, lost the best and the wisest occasion for conceding with grace. They had unhappily been prevented from giving to Ireland the same privileges that had been extended to England and Scotland, at a time when it would have been considered no triumph of party, at a time when it would have been accepted by the Irish people as a free and voluntary gift on the part of the Imperial Legislature. Already, if he was not greatly mistaken, the effect of the boon, even though granted upon the instant, would be infinitely less than if it had been yielded in the last Session of Parliament. With all their experience, then, of the fatal effects of delay, would they again be guilty of the error of postponement, and throw away, perhaps for ever, the only chance of accomplishing a satisfactory adjustment of the differences unhappily existing in Ireland.

Sir *Frederick Pollock* had never addressed the House on this important question, and he trusted he should be excused if he stated, as shortly as he could, the grounds upon which he meant to vote for the motion of his noble Friend, the Member for South Lancashire. Upon the measure before the House, he sincerely entertained that alarm at which the noble Lord who had spoken last seemed disposed to sneer. He believed that the Corporations proposed to be granted to Ireland,

would have a tendency to degrade religion, and he thought it much safer for the Protestant Church that the amendment of his noble Friend should be agreed to, than that the Bill should pass into a law in its present state. An hon. Member (he believed the Member for Limerick) had stated, that the only arguments which had been adduced from the Opposition side of the House were, that Municipal Corporations were not necessary, and might be in Ireland mischievous. But even those were sufficient to justify the rejection of this Bill. What had been the experience of the necessity felt in this country for Municipal Corporations? The House would remember, that by the English Municipal Act, power was granted to his Majesty to give Corporations to towns on the petition of the inhabitants, and yet so little necessity for Corporations was thought to exist, by the parties most interested, that there had not been a single such application for charters since the passing of the Act. With regard to Ireland, he contended it to be obvious, that where an exclusive system had been adopted on one side, the probability was, that an exclusive system would be adopted by the other side, and thus religious differences and disputes would be exasperated. His view of the question might be expressed by quoting a single sentence from a letter addressed to the hon. and learned Member for Kilkenny, a few days ago, by the hon. Member for Dundalk, on another subject. The sentence was, "I will not pull down one monopoly to build another on its ruins." The noble Lord who had spoken last, had said that the argument with respect to danger to be apprehended to the Protestant Establishment from this measure had been newly raised this Session. Now, he thought that statement was not quite correct, for he well remembered the argument was raised last year by the noble Lord, the Member for North Lancashire. It had been said, that these corporations would become normal schools for peaceful agitation. From such peaceful agitation God defend the nation! He did not believe that Municipal Corporations were so much desired by the people of Ireland as hon. Gentlemen opposite wished to represent; and, he believed, that many of the large towns feared both the expense and the agitation which the introduction of those corporations would entail upon them. Should they ever be

introduced into that country, he believed it would turn out that their effect would be to create the very feeling which the noble Lord opposite so much deprecated, and to give that feeling a force which it never before possessed. The hon. and learned Member for Kilkenny had proclaimed, like the eminent philosopher and mathematician Archimedes, *δὲς που στήναι καὶ τῆς γῆς κινήσω*; the *που στήναι* was to be the institution of Municipal Corporations as schools of agitation, and with these he was to shake the foundations of the Church which the Association had avowed it would destroy. He had the greatest respect for the people of Ireland, and he must protest against the doctrine, that because some hon. Gentlemen objected to the establishment of Municipal Corporations on the plan proposed by other hon. Gentlemen, that therefore any insult or disrespect was intended or offered to the Irish people. All that his noble Friend had proposed was, that the towns of Ireland should be governed in the same way as Lambeth, or Westminster, or Marylebone, or Manchester, or Birmingham was, and that could be no insult to the Irish people since it was already the case on this side of the channel. Whatever advantages hon. Gentlemen might anticipate from the proposed new corporations, he hoped the providence of God would protect them from ever coming to that point, when they might be compelled to think whether even those advantages had not been purchased at too dear a price.

Mr. Roebuck: I am happy to rise after some hon. Gentlemen who have spoken more immediately to the question before the House. There is something very difficult to grapple with in the sort of arguments which were yesterday used, which were drawn from isolated cases, not with reference to the general question of Municipal Corporations for Ireland, but regarding only certain proceedings respecting Mr. Cassidy or Mr. Fogarty. I believe that we have here met to determine whether the population of Ireland should have a municipal system for the government of their own internal affairs, without rendering it necessary to dwell on the proceedings of certain Orange Lodges, or on the registration of Sligo, or any petty grievance as to the executive Government in Ireland. Supposing that the Executive Government of Ireland is unworthy of the confidence of the House, i

that an argument, or would it operate as a sufficient reason with the Representatives of England and Scotland to refuse to the people of Ireland the means of obtaining a system of self-government which is found so efficient in its operation in England and Scotland? My object, at present, is to state as briefly and clearly as I am able the grounds of my assent to the second reading of this Bill, and, if possible, to answer some of the objections which I have heard urged to the policy as well as justice of the measure contemplated by his Majesty's Government. It has been admitted by the right hon. Gentleman, the Member for Tamworth, that there is a strong *prima facie* case in favour of this Bill, and he has acknowledged that on those who oppose it devolves the necessity of proving, by special reasons and peculiar circumstances, the wisdom of denying to the Irish people those rights which by this Bill we seek to confer on them; and my immediate purpose is to show how feeble to this end are the circumstances stated by the right hon. Gentleman, how inconclusive is the argumentation by which he has attempted to support his proposition. Before I proceed, however, to this attempt at refutation, it is necessary for me to learn why it is that the right hon. Baronet thinks that there is a *prima facie* case in favour of the measure by which we propose to confer municipal rights on the people of Ireland. It seems, as far as I am able to ascertain the opinion of the right hon. Baronet, that he believes, that as Ireland and England are now one nation, and under one government, and as we have seen reason to give to the people of England municipal governments, that there is a presumption at once in favour of extending the same measure to Ireland. I desire, however, to go one step farther into this inquiry. I wish to know, why it is thought necessary to confer these rights on the people of England, for when we have clearly ascertained the nature of the necessity for creating municipalities in England, we shall be better prepared to determine whether there be any difference in the two cases of England and Ireland, and whether the necessity which is so potent in our case exists in Ireland, and whether there be anything in the peculiar condition of the latter country to counter-balance the need which is found to be similar in both countries. Now, I suppose it will be allowed that the principle on

which we granted municipal governments to England was this, viz., all communities of men in towns have, from the very fact of their neighbourhood and society, certain interests and concerns peculiarly their own—interests which they have special reason to watch over with care, and to guard and forward with prudence and assiduity. While these societies have these peculiar or local interests, they have also general interests—that is, interests which are general to the greater community of the nation. Now, here in England, we have determined, that while the general government watches over the more wide or general interests of all, the neighbourhoods which have local interests shall watch over and protect these more narrow and peculiar matters of concern. Just in the same manner we have also determined, that each individual has matters and interests peculiar to himself and family, which are left to his own individual government. Thus, then, in England and Scotland, we have divided every man's interests into three separate classes—personal or individual; local; or those of his peculiar neighbourhood; and thirdly, general or national. The first set are under his own immediate and singular control; the second he governs in conjunction with his neighbours; the third he superintends in common with the whole nation. Such is the view we have taken with regard to the people of England and Scotland, and such, at first sight, every one must allow we should naturally take with regard to the people of Ireland. In Ireland, as in England, every man has personal, has local, has national interests; and at the first glance, we should be inclined to believe that we should in Ireland, as we have already done in England—establish personal, local, and national rights. In Ireland (confining myself to the second class, viz., local or municipal rights) it is undeniable that there are precisely the same circumstances of a local nature which have in England induced us to grant municipal rights to the localities in which these peculiar neighbourhood interests exist. No one who has the slightest knowledge of the circumstances out of which municipal government has arisen will deny this. The necessity is inherent; it arises the moment men associate; and the matter we have to discuss is this: why we should travel out of the ordinary path of government in the case

of Ireland. Why depart from a rule in their case, which long experience has taught us to be the wisest one in the case of all other people, viz., to trust to every man the guardianship of his own concerns, because his interest in those concerns is closer and more potent than any other man's? The case of a neighbourhood is the same; and what, I ask, are those peculiar and remarkable circumstances which belong to Ireland, and would or ought to induce us to take the charge of local affairs out of the neighbourhood's power, and place it in some other and extraneous hands? We now come to the right hon. Baronet's reasons—or rather reason, for it is but one; and I beg the serious attention of the House, and the country, to the argument which he has adduced for this marked and extraordinary deviation from the common experience of mankind: "I believe," says the right hon. Gentleman, "the existence of Municipal Corporations, which admit all sects and denominations as members, to be fatal to the existence of the Irish Church. Irish Corporations have hitherto been exclusive and Protestant—if you allow them to be open to all, you will destroy the Protestant Establishment; and I therefore call upon the House of Commons, without further argument, to refuse to the Irish people municipal government." It is evident, that in England and Scotland we have found, that for the good government of the country, these municipal governments were needed—needed, be it remembered, in consequence of circumstances common to Great Britain, and to Ireland. Therefore, for the really good government of Ireland, the same machinery is requisite; but it seems there is something in Ireland of far more import than good government, and that thing thus exalted, above all that we have hitherto thought of paramount importance, is the existence of an exclusive monopoly corporation, called the Protestant Church Establishment of Ireland. Before I proceed, as I shall directly do, to inquire whether this establishment be really deserving of this exalted station—whether providing good government, in short, is not a far better thing than maintaining a set of domineering priests in idleness—before I do this, I would first inquire into the exact truth and value of the assertion of the right hon. Gentleman. The assertion of the right hon. Gentleman was, that the Municipal Corporations would prove

fatal to the Established Church. Now, what was and is intended by this statement? What is its precise signification? Does it mean what the words really import—that the religion of the Irish Established Church would be in danger; or that the Church, viz., the congregations, would come to harm in consequence of good municipal institutions? Suppose we take the first hypothesis—suppose we inquire into the assertion, that religion would be in danger. My first question is, why would it be in danger? Religion being in danger, in this case, I imagine to mean, that the Protestants would be likely to change their religion—and here, then, comes the inquiry, why they would be more likely to change their religion under good than under bad or indifferent institutions? I can find but one answer to this question—the clergy would be unpaid. The Corporations, it is said, would lead, in some way not specified, to the non-payment, in any shape, by the state of the Protestant clergy—and thereupon (thus I suppose the argument runs) the parsons cease to preach, and then the people cease to believe. Now, there are some strange things suggested by this train of reasoning. First, it is assumed that Protestant parsons will not preach without state pay. Next it is assumed, that Protestant congregations will lose their religion, if parsons not having state pay desert them: and thus religion is made dependent upon money, and nothing else. I feel a great difficulty in assenting to this statement. I thought that Protestants were accustomed to think their religion the true one; one which had, in its time, been opposed to a powerful state church, and had, in many parts of the world, by its own inherent truth, conquered its opponents; but here we see the professors of this religion, which is said to be based on the right of private judgment, and self-supporting truth, openly avowing that Protestantism will die out, if not fed like a pauper by the state. It should, moreover, be recollected, that the Catholic religion has, in Ireland, no state pay; it is, nevertheless, believed, that although wholly voluntary and unpaid, it will be too strong for Protestantism if they are both left to depend upon their own unaided strength and truth. This speaks not well for the faith of those who use the argument. They must have but a poor opinion of the force of the truth, or they

must believe that they ought to doubt their own faith. But it may be said, that I am not putting the right case—that it is not the religion of the congregations that is in danger, but the congregations themselves. The dread is not that the people are likely to lose their faith, but that they will lose their lives. Now, really, if this be intended, it is a great pity that it had not been plainly and openly said; and what is it that is said by this—why, that if you allow the large majority of the people of Ireland to regulate their own municipal affairs, the first thing they will proceed to effect is the murder of all the Protestants. Can any thing be so wild, so outrageous, so thoroughly contemptible, as such an argument; because you allow the Irish to regulate the lighting, watching, and paving, of their towns, to determine how the rubbish shall be carried away, how the pick-pockets shall be guarded against, and so on, the Catholics will incontinently proceed to cut the throats of the Protestants. Such and no other is the argument of the right hon. Gentleman, if this hypothesis be the correct one. But no, it may be said that you have again misconceived the argument. What is meant by the Church being in danger, is, that parsons will not be paid—the Church Establishment will be in no danger. Again I say, if this be the real meaning of the argument, it is a great pity that it was not openly and precisely stated, for there is much undesirable confusion and ambiguity created by this species of talk. When you cry out “the Church is in danger,” the minds of the people turn to the religion of the people, they fancy that their religion is in danger—and, as religion is held in high estimation, the alarm at such a portentous cry is proportionate to the interest felt. But it seems it is not the religion, but the private, and personal, and pecuniary interest of the parsons of the state Church. I may here be permitted to remark that the Church, in this sense, is just in as great danger as it can be—a danger not to be increased by any change in the Municipal Corporations of Ireland. The majority of the people at this moment object to pay the state Church parsons, from whom they derive no spiritual benefit. The question is wholly unconnected with, and independent of, the question of Municipal Government: deny or grant the reform in the

Corporations, the question respecting the State Church must again recur, and must be settled. I do in this manner, you do not reveal the face of the State Church Establishment, by anything you do in the present matter. The face of the compulsory principle is really veiled, the door of inward payments is sealed. On what you will—must, must, twist the wheel of the people in this matter as much as you may—the great question of religious freedom will haunt you night and day. In England, in Ireland, in Scotland, the same question is mooted, and your party opposition in the present Bill, will in no way influence the line of this important subject. It may be thought shrewd policy to bind the two questions together; but to me it appears that a more frank course, for the very interests which you seek to defend, could not have been suggested. You have plainly told the Irish people that the existence of the State Church Establishment is incompatible with good Government; and you bring this question at once, in all its nakedness, before the people. We have settled, say you, that what you believe requisite for good Government, and that which we call the Irish Church, cannot exist together. You must determine, therefore, which you will choose. Will you have all the advantages to be derived from municipal institutions—advantages which we allow to be derived from them in England—for the supposed benefits conferred on you by the Irish Church Establishment. We know that you are already inimical to this Establishment—we know that you aver that it has ever stood in the way of peace and good government in Ireland—and we here again, in spite of your preconceived feelings, call upon you to remain quiet and submit to this outrageous insult—to this great and extraordinary injury, because you are to be blessed by the existence of a corporation of priests, to which you have so often manifested an unconquerable disgust. Oh, Sir, this is wise policy!—this is excellent statesmanship!—and be it remembered that it has received the sanction of the right hon. Gentleman, the Member for Tamworth. The truth upon this matter has at length been openly told to the Irish people; and the Tory party—and the right hon. Gentleman—in England, is now allied to the bigot Orangeman of Ireland. There is to be, there can be, no further disguise in

the matter. The people of Ireland now know that from the right hon. Gentleman they need expect no hope of peace; and they must bear steadily in mind that persecution will follow his dominion in Ireland. He has thrown off the mask. He is a mere tool of the Orange party. He shows as they show; and to obtain their support, he is now fast sworn to uphold it in his rampant prodigality of mischief, the Irish Church Establishment of Ireland. It may, however, be worth the trouble of inquiring in what way the Establishment of municipal rights will lead to the destruction, as it is called, of the State Church of Ireland. Do hon. and right hon. Gentlemen really know what are the rights we seek to confer by this Bill? and have they ever asked themselves seriously this question—in what way can these rights do mischief? I should, for my own part, feel especially obliged to any one who will point out to me, in what the power of appointing constables, the power of regulating the paving and lighting these towns, of conveying water to the houses, and maintaining peace in the streets, is to affect the stability of the archbishops, bishops, priests, deacons, &c., of the Irish Established Church. If we confine ourselves to vague generalities, we may terrify and confuse both ourselves and others. But when we reduce the question to a specific state—when we know what are the powers to be granted—when we know the business and end of Municipal Government—we shall quickly see through, and properly appreciate, the value of all this pompous and inane declamation respecting the dangers of the Church. Party men may blind themselves by this wild jargon; but the world will soon condemn them and their talk. I cannot leave this part of the question without congratulating the right hon. Baronet, the Member for Camberland, upon the part he has played in this great matter. Some men, it is said, like mischief for mischief's sake; but he, I am sure, is far too devout to desire, and far too shrewd to be content with, mere mischief as his sole reward. Yet am I puzzled to discover what other object he could possibly have in view, when he conceived his argumentation in opposition to the present measure, and successfully contrived to add another element of discord to the already too turbulent compound of Irish politics. The right hon. Member

for Tamworth contented himself with stirring up to the utmost of his ability religious strife in Ireland. The right hon. Member for Cumberland endeavours, according to the measure of his ability, to set the poor in hostility to the rich. The one Gentleman made the question depend upon sectarian difference; the other on the distinction between rich and poor. Ireland cannot have a good Government, says one, because the majority are Catholics. Ireland cannot have a good Government, says the other, because the Catholics are poor. One bands the Protestant against the Catholic—the other incites the poor against the rich. Had any one not Conservative done this, how soon would the destructive qualities of these arguments been displayed to this House. In the one case, we should have been shown to be the enemies of religion—in the other, we should have been proved hostile to property; and loud and vehement would have been the denunciations poured out against us for disturbing, by such wild and dangerous doctrines, the peace of that much-injured people. For just in the same way that the right hon. Member for Tamworth has endeavoured to show that good government and the Protestant religion, cannot co-exist in Ireland; so does the right hon. Member for Cumberland seek to prove, that property and good Government must also be sworn enemies. I cannot but admire the benignant inspiration in obedience to which they both have laboured on this memorable occasion. There is one argument on this subject, however, which deserves some consideration. It runs through the speeches of most of those who oppose the present measure, is constantly influencing opinions, though it is never very definitely or distinctly stated. It is thought, that as the community is divided into two separate, and, to a certain extent, hostile, religious sects, the one party will always seek to oppress the other. The majority of the people being Catholics, the moment that you give power to the community generally, you in reality give it to the Catholics; and as the rule has hitherto been for the party in power to persecute, it is believed that now that the Catholics are about to have power, it is about to be the turn of the Protestants to suffer what they have so long inflicted, viz., persecution. And hereupon a great outcry is raised by those who side exclusively with

the hitherto persecuting Protestants, and a proposal is brought forward, now that the Protestants can no longer maintain their former supremacy, to take power from both parties; and give up for ever after the pleasures of persecution. The case then stands thus; hitherto the minority have been in power, and have persecuted the majority; it is now proposed to give power to the majority, and our opponents immediately conclude that the majority will now persecute the minority. We should remember, in the first place, that this objection, if admitted, is fatal to all representative Government. Somebody must govern, and the real question at issue in all such cases is, whether the majority or minority shall govern. Hitherto, in Ireland, the minority have governed, and they have persecuted; we now seek to give the power of governing their local affairs to the people at large, and I see no reason to anticipate any persecution on the part of the majority. It should always be borne in mind, that the position of a minority and majority are essentially different. The mere necessity of self-defence, the desire for gain, all induce tyranny on the part of a few possessed of power. Now the interests of the majority, for the most part, coincide with the interests of the community, and, being the larger number, fear does not drive them to harsh conduct. But let us inquire how the majority can persecute in this case. You say they will persecute, because they are Catholics—that they will persecute the Protestants. Now, I ask in what manner? Have hon. Gentlemen inquired, what are the powers conferred by this Act on the city communities?—really and truly nothing beyond the power of cleansing the streets, paving them, lighting the town, and watching. And is it to be believed, that a corporation will leave rubbish before a man's door, because he is a Protestant; that, for the same reason, they will not pave the street before his house, and that they will tell the watchman not to watch it? And even suppose them to do all these things, how, I ask, is this to affect the Irish Church Establishment. Really, Sir, when this opposition is put upon anything like a definite ground, it necessarily appears so ludicrous and contemptible, that we are driven to believe that something more is intended than is openly stated. Seeing, then, that on none of the grounds stated

is the opposition, so fierce and steadfast as we see it, at all rational, can there be found any other more worthy of consideration—though kept in the back ground by the hon. Gentlemen opposite? Yes, Sir, there is such a reason—one not very creditable, indeed, not very honest—but one which everybody can understand. The intrinsic merits of the question have not been considered; the subject has been thought important as a matter of party warfare. There is no dread of persecution—there is no fear that these corporate bodies will or can attack the Irish Church; but it is believed that they will accustom the people to self-government; that the great masses will thus, by the protection afforded them, become more powerful; and that the oppression and insult which have so long been the favourite pleasure of the persecuting minority of Ireland will thus be entirely destroyed. The powers conferred are not the things dreaded; the immediate mischief to personal security or to property, which is so much talked of, is not, in fact, apprehended; but the habits that will be created among the people are indeed, viewed with intense and uncontrollable terror. We dread, says the peaceful Orangeman—he who has been a turbulent tyrant all his life—we dread the agitation that will be practised in these corporations. There is nothing like giving an ill name to a thing; this fashion of fallacy is as old as language. Let us, however, learn what is actually meant. What is meant is, that the people of the towns will now govern themselves; they will be accustomed to elect their own councillors; these will daily, before the eyes of their constituents, carry on the business of the neighbourhood; the people will watch them; will acquire daily and hourly the habits necessary for the due use of the representative machinery; they will daily get still further beyond the subjection to which they have hitherto been accustomed. In short, Sir, they will hourly become a more independent and better governed people. Hence this opposition—hence all this anger—hence all this base dissimulation, this whining hypocrisy concerning religion and Protestantism. Religion is not what they are anxious about, but power—power which they are about to lose, and which, up to the present day, the Government of this country has allowed them to employ to their own individual benefit and the

general ruin. In the hope of exciting the people of England to resist with them this desired reform, they have attempted to join their unholy interests to those of the religion of this country: they are now trying to play upon our credulity, and seek, by the aid of fanaticism and bigotry, to maintain their own mischievous dominion. But their day is over; their power is doomed to destruction; and spite of the assistance and pious endeavours of the hon. Gentlemen opposite, justice will be done to Ireland. Before I sit down I hope the House will permit me to call their attention, and more especially the attention of the right hon. Gentleman, the Member for Tamworth, to the end which the opponents of this Bill must have in view. If we deny this measure to Ireland, we must be prepared to govern that country upon principles entirely different from those by which the government of Great Britain is guided. Now, I am not going to ask if they be willing to do this. I would only ask the right hon. Gentleman if he can do it? Does he believe that a whole people, amounting to nearly seven millions of souls, are to be thwarted and insulted with impunity? Does he believe that at this period of man's history, and by the side of the most enlightened nation of the earth, principles and doctrines of government suited for the dominion of St. Petersburg can be carried into actual practice? Let me put the question plainly: Does he, does any one, believe that the system of Protestant supremacy can be continued in Ireland without civil war? Is he prepared upon any grounds stated by him, or that can be suggested by his friends, to risk a civil war in Ireland? If he be not prepared for this, his conduct appears without any defence. Party politics, I know, sanction many things; but in the estimation of all wise and virtuous men some further justification for this fearful hazard will be required than the acclamations and applauses of party adherents; some better reason will be demanded of him than the desire to bring under his banner the bigots of the Protestant party; some further excuse will be sought than the maintenance of Protestant supremacy! The world at large usually attributes to the right hon. Gentleman the quality of prudence. He has won this reputation by a regulated demeanour, by a somewhat precise, formal, and guarded manner of expressing his opinions. A

reputation of this description is, I allow, of great advantage, but it leads to a severe scrutiny of the conduct of these gentlemen of staid reputation and they are condemned when others might pass without much comment. We assume that the right hon. Gentleman always knows what he is doing—that he has weighed the consequences of his acts, and that he is prepared for them. Thus, in the present case, we assume that he sees the great dangers of his course—we suppose that when he has aided in denying this measure to Ireland, that he is prepared to govern her at the bayonet's point—that he is prepared to justify before the people the ruin, disaster, and bloodshed that will follow his hopeful project. We presume that he sees these things, that he acts upon reflection—and we judge him accordingly.

Mr. Shaw said, the hon. and learned Gentleman who had just sat down, having arrogated to himself the office of censor of the debates of that House, must surely have had the noble Lord, the Secretary of State for the Home Department, particularly in his eye, in the censure with which he commenced his speech, because it was admitted on all hands that the noble Lord had induced the digressions from the immediate subject of debate, of which the hon. Gentleman complained, and threw out a challenge to the opposition side of the House, which had been boldly accepted and fairly met by his hon. and learned Friend, the Member for Bandon. The noble Lord, aided and assisted by another noble Lord, the Secretary for Ireland, invited, provoked, and compelled a discussion on the general position of affairs in Ireland—he called upon his hon. and learned Friend to go into a justification of the resolutions, condemnatory of the whole course and policy of the Irish Government, which had been passed at the great Protestant meeting in Dublin; his hon. and learned Friend had, he apprehended, given a full answer, to the entire satisfaction of the House and the country, and to the great dissatisfaction and discomfiture, he had every reason to believe, of the noble Lord and his Colleagues in the Government. He was determined, however, not to deserve in this respect any portion of the censure of the hon. and learned Gentleman, and should therefore direct the few observations with which he thought it his duty to trouble the House immediately, to the

subject matter under consideration. The hon. and learned Member for Bath asked why they refused to the people of Ireland those municipal institutions which had already proved so useful to this country? First of all, no answer had yet been given to the speech of the hon. Member for Tynemouth (Mr. G. F. Young,) who denied that such institutions were useful to England, and they had just heard from his hon. and learned Friend, the Member for Huntingdon (Sir F. Pollock), a striking fact in corroboration of that opinion, that no town or borough in the kingdom had yet applied for municipal incorporation. But he would not be satisfied with this. He would meet the argument fairly and directly. He would admit, as the hon. Member for Bath stated, had been admitted the other night by his right hon. Friend, the Member for Tamworth, that, *prima facie*, they should have identity of legislation, and, if possible, extend the same principles of Government to Ireland as they applied to England. He fully agreed in all the abstract truths deduced from historical research and philosophical reasoning, with which both the speeches of the hon. and learned Member for Liskeard (Mr. Buller), and of the hon. Gentleman (Mr. Roebuck) abounded, and that was their sufficient answer—but after that frank concession, he came to the real point in debate, and he maintained that it was the part of a wise Legislature to legislate for every country not merely upon abstract principles, but to give due consideration and weight to the peculiar condition and existing circumstances of that country. The hon. and learned Gentleman asked why they would not allow to the people of Ireland the power of managing their own concerns. His answer to him was this—if by passing this Bill, they invested the Irish people with that nominal power, there was a higher power in Ireland that would not allow them really to manage their own concerns. The hon. and learned Gentleman asked, why, having given them national power, they should not also give them local power? His answer was, if local powers be given, they were plainly told those local powers would be abused to bad purposes—and they were told so by those who, avowing the disposition, had undoubtedly the means to verify their own predictions. The noble Lord, the Member for Northumberland (Lord Howick), said, that the

despot's rod, and found his right contested to be the independent representative of his own constituents. He, however, took the distinction without meaning it invidiously or offensively; he had no desire to perpetuate religious animosity; but for convenience, and in order to avoid circumlocution, he would designate the one party Protestant, and the other Roman Catholic. What, then, did the Protestant party say? They expressed their willingness to give up these corporations, the more ancient of which were established for the sake of preserving British connexion, and the more recent for the express purpose of strengthening and maintaining the Protestant religion. Seeing the change of circumstances—considering that the Roman Catholic Relief Bill had become law, and the Reform Bill had greatly altered the franchise—taking these things into account, and taking the view of rational men dealing with the altered and actual state of society, they were willing to surrender all exclusiveness—to give up the peculiar political influence belonging to those corporate bodies, but no more; they would not consent to have them transferred to a hostile interest. But the Roman Catholic party said—"No, a little while ago we should have been very glad if you, the Protestant party, had offered us the abolition of those corporations, but now we are grown too strong for that." He believed the very words used by the hon. and learned Member for Tipperary on a former occasion, when referring to this subject, were—"No, no; you have had your turn long enough, and we shall have ours now." What did those words mean? Why, this—"You, the Protestant party, have used these corporations for the purpose of upholding British connexion, and defending the Protestant Establishment in Ireland; it is now our turn, and we will use them for severing the one, and subverting the other." Such was the language of those two great parties; and what, let him ask now, was the conduct of the Government? Was it their desire to eradicate the evils complained of, or only to transplant them to a soil where they would flourish with greater luxuriance? Was their real object to grant to Ireland a measure required for strictly corporate uses; or merely to concede to a clamour, which they had not the strength to resist, a colourable pretext for establishing forty-seven political associations or debating societies throughout Ireland, under

the false pretence and fraudulent title of the ancient corporations of that country? The first clause, it was admitted, absolutely extinguished the ancient corporations. Let hon. Members look at the 62d clause, and say whether the *bonâ fide* intention of this measure could be to give sound municipal institutions; or whether it was not only a fraudulent pretext for some ulterior object. The 62d clause recited—"And whereas it may be expedient that the powers now vested in the trustees or commissioners appointed under sundry Acts of Parliament for paving, or lighting, or cleansing, or supplying with water, or improving certain boroughs or certain parts thereof, save and except as hereinafter mentioned," and that exception was most important, "should be transferred to, and vested in, the councils of such boroughs respectively. Be it enacted, that the trustees or commissioners appointed by virtue of any such Act of Parliament as last aforesaid, wherein the trustees or the persons whose trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing all the powers vested in them as such trustees," &c. That recital proved this fact, that all those municipal functions at the present moment in all important towns in Ireland, with the exception of Dublin, to which he would immediately allude, were actually discharged by boards and commissioners; and the clause empowered them, "if it should seem to them expedient," to make over those functions; but Government did not make them over; and then what was the exception? "Provided always that nothing herein contained shall extend to enable the commissioners for paving, cleansing, and lighting the streets of Dublin, or the commissioners for making wide and convenient streets in the city of Dublin, or the corporation for improving the port and harbour of Dublin, so to transfer the powers vested in them respectively." So that the Government, suspicious of their own measure, seeing its total inapplicability to Ireland, were afraid of applying it to Dublin; they reserved all the functions performed, as they were by boards and commissioners, with but a few exceptions, throughout other parts of Ireland, in case the boards or commissioners thought fit; but absolutely and without any option to the commissioners in the case of Dublin, beyond all

comparison the most important corporation—the corporation of Dublin having three times the corporate property, and a population greatly exceeding the whole possessed by thirty-six out of the forty-seven towns proposed to be incorporated by the Bill. And besides, what did their commissioners say upon the subject? At p. 92 of their report, they stated this—“In fact, the present establishment of the Paving Board is adequate, with the addition of a few clerks, to regulate the affairs of all the local taxes of Dublin.” What was the opinion of a body which he could not but think must have exercised a very important influence in this matter—“The Central Independent Club,” or “National Association” under a different name? At a meeting held at the Royal-Exchange on the 13th of February, 1836, “to secure the independence of the city of Dublin in reference to Corporate Reform,” how did they explain their notion of the great utility of the proposed Corporate Reform? In these words—“By this means the club will be able to wield such a corporate constituency as to secure the wards, the common-council, the board of aldermen, and every other office of dignity and influence.” What, in the next instance, was the opinion of the hon. and learned Member for Kilkenny? It was shortly this—“The first thing,” said he, in his sworn evidence before the commissioners, and I read from the notes of the short-hand writer, “which a reformed corporation should do, would be to build a common-hall; there is no place now where the public business can be adequately transacted,” and that, although there was at present a hall capable of accommodating at least 300—capacious enough certainly for all practical purposes; but the real object of the hon. and learned Gentleman was, to have a large debating society established there—a legalised arena for political agitation. What said Schedule C? It contained the names of thirty-six boroughs which were to have Municipal Corporations. The entire population of these thirty-six boroughs was but 225,147—40,169 less than the population of Dublin alone. Thirteen of the thirty-six boroughs had no corporate property at all, while the property of the whole amounted to only 13,097*l.* 2*s.* 1*d.* Could the *bonâ fide* object of Government then be to give corporate institutions to those towns? Would it tend to promote their peace,

tranquillity, and good government, to subject them to yearly elections, perpetual collections of borough rates, everlasting canvassing, daily recurring exhibitions of party triumph, and the eternal bitterness of religious animosity. Could such a scheme really and seriously for a moment be defended as a means of tranquillizing Ireland? Was this the panacea for all the evils of Ireland, the remedy for all her wrongs? The means whereby to supply her many and urgent wants? The same virtues were ascribed to the appropriation clause of last year, and where was it now? There were upwards of 2,000,000 of the population on the borders of starvation in that country, and would the granting of municipal corporations to 200,000 feed the hungry or relieve the destitute? What, then, was the real object? He would state it on the authority of the real promoters of the Bill. He was sorry to be obliged to refer to the speeches and letters of the hon. and learned Member for Kilkenny; and he could assure the House it was without the smallest personal consideration or motive in respect to that hon. and learned Gentleman that he did so. But if they had a right to refer to the King's speeches in order to ascertain the sentiments of his Majesty's Ministers, those who maintained, as he (Mr. Shaw) did, that the hon. and learned Gentleman was dictator of the King's Ministers, surely had a right to read his authentic writings and speeches in order to learn what their real sentiments and designs were upon this subject. The hon. and learned Gentleman complained of the irrelevancy of the quotations which were made from his speeches five or six years back; that was an unreasonably long time to expect the hon. and learned Gentleman to be consistent; but that observation could not apply to the document he was now about to quote, and he heartily wished that the hon. Member for Shaftesbury, who expressed last night such a horror of the instalment principle, had been present in his place to listen to it. On the 28th September last, in a letter addressed to his constituents, the hon. and learned Member for Kilkenny says this:—“You are well aware that the governing rule of my political conduct has been to obtain for Ireland as much as I possibly could—to get entire justice for her if I can; but if not to realize as much as possible. In other words, there is a

national debt of justice due to Ireland—I look for the payment of the whole, and will never be satisfied until that whole is discharged in full: but in the meantime, I will take any instalment, however small, at any time, when to get more is out of my power, and then go on for the balance.” They were told that the National Association had arisen out of a denial of corporate reform, a denial of justice to Ireland. That was the greatest possible mistake. Corporate reform never would have agitated the people of that country if it had not been mixed up with other more exciting subjects—the abolition of tithes, the destruction of the church, and the real, though partially concealed one of the repeal of the Union. The very same letter bore authentic testimony upon this point. “This is precisely the principle (continued the hon. and learned Gentleman) I have acted upon with respect to the tithe system in Ireland. My opinion is, that tithes ought to be totally abolished, and that ultimately nothing less than the abolition of the entire will or ought to satisfy the Irish people. I may be mistaken, but these are my deliberate and fixed opinions. I heartily supported the ministry of Lord Melbourne in their measure of tithe relief, not as giving all I wanted for the people of Ireland, but as giving us a part, and establishing an appropriation principle which would necessarily produce much more.” Alas! the poor, extinct, discarded, ill-used appropriation principle!—The hon. and learned Gentleman then condescended to touch upon the question of corporate reform, and what was his language upon that topic? He insisted upon his instalment principle here also. He said, “I supported the government plan of Irish municipal reform throughout, not that I approved of it in all its details, but as an instalment, and an instalment for what?” This bill was never found fault with as not going far enough in corporate reform. What then was it to be an instalment on account of? Why, clearly, the other measures mentioned in this same letter—and as in the letter quoted by his right hon. friend, Sir James Graham, the other night, in which the hon. and learned Gentleman said, ‘Give me corporate reform, and I’ll soon carry all the rest.’ Then the letter continues; and here we find the real cause of the change in the sheriffs’ clause from the bill of last year, in the written instructions of

the dictator of the present measure.—“I cannot, however, again support such a bill as we sent to the Lords last session, because that bill took from the reformed corporations the power to nominate to the crown the persons fit to be sheriffs. The bill, as brought into the House of Commons, was not so; it contained that power, and I, for one, will not support any bill in future which does not contain that clause.” He maintained if other more exciting subjects had not been mixed up with this question, there would have been no call for corporate reform at all in Ireland. He knew it to be a fact; as a measure of relief it had never been thought of; but, associated as it had been, with other more agitating matters, it reminded him of the old story of the Irishman who, on being asked what he would have to drink, replied, “He did not care if it were only intoxicating.” It was necessary to mix the question up with other more agitating and exciting subjects—and what said the hon. and learned Gentleman next? for this perhaps was the most extraordinary and important portion of the letter, considering the offer of abolition made on his side, and the extravagant and absurd use made of our not consenting to the creation of new corporations—hear the hon. and learned Gentleman himself on this point, he says, “If Lord Lyndhurst had contented himself with leaving the people of Ireland uninsulted, and had shortened the Corporate Reform Bill to the mere extinction of the present corporations, I would have voted for the Bill in this shape.”—Where, then, was all the insult and all the national degradation? What, after all, did Lord Lyndhurst say in the warmth of debate, and said, as he had since over and over again explained, without meaning anything offensive to the Irish people? But, above all, what was it to the language which the hon. and learned Gentleman had used a thousand times respecting the people of England generally? And still more—how can the mere expressions or words of Lord Lyndhurst, or any other individual, alter the intrinsic merits of a question?—and so it seems this unpardonable insult—this outrage which nothing but blood can wipe out, the hon. and learned Gentleman himself was ready to be a party to. What said the hon. and learned Gentleman on another topic in the same letter, the repeal of the Union?

"For this purpose it is, in the first place, necessary that we should not for one moment lose sight of this important fact, that we repealers are at present engaged in an experiment. We have not abandoned the repeal, we have only postponed all agitation on that subject to give time, space, and opportunity to work out our great experiment. Two questions on this subject naturally present themselves:—The first is, how long the experiment is to last? The second is, whether it is likely to be successful?" And let the House listen to the hon. and learned Gentleman's answer to the second question:—"To the second question my answer is distinct and emphatic. I am convinced of the utter impossibility of obtaining justice for Ireland from any other than an Irish parliament." Then they were told that the National Association "was the spawn of their own wrong," and that it was in consequence of their refusal of Municipal Corporations to Ireland that it had assumed such an attitude of menacing defiance. Upon this subject he had also a good authority to quote to the House. A meeting took place on the 29th of January, in one of the country parts of Ireland, where a gentleman appeared who had been commissioned by the hon. and learned Gentleman himself to act in the character of a pacificator, and let hon. Members pay particular attention to his language and the resolutions which were there passed. The first resolution was:—"That we express our anxious wish that every liberal Member will support such measures as may shorten the duration of Parliament, extend the suffrage of the people, and facilitate the adoption of the vote by ballot." Then followed this other—"That we place entire reliance on the General Association of Ireland—that we will support their views, and pay respect to their advice, and that we will proceed with the collection of the justice-rent throughout this parish on next Sunday, Feb. 3." Now, what were the objects of that Association, on what was it founded, and how had it worked, always bearing in mind that we are told it was caused by the refusal of this Bill, and that corporate reform is its first and leading object? The subject of corporate reform was never so much as mentioned at that meeting. In the first place, the chairman introduced Mr. Marcus Costello, a barrister at law, and, he believed, a gentleman of his name

but, notwithstanding, who, though now a "pacificator," had broken the peace himself, and been punished for it. The chairman introduced him to the meeting as Counsellor Marcus Costello, the chosen pacificator of Mr. O'Connell, and the representative of the Association. Mr. Costello said, "I shall clearly explain to you the reasons why every man amongst you, did he but leave sixpence behind in his pocket, should become a member or associate of the great body I have the honour to represent." What were the objects of that body? First, with respect to Lord Mulgrave's government:—"In connexion with this nobleman's vigorous conduct, I must mention a fact not generally known—it was my friend, Mr. Purcell, who paid me my fee to prosecute the two policemen, Scott and Porter, for an assault. They assaulted the man for giving a pound to the justice-rent, and when my Lord Mulgrave became cognizant of all the facts, he dismissed them both. What was the result? Though it affected personally but a few, the circumstance fled like wildfire, and was rapidly diffused among the police; and depend on it they will be slow and cautious to meddle with you"—"with you"—observe the emphasis—"on any frivolous pretence. Under Lord Mulgrave's administration you can look confidently for justice and impartiality." That reminded him of a definition of impartiality given by the Rev. Mr. Tyrrell, a Roman Catholic priest, at the Carlow election the other day, who said, speaking of Lord Mulgrave, that "he administered his government without any improper partiality." Mr. Costello went on—"There is a great array of power and strength against us. They have power enough to send Lord Mulgrave away from us. These occurrences would again take place but for the strength and wisdom of the present association. The venerable Catholic hierarchy are members of it;"—aye, and as we learned from my hon. Friend, the Member for Belfast, 600 Roman Catholic priests to boot. Mr. Costello continues—"But we cannot proceed without the sinews of war, without money. If you but knew all the demands upon us; within the last six months we have expended upwards of 2,000*l*. Lawyers and attorneys are employed to watch and defend our victims. I do not say we employ them, we do nothing illegal; but somehow we have the knack of getting

the thing done. We have ingenuity enough." Now observe, they had been told that the sole object of the association was to obtain corporate reform, and that whenever that end had been gained it should be dissolved, but he (Mr. Shaw) entreated the attention of the House to what followed. Sometimes when the hon. and learned Gentleman (Mr. O'Connell) was away, the juniors were not so prudent, and the truth came out. Let us, then, hear, in the words of Mr. Costello, the delegated agent of the Association, its true and real object. Mr. Costello proceeded, "I venture to prophecy in twelve months we will break the necks of the parsons—we will do more, we will take care that Ireland be represented by impartial, honest, independent men, if the clergy act as they have heretofore done." This gentleman, then, having stated that the Roman Catholic hierarchy had become members of the Association, and it appearing that the four Roman Catholic archbishops were among the number, he would, for the purpose of testing the value of this cry about corporate reform, and also learning the real notions of the most influential members of that Association, refer to the opinions of certainly one of the most distinguished for talent amongst the prelates of the Roman Catholic Church in Ireland. He held in his hand a letter from the Roman Catholic Archbishop of Tuam, Dr. M'Hale, in which the following passage occurred. The Association had been established, it was said, solely with reference to corporate reform; but what did Dr. M'Hale say? He had received a letter requesting him to interest the clergy in the Association, and he answers thus:—"I hope there is no clergyman in this diocese who will not contribute to that fund. I trust, too, that there is not an individual in Ireland, however humble, who will not shortly give his offering into the national treasury." Observe the name the Roman Catholic Archbishop baptizes the society with. "The triumph that crowned the Catholic ought to be a lesson to guide the General Association." "The tithes shall be extinguished for ever." "It is from the creation of that establishment the poor of Ireland may date the epoch of their being outlawed from the common privileges of humanity; they can never hope to be effectually restored until the Legislature issue the decree of its fiscal annihilation, after which little will be heard of

polemical acrimony." He was sorry to trouble the House further, but he must call their attention to another document—a letter from the hon. and learned Member for Kilkenny himself—a letter written the other day to the Association, in consequence of a motion he had made in that House. And what did the hon. and learned Member say? "I have not as yet received any petition for presentation, although many were signed and ready when I left Dublin. It is important that the petitions for the ballot should arrive as soon as possible, and as numerous signed as may be. Petitions for the total abolition of tithes, a speedy reform of the Irish Corporations, and vote by ballot, according to the directions contained in the printed instructions," were also required. What, then, was the nature of that Association? And was not this corporate reform made a mere stalking horse for its ultimate designs? He held in his hand a copy of the Act of Parliament which suppressed the Roman Catholic Association—and he maintained that the National Association, as stated by Doctor M'Hale, was nothing more nor less than a revival of the old Catholic Association. Supposing that opinion to be right, why, he might be asked, not try the question by law? He was not giving an opinion that the Government should put it down; but suppose the noble Lord were advised that the inquiry should be instituted whether that body was contrary to the law, who would be the first person to whom he would apply for advice? Why, the very confidential adviser of that association, who nursed it in its infancy, who by his zeal and assiduity reared it to its present strength and power, and had been publicly thanked for having done so. Could the noble Lord in common sense and reason, or without an outrage on both, appeal to Mr. Pigott whether his Majesty's Government were bound to put down the Association? Or, supposing they were to try the question by issuing a warrant, arresting some one of its members, and put it into the hands of Mr. Laurence Cruise Smith, whom Government had lately appointed a stipendiary magistrate, who had over and over again occupied the chair of that Association, and was one of the most noted agitators in Ireland—would the cause of justice, in such a case, have the smallest chance of success? and yet under these circumstances we were disdainfully

that they would not, if they could, be gay?" Then that important body of the Irish people, who in an immense proportion represented the rank, the wealth, the intelligence, and the independence of that country, were designated by the noble Lord as a miserable monopolising minority. Was the Marquess of Downshire, who long supported the Whigs, and was the consistent friend of Roman Catholic Emancipation, a miserable monopoliser? Was the head of the Hutchinson family—a family who for half a century had been the zealous and untiring advocates of popular rights, and the relief from Roman Catholic disabilities—was Lord Crofton, and many others whom it would be too tedious to mention—but though last, not least, he could not pass over Mr. Naper, the chosen Commissioner of the present Government—almost the only independent Gentleman who visited the Irish court—was he, too, a miserable monopoliser—driven, not till the last moment, to subscribe to the resolutions which had provoked the present discussion, because, as he himself so well expressed it, he saw the Irish Government in that condition of miserable weakness and dependency, that they were at the same time "ashamed to destroy, and afraid to defend," the rights and properties of the Protestants of Ireland? He could wish plainly to tell the House, and the country, what it was this "miserable monopolising minority" asked, and what now it was they refused? They asked, they desired, nothing but equality, equal justice, impartial administration of the law, security for their persons, for their properties, for their liberties, and their religion; they offered to surrender all monopolies, all exclusiveness, all peculiar political influence; but they entreated you not to transfer these to their opponents; they desired no superiority, no ascendancy, nor to inflict on their opponents any civil inequality; but their Protestant Church Establishment they would cling to with all tenacity; they would support it with the last farthing of their property; they held their lives cheap in comparison with it; they knew that there would be no safety to either their properties or their lives without it. Ay, and they knew, too, that it was the best security, even for the rights and liberties of their Roman Catholic fellow subjects. If the vote could be taken that night upon the question, whether or not the present

Bill was calculated to destroy that Church, a large majority would affirm that proposition; he would employ the hon. and learned Member for Shaftesbury to draw the pleading, and take care there was no false or immaterial issue; but let him bring out at once the plain, straightforward honest question—does this Bill, or does it not, tend to the subversion of the Protestant Church in Ireland? As it was, he knew there would be a large majority against his side of the House; some of his own hon. Friends would not vote to abolish the old corporations; many were lukewarm on the subject, and many on the other side would vote from a secret conviction, that the Bill was a blow aimed at the Irish Church; others, from an honourable desire to support the Ministry; for, disguise it as they would, depend upon it, the vote that night would neither be one on the Church question, nor yet given because a Bill of corporate reform is vital to the peace and tranquillity of Ireland, but because the same use had been made of this question, which last year was made of the appropriation clause—it had ingeniously been made vital to the existence of the Ministry. Many, from an honourable and amiable motive would, therefore, vote with them. Some, who liked their persons, but not their measures, and others, who favoured their measures, but not themselves, would feel in honour bound not to desert them in their distress. He knew not whether the noble Lord had felt, or ever would feel, the pain, but he certainly might discern, in that debate, the symptoms of a mortal disease in the Ministry with which he was connected. It might be a question of time, a little more or less, but he was persuaded, notwithstanding the opinion of the noble Lord to the contrary, that the people of England would consider this a religious question—would be surprised at the noble Lord and his Colleagues adopting the views of the hon. Members for Liskeard and Bath on that subject; and that the Protestants of Ireland would not, in their extremity, appeal in vain to the religious and generous sympathies of their brethren in England and in Scotland. The people of this country were, as it had been truly observed in the debate, slow to move—they resolved not quick, but once resolved, they were very strong. The noble Lord might be assured, that whatever was the vote of the House that night, the minds

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there was also sufficient ground for the appointment of a Committee to investigate the whole transaction. There were other allegations in the petition, which showed that the affair had but too much the character of a bubble company; for it was stated that there were other persons of gambling habits, and no property, who appeared on the list as subscribers to the extent of 300,000*l.*, in addition to the 224,900*l.* already alluded to. These were fictitious names, or the names of persons who had not paid, and who were not able to pay, any deposit, and who had no interest whatever in the undertaking. He had mentioned yesterday that those petitions involved the names of some hon. Members of that House, in the transactions to which they referred; not that any direct charge was brought forward, but only that there appeared on the list of the provisional committee the names of certain Members of that House. The names mentioned were those of Sir Andrew Leith Hay, and Mr. Hesketh Fleetwood. There was no charge against those Gentlemen beyond that of culpable negligence in allowing their names to be connected with a body, the character of which they had not sufficiently ascertained. He entreated the House to consider the consequences of hon. Members of that House allowing their names to appear on the list of directors of Companies, the respectability of which they had not sufficiently investigated. These were the gaudy flies which hid the barb by which the public were hooked and caught. He, therefore, entreated the House to grant him a Committee to investigate the whole matter, that hon. Members and the public might know the consequences which followed from allowing their names to be connected with such speculations. There were, he regretted to say, Gentlemen in that House, who did allow their names to be connected, with too much ease and unweariness, with companies like the present. Such companies as the one in question created distress with the subscribers, and when the period for the payment arrived, then the distress was felt, and the Bank was called upon to give relief, and they then made advances, which enlarged the currency; so that it was vain to say that, beyond the evil to individuals, those speculations were not pregnant with national evil. There were various other things in the petitions of a grave and serious

nature, but he believed that what he had already stated, would be sufficient to induce the House to institute an investigation into the whole transaction. When, therefore, he had presented the petitions, he should move that a Committee be appointed. His own opinion was, that it would be much better to have it referred to a Select Committee, restricted in number, and certainly not exceeding at the utmost, fifteen Gentlemen, who had weight with the House, instead of referring it to a larger Committee, where the numbers would be fluctuating. He did not intend to name the Committee to-day; and, indeed, under the circumstances of the case, he thought that the Government ought to take its nomination into their own hands; and he should therefore, now only move that a Select Committee be appointed, to whom these petitions should be referred.

The petitions having been read, Sir Andrew L. Hay observed, that during the last Session of Parliament, although his name might have appeared in connexion with some railway companies, he had not thought it his duty, nor found it his inclination, to vote either in favour of those Railway Bills with which he was connected, or against those to which he was opposed, nor should he have thought it necessary to address the House on the present occasion, had not his name been prominently brought forward as one of the directors of that company whose conduct was thought censurable by the hon. Member for Bridport. His name was last year on the list of directors of a company for forming a Gravesend Railway, but the Bill for that object was refused by the House, and then, without his knowledge, his name was transferred to the list of directors of this railway company, and he had certainly since that time not directed his name to be withdrawn from that list. At the same time, he must say, that he had not attended the meetings of the directors, he had not signed the deed of settlement, and he had never participated in any proceedings of the company. Having been connected in common with many other gentlemen of high respectability, with this company, he did not now come forward to shrink from the consequences of an act which he must admit was one involving a charge of considerable negligence on his part. The moment, however, he had ascertained that there was any doubt as to

the respectability of the proceedings of the company, he determined to withdraw his name from the direction, and although he did not believe that there was any single individual in the direction on whom the imputations thrown by the petitions could rest, he did not think it consistent with the duty he owed to others or to himself, to remain a single moment longer in connexion with the company after it had been affected by the slightest taint of fraud.

Mr. *Hesketh Fleetwood* should not have intruded himself upon the attention of the House, unless his name had been used in connexion with the circumstances stated in the petitions, and for his part he had no wish whatever to shrink from any proper responsibility which could attach itself to him for allowing his name to be placed upon the list of provisional directors. His name had been put down as a director of a railway between London and Ramsgate, and he had said, that if they attempted to carry the railway on to Dover, he would cease to be a member of the company, and he had stated that circumstance as a reason for his withdrawal to the secretary before those petitions were brought forward. But in saying this, he had no wish to free himself from any imputations which could fall on members for the commission of an act of negligence, namely, that when they saw a scheme that they considered likely to lead to national benefit and advantage, they lent it their countenance by permitting their names to be used as provisional directors. He had never attended any meeting of the board of directors, but he would state one point, in justice to the individuals connected with the railway, which he thought of consequence. He thought that this should be a fair Committee, and with that view he should have a very great pleasure in assenting to its formation, with this one point in reserve—that if any party had brought forward these petitions, in order to impede the progress of this Bill, then, supposing the parties implicated should be cleared from the charges brought against them, the House would kindly indulge them with further time, and not permit the Bill to be lost.

Sir *Edward Knatchbull* expressed his satisfaction that the hon. Member for Bridport had acceded to the suggestion which he had thrown out the day before, that Members whose characters were af-

fectured by the allegations in these petitions, might have it in their power to make any explanations which they thought it fit and right to offer. He assented entirely to the course of proceeding which the hon. Member for Bridport proposed to follow. There was one observation, however, which he wished to make; namely, that Gentlemen should be a little cautious how they lent their names to any projects of this description. He knew that there were many out of doors who were interested in this inquiry, and who were naturally interested that the investigation should be pursued; and he trusted the selection of the Committee would be such as would secure the confidence of the country. He would only say now that he earnestly hoped that this investigation would be productive of public good.

Mr. *Matthias Altwood* said, that in addition to those Gentlemen whose names appeared in the list of directors, there were many other individuals whose names were well known to the House, and who were quite as respectable and as incapable of acting improperly as any of the hon. Members who had addressed the House. He was satisfied that they would not shrink from the inquiry which the hon. Member for Bridport asked for, and on their part he courted the fullest investigation into these transactions.

Mr. *Gisborne* thought that the House should be careful in interfering with these matters before the right time, and that they ought to bring the case before the proper tribunals. He understood that a petition for leave to bring in a bill had been presented to a section of the Committee of 42, which had been appointed this session, and he considered that into all the allegations made by the hon. Member for Bridport, except one point, this section of the Committee would have a right to inquire. He doubted, therefore, whether it would be right to appoint a Committee to conduct an investigation which fell peculiarly within the scope of the duty which this section of the Committee of 42 had to perform. He had not the least desire to screen any of the parties, but at the same time he thought there was some danger of the House stepping beyond its functions, and the present was not the most convenient time for such a Committee to be appointed.

The *Chancellor of the Exchequer* differed from his hon. Friend who had last

spoken, because he thought that if they gave leave to bring bills before the House, and made themselves responsible for the character of the undertakings, they must, in defence of their own standing orders, appoint a select Committee, to inquire into the facts alleged in these petitions. If they remitted parties who had trusted to the vigilance of that House, to a court of law, and exposed them to delay and expense, they would be abdicating one of their most important functions and neglecting one of their most imperative duties. He would take this opportunity of stating further, that parties applying for bills to Parliament ought to be aware that the funds at the disposal of the Exchequer Loan Commissioners were almost entirely exhausted, and Parliament would do well to reflect before they renewed that fund, whether they would give encouragement to any fresh speculations. He should be sorry if it were thought that in making this declaration he wished to throw any distrust or discredit on these great national undertakings when in the hands of responsible persons, and when properly directed.

Lord Stanley quite agreed with his right hon. Friend in thinking that in a case which so materially affected the whole of their proceedings, it was impossible for the House to refer it to any other tribunal than one of their own. If the facts stated in the petition were true, this was one of the grossest frauds which had ever been attempted to be imposed upon the House. The statement which had been made to night must have the effect of warning hon. Members how they lent their names, their high and honourable names, to projects of which they knew nothing. He had invariably, upon all occasions, refused to lend his name as a director of a company of any sort or kind, and he was quite sure that if gentlemen would only give themselves the trouble of considering the expediency of not allowing their names to appear before the public as nominal directors, from which they could not afterwards shake off the responsibility, though they could, in truth, exercise no direction, they would see the absolute necessity of not yielding to any such solicitations. With regard to the tribunal before which these petitions should be sent, he was rather inclined to the opinion, that it should be referred to the standing orders Com-

mittee. A Sub-Committee of the 49 Members must go into the merits of this transaction; they must report on the whole facts, and therefore he thought it the most proper tribunal to which the case could be referred. At the same time, if the House entertained a different opinion, and thought that it should be referred to a select Committee, he would not object to that course.

Mr. Poulett Thomson was of opinion that the House was bound to institute a grave inquiry into the circumstances of this case. He should have been inclined entirely to agree with his hon. Friend in his motion for a select Committee, provided this case had occurred last year, because up to last year there was no other tribunal to which it could with propriety have been referred. At present it would be preferable to refer the case to the standing orders Committee than a select Committee. He did not wish in this, the first instance of the kind which had been brought before the House, to relieve the standing orders Committee of what he conceived to be their special duty.

Mr. Robert Palmer begged leave to suggest that considerable inconvenience would result from the course which the right hon. Gentleman proposed to follow. The present was a question of facts, and if the Sub-Committee were to enter into them, one of the Sub-Committees of the 42 would be shut up from going into the investigations which were now before them. At present there were not less than ten or twelve bills before each of these Sub-Committees every day, and it was likely that as the session advanced they would have more claims upon their time. He put it therefore whether, as a matter of convenience, it would not be better to agree to the motion of the hon. Member for Bridport.

Mr. Warburton said, that the hon. Gentleman who had just spoken had anticipated one of the objections which he was about to offer to the plan proposed by the right hon. Gentleman the President of the Board of Trade. If his advice were followed, it must materially interfere with the progress of business in this very busy session for private bills. Again, suppose the company withdrew their bill, as they had the power to do, this would stop all proceedings. What would the standing orders Committee do then? That was the second objection. He had

yet a third. It would be recollected that the parties who had subscribed their names to this petition were landowners upon the line; were they to go into this investigation before the standing orders Committee at their own expense? This was not a private but a public question, and he wished a select Committee to be appointed—first, because if these petitions were referred to the standing orders Committee, it would put a stop to the progress of private business; secondly, because it would be in the power of the parties to stop the proceeding by withdrawing their bill; and thirdly, because the expense of the inquiry ought to be borne, not by the parties but by the public.

Petitions to be referred to a select Committee.

MUNICIPAL CORPORATIONS (IRELAND)—COMMITTEE—ADJOURNED DEBATE—THIRD DAY.] The Order of the Day for resuming the debate on the *Municipal Corporations (Ireland) Bill* having been read,

Mr. Brotherton, being in possession of the House, would avail himself of the opportunity it afforded him of saying a few words merely in reference to the remark on which great stress had been laid by the hon. Gentlemen opposite, that Manchester had not manifested a desire to be constituted a corporate town. He thought he should be fully justified in saying that the fact was, that in all classes of inhabitants, and in every degree, it was the unanimous desire to obtain an improved system of local government, on the basis of corporations. The difficulty had been in making an arrangement which would prove satisfactory to the townships which constituted the town of Manchester. There had, however, been a meeting held, and a committee appointed to consider the subject; that committee had made a report, which he held in his hand, and with the leave of the House, he would read the concluding part of it. It was that—"In conclusion, your committee beg most respectfully, but earnestly, to impress upon their fellow-townsmen the importance of an early arrangement of this important subject, and they think that the present time is a most favourable opportunity for effecting it. The subject should not be viewed as a party question, but as one which should have the good of the community for its sole object, by the con-

stitution of a local government, which will sustain the acquirement, and be worthy of the character of the town. The interests of every part of the borough, which are one and the same to all intents and purposes, ought to be strengthened by consolidation, instead of being weakened as they now are by subdivisions and distinctions inimical to the general good." It was plain, therefore, that Manchester was desirous of having municipal government. He would not enter upon the general question, as he could not expect to interest the House by anything he could advance. He considered the subject was nearly exhausted, and he would only state his opinion, that having paid considerable attention to the debate, he had not heard one shadow of an argument on the other side, or any fact tending to prove, that Corporations would not be highly beneficial to Ireland. He had heard some alarm expressed with regard to the Church, that the Established Church of Ireland would be injured by Municipal Reform; but, for his own part, he thought he could give proof that he had no hostility to the Church, when he said he was thoroughly convinced the Church of Ireland would exist twice as long if Municipal Reform was granted as it would if it was withheld. Believing, then, that these corporations would be beneficial to Ireland, he should give his cordial support to the original motion.

Lord Clements said, the hon. and learned Sergeant opposite had particularly alluded to the exercise of the prerogative of mercy by the Lord-Lieutenant of Ireland; and if the hon. and learned Sergeant were able to prove his grave charge, and induce the House and the people of England to consider that the Lord-Lieutenant of Ireland had prostituted the power which was placed in his hands, he would go far to prove that the policy pursued by the Irish Government was the reverse of the most just, the most conciliatory, the most beneficial to the English connexion that had ever been pursued by any Lord-Lieutenant by whom Ireland was ever yet governed. He begged to read a letter which he had received from a gentleman in the county of Cavan—a gentleman as respectable and honourable as any of the hon. Gentlemen whom he saw opposite—a gentleman who was the brother-in-law of the Conservative Member for Cavan, and who had done as much

to promote the peace of the county of Cavan, the connexion between England and Ireland, and the happiness of the people, as any man in this House. He was not about to refer, like the hon. and learned Sergeant, to an anonymous authority. The gentleman to whom he alluded was Mr. Saunderson, of Castle Saunderson. His letter bore on the statement of the hon. and learned Sergeant that a person of the name of Patrick Maguire, who had been found guilty of having fired at the revenue officers, and whose sentence, which was transportation, had been commuted by the Lord-Lieutenant to two years' imprisonment, was subsequently discharged by order of his excellency before the term of his imprisonment had expired, the reason assigned being the bad state of the man's health. It was said by the hon. and learned Sergeant that the necessary proof of the sickness of the prisoner—the certificate of the surgeon—had not been given, and it was with reference to this representation that the letter would be found to afford some important information. The letter was as follows:—The writer said, that feeling he was responsible for the representation which had been made respecting the release of Maguire without a surgeon's certificate, he begged to state such of the facts as he was acquainted with. A petition, signed by fourteen or fifteen magistrates, besides many other respectable persons, praying for an extension of the Royal mercy to Maguire, was brought to him, with a request that he would sign it, but he declined to do so, not knowing anything of the circumstances. It having been represented to him, however, that the case was one of great hardship, and that his name would be very serviceable, he promised to inquire into the case; and having satisfied himself on the subject, he determined to sign, but before he could do so, the petition had been forwarded to the Government. Subsequently the Lord-Lieutenant visited the prison, and having gone through it, was about to leave, when the surgeon requested him to commute the sentences of two men confined in the hospital, one of whom was this Maguire. His excellency objected to doing so in Maguire's case, because he had already commuted his sentence from transportation to imprisonment. However, on the representation of the surgeon that the man was languishing in the infirmary

under a wound, that he was reduced to a hectic state from which he did not think he would recover if his confinement continued, and further, on the entreaty of the high sheriff, the writer, and others who were present, his release was ordered, to the perfect satisfaction of all parties. The man's offence consisted in this:—He was surprised when smuggling by some revenue officers, when he jumped into a boat and rowed, under the fire of the officers, towards the middle of the lake. When beyond the range of their fire he rested, and, levelling his piece, fired, it was believed purely out of bravado at the officers. He was taken, tried, sentenced to transportation, and sent to the hulks; but his case becoming known, was thought one of great hardship, and an extraordinary number of magistrates and others interfered in his behalf. The second case, which was that of a man who had been tried for killing another, and who was found to be insane, the Lord-Lieutenant would not interfere in. Now he would ask the House whether the testimony of this gentleman, who had done his best to promote the peace of the country, was not of more value than the anonymous authority on which the representation of the hon. and learned Sergeant was founded. The hon. and learned Sergeant had also referred to some transactions in the county of Leitrim. Perhaps the hon. and learned Sergeant would allow him to inquire whether his informant in this case was or was not Mr. Potter? The hon. and learned Sergeant assented; the authority, then, to which he appealed was that of Mr. Potter. Now he would state that he did consider Ireland, and his county (Leitrim) in particular, to be in a state of remarkable quiet. He believed his hon. Friend opposite to be the last person who would have permitted the magistracy to connive at acts of riot; he believed him to be the last person who would have looked over such a thing; yet he must say, that neither in his Administration, nor in any other up to the present time, had there been the same anxiety on the part of the constituted authorities, on the part of the magistrates, or on the part of the police, to prevent or to bring to justice parties guilty of rioting at fairs. He did not mean to say his hon. Friend had not done his best, but he did not go so energetically to work to that end as had the present Government. As far as his own expe-

rience had gone, he was surprised that there had not been more outrages committed than there were. In the month of November there were only five prisoners for trial in the gaol of Leitrim. He believed that there were few counties in England which could say as much at that period of the year. Was he not justified, then, in representing the county to have been in a remarkably quiet state? The learned Sergeant had referred to an outrage committed on the Rev. Mr. Hogg, of the parish of Cloon. He had received the facts of that outrage from a friend of his. He begged to declare that he yielded to no man in his desire to promote the peace of the country. To him it was of the highest importance. He lived there. Therefore, to him, he repeated, it was of the utmost consequence that peace should prevail. He did not mean to say, that he had put himself in any situation of danger to effect that object. He did not say, like Lord Charleville, that he would share in the danger of enforcing peace; he did not say he would share any danger; but he was ready to do his duty; and the fact was, that he had never been incommoded. He lived in a house without fire-arms; its windows were open down to the ground; and no stone wall surrounded it. Such was his position, yet he had never been incommoded in the slightest degree. But the hon. and learned Sergeant said, that Mr. Potter, forsooth, connected the outrage on the Rev. Mr. Hogg with the clemency of the Lord-Lieutenant. He would tell the House how that gentleman came to the county first: he would show them what the country must expect if the Tories came into power. Of course they must consult somebody—they must consult the learned Sergeant, and he must consult this Mr. Potter. Well, Mr. Potter was introduced to the county by the late Rector of Cloon as a tithe proctor, and his conduct in that capacity was so harassing, so obnoxious to the people, and so disadvantageous to the rector, that he, or the executors of that gentleman, discharged him. At present the living was held by Mr. French, and he found the conduct of Mr. Potter such that he discontinued him as his tithe proctor. Mr. Potter having been so treated by his friends, turned round and joined the other party, and became an anti-tithe agitator; so he united in his own person the two characters which both

sides of the House agreed had most agitated the country. His side of the House attributed to the tithe proctors much of the agitation which had existed in Ireland; the other side contended that the agitation was chargeable against the anti-tithe agitators. Now this gentleman was both. He was originally a tithe proctor, and then he became an anti-tithe agitator. He, after this, tried a third trade, and now he was an attorney. It was in his capacity of attorney that he instituted the prosecution for that very outrage which the learned Sergeant wished to make out. Without entering into the question whether the prosecution was right or wrong, he would say the outrage was one of a horrible description, and one the parties to which he would bring to justice if he could; but he must also declare that it was not a party outrage. On this subject he would ask the House to whose testimony would they attach the greater weight—that of Mr. Saunderson, or that of Mr. Potter? He might throw into the scale his own testimony, which, humble individual as he was, nevertheless was entitled to a little consideration. He did not mean to say, that the constituency he represented had that interest in the Corporation question which some others had. The reason was this: there were no towns in his county which were likely to become corporate towns. But it was now said that the rights of Irishmen were to be refused, because the majority of them were Roman Catholics; why, if the question were brought forward in that shape, they might refuse to Irishmen the enjoyment of any rights whatever. If they refused what must be admitted to be just rights to Irishmen because a majority of them were Roman Catholics; why, then, they might be denied trial by jury; they might be denied, in fact, any rights that ought to appertain to them as British subjects. He wanted to know what argument, that would withhold Corporations from Ireland, that would refuse to Irishmen the right of their Municipal elections, would not apply generally to the extension of any other liberty to Irishmen, whether as Protestants or as Roman Catholics? He was glad to hear hon. Gentlemen opposite refer so much to the jury question, because it showed this, that if the Tories were consistent and got into power they ought to have Tory judges, that they might appoint Tory sheriffs, in order that the

latter might nominate Tory under-sheriffs, and so they would have packed juries. He did not impute that to the right hon. Gentleman opposite (Sir R. Peel), whose worth he respected. He believed that right hon. Baronet had saved the country once, and he hoped God would bless him for it. He believed that the right hon. Baronet would not knowingly do any such thing; but the fact was, that the feelings of prejudice were so strong amongst the Orange party in Ireland, that they did not believe they could get a fair trial unless there was a packed jury. He would instance a case to prove this. In the parish in which he lived the officers of the revenue police and the country people had a conflict. It occurred in the dark; the country people rushed on the police, by whom one of the people was slaughtered, and died in consequence of the wound he had received. One of the revenue officers came to him in a state of great excitement, and told him of the occurrence. It was necessary to have a coroner's inquest: but the coroner (as was usual in Ireland) was in gaol. The revenue officer said, that the magistrates must hold an inquest, and stated that he had sent for a magistrate with whom he was acquainted, to request his attendance; and also that the jury might be taken, not from the neighbourhood in which the occurrence took place: he desired that a jury might be summoned from a town which was at four miles distance. His answer was, that he did not approve of the revenue officer having sent for a magistrate with whom he was acquainted, nor did he even approve of himself presiding on the occasion; that they should not only show the people that justice would be done, but also guarantee justice being administered. He, therefore sent for the stipendiary magistrate. He stated, also, that he would not consent to a jury being brought a distance of four miles, when the law said the jury should be taken from the neighbourhood. It was predicted of course that the jury of the neighbourhood would never find any other verdict than that of manslaughter. The jury heard the evidence—they were sworn—they attended to their oaths—and they found a verdict of justifiable homicide. Now, the hon. and learned Sergeant opposite was for continuing the old jury system. He did not mean to say that a jury even under that system would not act according

to their conscientious opinions—that twelve men on their oaths would not find an honest verdict—he did not mean to say that such persons put into a box would not give a good verdict; but what he contended for was this, that just as good a verdict would be given if the men in the box were not party men. Now since that unfortunate homicide to which he had referred there had never been another case of outrage, and this because the people were convinced that they would have fair play, and that the jury who decided the case never would have found a verdict of justifiable homicide if the act committed were not justifiable. It was all very well for hon. Gentlemen to say, that juries were always fair in Ireland, because a case had never come against themselves; but this he knew Protestants to say when the shoes pinched themselves, that they could not bear corporation juries. He had not himself any personal interest in this matter, he never attended their public meetings in all his life, but still he could not remain silent when his country was denied that which it was her plain and manifest right to have. He denied, that because the majority of the people of Ireland were Catholics, that they, therefore, were hostile to the connexion with this island. It had, indeed, been said, that corporation reform would affect the Church question; this was said because it was declared to have been asserted by the hon. and learned Member for Kilkenny that it would affect the Irish Church. Now it was not enough for hon. Gentlemen opposite to say this, or to rest upon the assertion that another said it; they ought to prove, that a connexion between corporate reform and the Established Church existed. The General Association did not maintain that it would destroy the Church. What it said was, that corporation reform would lead to a satisfactory adjustment of the tithe question, and, in his opinion, there was the greatest difference between a satisfactory adjustment of the tithe question and the Established Church. What effect, he asked, could bodies in towns have with respect to the tithes, which was merely an agricultural question? The opposite party could not show it, except by quotations from speeches made by the hon. and learned Member for Kilkenny. In his opinion corporation reform could have no effect whatever on the Established Church. The right hon. Member for the University

of Dublin had taunted him with constantly saying he was a Protestant. He hoped he was a sincere Protestant—that he adhered with firmness to the religion that he professed. He was ready to maintain the religion of the Established Church, and he was one who, if his religion were attacked, would, to use the language of the noble Lord, the Member for North Lancashire resist that attack “to the death.” He did not say, that corporate reform could alone pacify Ireland; but he believed that, with Poor-laws, it would go a great way towards the tranquillisation of that country. Hon. Gentlemen opposite wished that things in Ireland should remain *in statu quo*. That was impossible: they could not remain so without coercion bill after coercion bill, and the people of England, he believed, would not run the risk of a civil war for the purpose of sustaining things as they were in Ireland. He might pass over to the other side if it were practicable to keep things as they were in Ireland; but believing that to be impracticable, he gave his support to his Majesty’s Government in the course they were pursuing.

Mr. Robinson observed, that he had last year given a silent vote upon this question, and he would have done so this year but for the increased importance which the question had acquired. He would state that there was no question in which the people of England took so deep an interest as this question, and this because it appealed to their sober judgment. He was at a loss to conceive how hon. Gentlemen on the opposition side of the House, who were supporting the Protestant Establishment in that country, could, consistently with their own arguments, impose on Ireland an establishment alien to the feelings of the great body of the people, on account of the Union, and yet pretend, looking to the same Union, to draw a distinction between them and the English people, and deprive them of corporate reform. He had been generally a supporter of the present Ministry, because he saw them, on the one hand, acting as a check upon democracy, which was so unsuited to a mixed Government, and, on the other, opposed to a party to which he should be opposed, who wished to govern the majority for the benefit of the few. It was his opinion that the maintenance of the present Government in Ireland was for the benefit of that country. He had

heard rumours in many quarters of the near approach of the dissolution of the Melbourne Administration. He would ask those near whom he sat [on the opposition side of the House]—he would ask the Gentlemen on that side of the House, whether it had ever occurred to them to reflect on what must be the condition on which any Administration could succeed to the present with the hostile feeling which must be entertained on their part by the whole Catholic population of Ireland? He would ask, could an appeal be safely made to the people of England and Scotland upon this question? If he could pretend to know anything of the feelings and opinions of his countrymen, he would state with perfect sincerity to those Gentlemen near him, that it was impossible for them to appeal to the people of England and Scotland upon any question that would be more fatal to them and their party than this very question. This was his decided opinion. It was supposed that such an appeal would be attended with more or less success, because it was mixed up with the question of the existence of the Church Establishment. As a member of that Church, he must confess he was extremely sorry to find the claims of the Protestant Church so much mixed up with this question. He was very sorry to hear it avowed by the noble Lord, the Member for North Lancashire (Lord Stanley), when he supported the amendment of the noble Lord, the Member for South Lancashire, that he did so because he considered that the granting Municipal Corporations to Ireland would necessarily lead, and was, as he believed, intended to subvert the Protestant Church. In his opinion, the existence of the Protestant faith, whatever became of the Establishment, did not depend upon this or any other question—he would rather say that it rested upon its intrinsic merits, and in the affection and respect of those who honestly and conscientiously belonged to its communion. But it was said that the granting of Municipal Reform to Ireland would have a tendency to increase the influence—an influence which no subject should possess—enjoyed by the hon. and learned Member for Kilkenny over the people of Ireland. They were warned not to pass this measure, because that hon. and learned Member, in his indiscretion, had avowed elsewhere, that if Municipal Corporation Reform were

granted to Ireland, he would make it the means of carrying all the other points which were desired by him and those who acted with him. He would tell the hon. and learned Member for Kilkenny, that he was very much mistaken in the people of this country and of Scotland, if he conceived that the sympathy felt by both countries towards the Irish people, which induced them to co-operate with the hon. and learned Member and others, in their endeavours to obtain justice for Ireland, would in like manner be available, if the hon. and learned Member should, in an evil hour, turn round and advise his countrymen—having obtained this measure, as he hoped they would—to attempt to establish a Catholic dominancy on the ruins of the Church Establishment. Was it possible that the Dissenters, who, to a man almost, supported the present Government, was it possible that they would be induced to co-operate for such an unholy purpose? The power of the hon. and learned Member for Kilkenny was created by a long system of misrule, and his hope and belief was, that by taking away the cause, they would deprive the Irish people of the motive for rallying round and supporting the hon. and learned Member; and so far from adding to his strength for mischievous purposes, they would absolutely put an end to it in this country, and greatly weaken it in Ireland. He must repeat, that he was sorry to find this question mixed up with the question of the Established Church. He was sorry to see that Church put forward as the only barrier between the people of Ireland and their political freedom. He spoke the sentiments of his constituents when he said, that if the result should be the rejection of the present measure by the other House of Parliament—there was no doubt that it would be carried by a large majority in this House—but if the other House should reject this measure a second time, and there should be, in consequence, an appeal to the country, he was perfectly satisfied that the people of England were determined to support that Government, and that Government only, which was disposed to grant the same rights and privileges to Ireland which were enjoyed by the people of this country. This question would be an insuperable obstacle to keep the hon. Members on that side of the House out of power. The time had arrived when it was absolutely

necessary that they should change the whole course of their policy towards Ireland, and when they must endeavour to conciliate the affections of the Catholics of Ireland by a real union and identity of interests between the two countries. They had tried the contrary system long enough. They were told, that it would be dangerous to go on making concession after concession. In his opinion the danger was purely chimerical. They had seen the baneful consequences of a long system of misrule and misgovernment in Ireland. Let them try conciliatory measures—let them establish civil, political, and religious equality in Ireland, and he was very much mistaken if they would not have reason to bless the hour when the two branches of the Legislature came to so just a determination, instead of pursuing this miserable warfare between Protestant and Catholic. The present debate, the acrimonious invectives on both sides, showed the diseased and disordered state of Ireland. Let that House adopt a different system, and they might expect that Ireland in future, instead of being a source of weakness, would become a pillar of strength to this country. For this reason he would oppose most decidedly the amendment of the noble Lord, the Member for South Lancashire, and support the measure of his Majesty's Government.

Mr. *Richards* denied, that the hon. Member for Worcester was at all justified in attributing to hon. Gentlemen at that side of the House such a motive as that of wishing to govern the many for the advantage of the few. He denied that they were actuated by any such feelings, and therefore he thought the observation of the hon. Member for Worcester open to great animadversion. For himself, he could say, that he participated in no such feeling; and he was convinced he might make a similar declaration on behalf of every hon. Gentleman on his side of the House. The noble Lord, the Member for Leitrim, had replied to the facts stated by the hon. and learned Member for Youghal, but had he disproved any of those facts? If the desire were to ascertain whether these facts were true or false, why not grant the Committee which the hon. and learned Member for Youghal had demanded? The refusal to grant that Committee would enable the country to judge of the matter for themselves,

because they must feel, as he did, that if the case made out by the hon. and learned Member for Youghal could be met, an inquiry would at once have been volunteered. He was anxious, however, to discuss this question on its broad principles. The noble Lord, the Member for Leitrim, stated, that the people of Ireland were entitled to equal rights with the people of this country, and of Scotland. No one doubted that; but then the question was, were not the circumstances of Ireland such as to render it unsafe to grant municipal institutions to that country? It was notorious, that there was in this country, a struggle between two great principles—the influence arising from property, and the democratic influence—and he would ask, whether the latter influence had not been considerably augmented by the change which had taken place in the English corporations? It was by means of the democratic power that many of the hon. Gentlemen opposite occupied seats in that House, and on that same power it was, that his Majesty's Ministers relied for their continuance in office. It had been said, that there was no connection between this question, and that relating to the Established Church. He entertained a very different opinion; and, believing that this measure, if carried, would tend to the subversion of the Church, he felt it his bounden and sacred duty to oppose it. When the Reform Bill was under discussion, much was said about allowing certain individuals to nominate to seats in that House: but what were they now going to do? Why, to enable the hon. and learned Member for Kilkenny, not to nominate six or seven Members for Ireland, but perhaps eighty or even ninety. The hon. and learned Member had stated, that this measure would place power to that extent in his hands, and was he not more likely than the noble Lord to understand what would most contribute to the advancement of his own views? The hon. and learned Member for Kilkenny might be sincere in wishing the welfare of his country; but as he (Mr. Richards) did not think that object could be attained by the course which the hon. and learned Member pursued, he must give it, as his opinion, that this Bill would place a most dangerous power in the hon. and learned Member's hands. The hon. Member for Worcester had said, that the people of Worcester were in fa-

vour of granting Municipal Corporations to Ireland. Now he was well acquainted with that county, and, knowing, as he did, the feeling that prevailed there, he must deny the assertion. He might make the same observations, generally, with respect to the people of England and of Scotland. The noble Lord, the Member for Leitrim, thought, that this Bill would tend to the pacification of Ireland. No doubt it might satisfy certain parties in that country; but, from his acquaintance with the state of Ireland, he could undertake to say that, whatever might be its tendency, it would not be of a pacific character. He had never yet found, that the lust for all was satisfied by the concession of a part. On the contrary, ambition was a passion that grew with what it fed upon; and, in the present case, he was convinced, that if these corporations were put into the hands of the majority, they would be used as a lever for the attainment of universal dominion in Ireland. He well recollected, that when the noble Lord, the Secretary for the Home Department, introduced the English Municipal Bill, he declared his conviction that the power gained would not be applied for party purposes; yet since that Bill had been passed, the power had been exercised for scarcely any other objects; and he was convinced that it was intended to be so wielded at the coming election; for the Ministers had no hopes in the counties, and they must, therefore, rely on the towns. The hon. and learned Member for Liskeard had, on a former night, spoken in periods that were, no doubt, most elaborately worded, of the extraordinary virtues of municipal institutions—of the occupation they would give the inhabitants in paving and lighting their streets. That hon. Member also gave one of the oddest illustrations he had ever heard—he said, that the state of Ireland was untranquil, and that these corporations would give the people of that country something to think about, and draw them off from their present quarrels. Why that should be, he could not understand. If the power was now abused by the minority, how much more likely it was to be abused by the majority. Why, in proportion to the greatness and irresponsibility of power would be the abuse of it. On the Opposition side it was proposed, that provision should be made for the due performance of all the municipal

duties, and that there should be a proper responsibility. It was singular the similarity that there was between the speeches of the hon. and learned Member for Liskeard, and those of Danton, Marat, and Robespierre, at the time of the French Revolution. They, too, talked of the advantages of municipal institutions, and of the harmlessness of their intentions in demanding them. Yet what was the result? The hon. and learned Member for Bath had talked of the local advantages of corporations. Probably this meant liberty of speech and action, and security for property. But where, in any country, would so much liberty, so much security, be found as in England? Why change this state of things, then? What could they hope to substitute for it? What had they ready to substitute, when they had pulled down all the present institutions of the country? Neither Danton, nor Marat, nor Robespierre knew what to substitute when they did the same thing. In the excess of their kindness for the people, hon. Gentlemen opposite wished to take away the great advantages they now had, and to give them, in their room, more sounding ones, certainly, but more dubious. He protested against their efforts to destroy the institutions of the country, under the specious pretext of reforming them.

Mr. Walker said, a very few words would be quite sufficient to answer the observations, for he could not call them arguments, of the Member for Knaresborough—indeed, he had heard nothing deserving the name of argument during the debate from the other side of the House. The hon. Member boasted that he lived in happy England, enjoying her free institutions in peace and prosperity, and by which means he had succeeded in trade, and had grown wealthy, and that, therefore, he would not agree to this Bill; so, because he saw they were useful to England, he would refuse to give like blessings to Ireland. The same Member, with equal wisdom, observed that the Orange minority monopolised and abused the corporate power, and persecuted the majority of the people; *ergo*, says he, a majority would monopolise, and persecute still more in exact proportion to its numbers, and for that reason he would refuse to accede Corporate Reform to Ireland. Truly, to mention these absurdities, was a sufficient answer to them. The hon.

Member seemed to be ignorant that the minority were a small political faction, whilst the majority to which these rights were to be restored was a nation comprising within its millions that faction itself. The debate had run to such length that he should now confine himself to a very few observations, and a few facts which he thought would show that the apprehensions of Members opposite were groundless. The Tories assert that this is a question between the Protestants of Ireland, on the one side, and the Catholics on the other; he, however, positively denied that position. It was truly a contest between a section only of the Protestants, who strive to retain an exclusive possession of corporate property and power for individual advantage, and the Irish people at large, being Catholics, Protestants, and Presbyterians, who are seeking the removal of civil disabilities, and an equality of civil rights with the people of England and Scotland. The Irish Conservative Members assert that they alone represent the Protestant property and feeling of Ireland; that he also denied, for the liberal Irish Members were in number and property nothing inferior to their opponents. Ireland sent thirty liberal Protestant Members to that House, and their opinion was, that the passing of this measure could not endanger the Protestant church, whilst the refusal of it, and particularly on the grounds put forward by the other side, must be injurious to that church, by rendering it more odious to the people. He wished to address this to English Tory Members opposite, and, if possible, that it should go forth to the English people that thirty Irish Protestant Members believed that the conduct of the Conservatives of Ireland was calculated to upset the Irish Church, and that those who set up that Church as an obstacle upon all occasions to good government and equal laws were the real and worst enemies to the Protestant Church. But the Gentlemen opposite taunt all liberal Protestants with being only nominal Protestants, and therefore not interested in the existence of the church. Now, he would ask, if this were true, what motive could a liberal Protestant have to profess that religion at all? The Orange Protestant had clearly a worldly advantage in doing so, for he had hitherto a monopoly in all the going in Church and Str

contrary, the liberal Protestant had no expectation that his opinions can bring him any such harvest. It is quite manifest that when the Tories were in power, he had no chance of any of the crumbs; and the Gentlemen opposite, as also the resolutions passed at the Mansion-house, allege that none except a Catholic had any chance of promotion under the present Government, so that it would really appear that the liberal Protestant Members were the only party that had any right to complain. Then what other motive except a religious one, namely, a conscientious belief that his own religion was the best, could a liberal Protestant have for professing Protestantism? and he thought that the liberal Protestant, who wished to do to his Roman Catholic neighbour what he would wish his Catholic neighbour should do to him, was at least as Christian a Protestant as the Orange one, who was constantly doing to the Catholics what he would be exceedingly sorry the Catholic should retort upon him. He should not have dwelt so much on this, only at the present time such exertions had been made by the Tories, in and out of the House, to renew that hypocritical no Popery cry, not that they really believed that the measures of the present ministers endangered the church, but that they knew that unless they could deceive and rouse the prejudices of the people of England, they could never turn the present Ministry out or regain their own lost places or power. Another objection stated against this Bill was, that agitation was still going on; that it was promised, on the part of the Irish Catholics, that so soon as emancipation was carried, agitation should cease, and that that promise had been broken. To this he would answer, that so soon as Catholic emancipation was really granted, Catholic agitation would cease; that so soon as Ireland obtained equal rights and equal justice, national associations and national agitation would cease. But he would ask, had Catholic emancipation really yet been granted, when noble Lords, and right hon. Baronets opposite, declare, that their only reason for refusing a full participation of the British constitution to Ireland is because the majority of the people are Catholics? The act passed to emancipate the Catholics stated it to be for the removal of all civil disabilities, but were the civil disabilities of the

Catholics removed, when you not only refuse to admit them to the same municipal rights enjoyed in England and Scotland, but the House was actually endeavouring, by its amendments to this Bill, to destroy the civil rights of the entire people of Ireland? The people of Ireland would never desist from agitation until they obtain their full share of the constitution, and they would be undeserving of liberty if they did. He would at once admit, that the passing of this Bill, therefore, would not put a complete end to agitation, but he would say, that it would be taken as an instalment which would go far to allay it; refuse it and the agitation would be ten times worse. Another objection was, that the Catholics, being the majority, would exclude the Protestants from all office and emolument; this was an assumption which Parliamentary experience disproved, for Catholic constituencies had hitherto made no religious distinctions between candidates, but had returned many Protestants to this House, and had frequently shown a marked preference to Protestants. But it was also said on the opposite side, that though this was true as regarded Parliamentary returns, it would not be the case in municipal elections, there would be so many little local party prejudices; now at the best this objection was but a prophecy, and in order to upset it, he should state what he considered would be the practical working of the Bill throughout Ireland, by stating how the open corporation system worked in the town which he had the honour to represent. He should first state, that the town of Wexford was, next to Belfast, one of the most rising commercial towns in Ireland, and the House might judge of its importance when he told them that between 200 and 300 sail of vessels belonged to the merchants of Wexford, and that 1,000 of her townsmen were on the sea; the great majority of the inhabitants are Roman Catholics, at least in proportion of five to one Protestant: the corporation consists of a mayor, who exercises extensive judicial functions—of two bailiffs, whose duties are somewhat similar to sheriffs—of twenty-four burgesses, or as they might be termed aldermen—and of the freemen at large, who are the electoral body. Now, in ancient times, this corporation was open to all the inhabitants, without any religious distinction, and Catholics had actually held high

office in it. Next came the days of persecution and exclusion, and it grew into one of the close Tory corporations, Catholics and liberal Protestants being most religiously excluded, and scarcely one of the inhabitants of the town was permitted to enjoy the advantages of its freedom, or a share of its property, which at one time was immense, but which had gradually and long since disappeared, for the individual benefit of the favoured few. In this state it continued until about nine years since, when it was suddenly thrown open to all the inhabitants, without any property, qualification, or religious distinction, in consequence of a contest between the then two Parliamentary patrons of the borough. During those nine years, there had been, he believed, about six vacancies amongst the burgesses, and when the first vacancy occurred, did the Catholics elect a Catholic to fill it? No such thing; though only just having obtained a restoration of their rights—though naturally smarting under their former unjust exclusion—they had too much magnanimity to practise revenge, and they filled up the vacancy with a Protestant, to whom they felt an obligation. Upon a second vacancy, he was asked by some of the freemen if he would start for it. He declined, and recommended them to elect a Catholic, as they had been so long excluded. He believed four Catholics and two Protestants had been elected; but even if every vacancy had been filled up with Catholics, he should have thought it quite fair, where the body consisted of twenty-four burgesses elected for life. In the same period, nine mayors had been elected, the first mayor a Protestant; and, in short, the Catholic freemen have elected only three Catholics to that office, though there are many opulent and respectable Catholics in that town, members of the corporation. No doubt the Gentlemen opposite would exclaim, Oh! these Mayors might call themselves Protestants, but they were Radicals. He would say, wrong again. The majority of these nine mayors were, in religion and politics, as true Conservatives as themselves. He would astonish them still more, by telling them that the gentleman last selected to fill that office was a Conservative, whose name he saw among the list of those published, as having attended the meeting at the Mansion House, and that this election by the

Catholic freemen of Wexford, was made when they might naturally be supposed to be smarting under irritation at the audacious insult that had been offered to Catholic Ireland in another place; but they proved themselves superior to any paltry feeling of revenge, and, generously placing political difference aside, elected a Conservative gentleman; being guided in the choice of a municipal officer by a conviction of his municipal fitness alone. An election for the office of town-clerk also occurred. A Catholic gentleman, and a Conservative Protestant gentleman were the candidates—the Conservative was elected. Now, perhaps, Members opposite might think that this was owing to complete apathy on the part of the Catholics at Wexford, as regarded politics. He could assure them it was no such thing; that when it became necessary for the assertion of their political rights in their country's cause, the men of Wexford were foremost in the fight. But when they had to exercise their political franchise, they laid aside all sectarian considerations it is true, but accurately examined the political opinions of the candidates, and he felt proud to say, their choice had fallen upon himself, because they believed him to be a staunch and uncompromising opponent of Toryism, and therefore a fit representative of their political opinions; while on the other hand, when called on to exercise their municipal franchise, they laid aside all political as well as sectarian considerations, and looked alone to the respectability and municipal fitness of the candidate. The consequence, then, of the admission of all the inhabitants of Wexford, without religious or political distinction, to their municipal privileges, had been, that instead of bitter feelings existing between the excluded and the excluders, they all now lived in the most perfect harmony, exchanging friendship and hospitality, and the ministers of the two religions going about hand in hand seeking to relieve the objects of their common charity. And thus he would assure English Members, it would be throughout Ireland, but for the madness of an interested party refusing to break down those pernicious distinctions which alone keep Irishmen now asunder, and which, so long as they are suffered to exist, were the only real dangers that Church they seem so anxious to defend, had to dread. He should

wishes. They were obliged either to yield to that hon. Member's desires or at once resign their places. In conclusion, he would say, that he was not ashamed to declare himself opposed to the measure before the House, which would, if it passed, first destroy the Protestant Church in Ireland, and afterwards, though at no great distance, would materially affect the Protestant Church in England.

Mr. *Morgan John O'Connell* began by alluding to the quotations which had been made by the hon. Gentleman who had just at down, from a speech delivered by the hon. and learned Attorney-General two years ago. It was a pity the passages alluded to had not been discovered in time to use them on the hustings against the hon. and learned Gentleman. To come, however, to the question before the House. The arguments which had been urged by the opponents of the measure were divided into two classes—old and new. On the old, as they were the same which had been urged and answered last Session, he would touch very lightly. One of the principal of the new arguments was, that the Protestant Church Establishment in Ireland was in danger; another, that an Association had arisen in Ireland, pregnant with danger to the tranquillity of the country; a third, that his Majesty's Government had not made their official appointments in Ireland in a manner satisfactory to the hon. Gentleman opposite. With regard to the last point, he wished to know whether the Tories had ever advanced any man to office except a political partisan? Those who objected to the conduct of his Majesty's present Government, in that respect, reminded him of the line in the satirist—

"Dat veniam corvis vexat censura columbas."

The appointments in question were all of them creditable to his Majesty's Government; and none more so than that of Mr. Pigott, a man of great and acknowledged talents. The General Association had been compared to the Orange societies, but there was a wide difference between them. To prove this it was only necessary to refer to the words of the resolution of that House, denouncing them as "secret political societies, confined to one class of individuals." The General Association was not secret, and was open to men of all descriptions. As to the association of so large a body for the purpose of obtaining their rights, if they had

not done so it would have been justly said that they were unworthy of those rights. The noble Lord the Member for North Lancashire, had spoken of the paucity of petitions from Ireland as a proof that the people of Ireland were indifferent to the subject. But the noble Lord was mistaken in his computation, and had omitted to notice a number of petitions which had actually been presented. Why was the Emancipation Bill passed if the people of Ireland were still to be considered inferior to the people of England, and if they were still to be prevented from enjoying an equal participation of civil rights? Did not the Emancipation Act mean that any civil rights which might thenceforward be conferred on the people of England should be extended to the people of Ireland? To deny the people of Ireland this, was at once to injure and to insult them. But it was to check the progress of liberty and of liberal institutions that the hon. Gentlemen opposite opposed the present Bill, as they did the Reform Bill. But even some of those who had supported the Reform Bill were opposed to the present measure. The sentiments of the noble Lord, the Member for Lancashire, delivered during the debates on the Reform Bill, were very different from those which he had expressed on the present occasion. In answer to the right hon. Baronet, the Member for Tamworth, on the 23rd of May, 1832, the noble Lord said—"The right hon. Gentleman has expressed his regret that this subject should be agitated so soon after the apparent settlement of the Catholic question; but is it not much better that this measure should be passed at a time when it will give satisfaction, than that it should be withheld, like the Catholic question, for a long time, and conceded, at last, at a period of irritation, which prevented it having the good effect which it otherwise would have had?" Why, I ask, should the question of religious difference be again excited in conjunction with the question of Parliamentary Reform? If we allow the present system of close corporations to continue, under the pretence that it is unsafe to trust the Catholic inhabitants of the towns with the franchise, we may justly be told, that so far from making a settlement of that great question in Ireland, we have continued the grievance and added to the insult. Let me again remind the House, that, if we determine that those grievances shall

continue to exist and be felt in Ireland which we have long since removed from England, we furnish a just ground of complaint, and give to the agitators a power which they otherwise would look for in vain." He (Mr. O'Connell) would now put the same question as the noble Lord had put, with the change of a single word: why should the question of religious differences be again excited in conjunction with the question of Municipal Reform? The most unholy appeals had been made to religious prejudices in the course of the present discussion. The opposition to the Bill was made a stepping-stone to office by the hon. Gentlemen opposite. They had raised a "No Popery" cry upon it, from the effects of which he called on all the moderate Whigs and Tories to protect the country; or a religious warfare might be excited, the consequences of which would be destructive of the general peace. He implored hon. Members, who were not actuated by factious motives, not to consent to the opposition to this Bill—an opposition which, in the name of Christianity, sought to perpetuate every existing evil.

Mr. Grove Price was not in the habit of trespassing upon the attention of the House unless the question for discussion was of such a nature as to call for an open and unequivocal expression of opinion. Such he conceived to be the case in the present instance, and he therefore felt anxious to express, however briefly, his judgment on a measure which he conceived not only of vital importance to the country to which it more immediately related, but to the whole of the British empire. The hon. Gentleman who last addressed the House had thought proper to indulge in some sarcastic allusions to those on his side of the House who opposed the Reform Bill. For himself, he would say, that he too had ever been the open, and undisguised, and conscientious opponent of that measure up to the period at which it was carried. Indeed, so strenuous was his opposition to that question that he would have willingly resigned his life if, by such a sacrifice, he could have prevented its accomplishment. But the moment that question was settled—the moment the fiat of the Legislature had declared it law—from that moment he had used his honest and best exertions to carry out the principle into practical effect. The able, eloquent, and elaborate speeches of his hon. and learned Friends, the Members

for Bandon and of the University of Dublin, rendered it unnecessary for him to touch upon topics connected with the Administration of Lord Mulgrave in Ireland, which otherwise he might have been induced to do. He would not, therefore, dwell further on this point, except to say that the statements of his hon. Friends were well deserving of the serious attention of that House and the country. Never was there a period at which Ireland more required the rule of a Government marked by strength, by decision, and by character, and never in the history of that country was it degraded by a Government the distinguishing characteristics of which were imbecility and frivolity. He implored the House to recollect that they were called upon to decide on a great question, and that decision, if once made in favour of democracy, could never be rescinded. If the House decided that popular power should be extended, and contributed by its vote to swell the ranks of democracy, who amongst them could mark its limits. Who could undertake to say where the popular demands would stop short, or how they could be resisted? Who could deny that this was a stepping-stone to other measures of a more serious and dangerous character; or who could tell (if he might quote from Shakespeare) whether it was to bring "airs from heaven or blasts from hell?" Before they extended Municipal Reform to Ireland he entreated the House to look at the effects it had already produced in England, and if they found that in a country like this, differing in habits, in manners, in education, in religious belief, and other essential particulars, from Ireland, it had been productive of heart-burnings, of social discord, of political animosities, of local jealousies, and party feuds, how much more cautious ought they to be in extending it to a country where two great parties were arrayed in a contest marked by all the rancour of religious warfare? From his experience he could say, that this measure of Municipal Reform had been a firebrand in the domestic circle in every town in England, and had roused into action all the angry passions which had so long been permitted to slumber. He repeated this assertion, and what would be the consequence if they invested towns in Ireland with a power like this—a country where a bigotted and intolerant priesthood reigned paramount and influenced every political

movement? Would not the municipal elections be determined by their dictation; and under such a domination who could answer for the safety of the Church, or any other of the institutions of the country? A noble Lord on the opposite side had expressed a wish that the clergy of all religious denominations should abstain from interfering in elections. In this wish he (Mr. Price) most cordially concurred, but, at the same time, he was bound to say, after eighteen years' experience of English elections, he never knew an instance, except in three cases, where a clergyman of the Church of England had overstepped those legitimate bounds which a moderate country gentleman might prescribe to himself. Could this be said of the Roman Catholic clergy of Ireland? [Mr. O'Connell: "Yes."] The hon. and learned Gentleman well knew that they had not confined themselves within legitimate limits, and he must also know that the fabric of his power rested on the will of this intolerant priesthood. The cry of "Justice for Ireland" was the watchword of a faction; and if by justice to Ireland was meant its tranquillity and happiness, they would not do justice to the people of that country if they sanctioned the present measure.

Mr. Sergeant *Woulfe* felt satisfied that it would be excusable on his part to condense into as narrow a space as he could whatever he had to offer, and to avoid travelling out of those topics which constituted the subject matter of debate. It was not his intention to go into the questions which the hon. and learned Member for Bandon, in a speech of two hours' length, detailed to the House. He had not intended to go into any of these matters until he had received a letter from a nobleman that morning, begging him to make some explanation on transactions connected with the hon. and learned Member. He could not refrain from explaining these facts, and though he could not complain of the hon. and learned Member for Bandon having occupied the House so long on the occasion of making his speech, he did not think himself justified in following him through it. To the allusions which had been thrown out against Lord Milltown, he thought it his duty to revert, for the purpose of showing how unthinkingly charges were brought against the King's Government. The hon. Member stated that Lord Milltown, being dis-

missed, or having resigned to avoid being dismissed, from the commission of the peace, in consequence of his having attended a tithe meeting, and in consequence of his agitating conduct there, was, after an interval of time, when he had again qualified himself, in the estimation of the succeeding Government, by joining the General Association in Dublin, actually restored to the commission of the peace. Now, how stood the fact? Lord Milltown never attended any tithe meeting but one; and at that tithe meeting he attended, not as an opponent of the tithe system, but actually to exhort the people to continue to pay the tithes as long as they were liable by law. He did this, not merely from a general disposition on his part to sustain the law of the land, but also because he had a strong personal interest in the due payment of tithes, being a lay impropiator of not less than seven parishes, and deriving a considerable portion of his income from that source of revenue. So much, then, for the charge that Lord Milltown was a tithe agitator. He was not dismissed from the commission of the peace, nor did he resign the commission of the peace, in consequence of anything he had done in connexion with the tithe question in Ireland. He resigned in consequence of an intimation made to him that it was not consistent with his holding the commission of the peace that he should continue to be a member of a political association which was then said to exist in Dublin, and which was called the Volunteer Association. He prayed the House to attend to the cheers of the hon. Gentlemen opposite. They meant to intimate, by those cheers, that the fact of having once belonged to an objectionable Association was to disqualify a man for ever from holding the commission of the peace. Now, he would ask, when they made such an intimation, were they applying to the Associations of their political opponents the same rule that they claimed for the Orange Societies? If gentlemen who had formerly belonged to the Orange Society of Ireland—a society which had freely and generously dissolved itself, were not to be considered as disqualified from holding the commission of the peace, he should be glad to know why the same rule should not apply to other respectable men belonging to other societies which had also dissolved themselves? Those cheers seemed to insinuate that some of those

societies still existed. That might be true; but there was this essential difference between the society to which Lord Milltown belonged (and which had spontaneously dissolved itself the instant it saw the probability of the object for which it was formed, being attained) and those Orange Societies, to which many of the hon. Gentlemen who had cheered had been attached, that the Association of which Lord Milltown was a member, was never, by any Act of Parliament, declared to be illegal. It was not so with respect to the Orange Lodges; they were declared to be illegal. So much, then, for the case of the dismissal of Lord Milltown. But it was said that he had been re-appointed to the commission of the peace by the present Government in consequence of his having become a member of the General Association in Dublin. What was the fact? He was re-appointed to the commission of the peace long before he became a member of the Association. With regard to Lord Milltown, then, it was not true, either that he had been dismissed from the commission of the peace in consequence of having attended a tithe meeting, nor that he had been restored to the commission in consequence of having connected himself with the General Association. Furthermore, instead of having made violent and turbulent speeches in the Association, he never spoke in that Assembly more than twice. To be sure, on those occasions it was most probable, nay it must almost of necessity happen, that his speeches were of the most violent, most turbulent, and most inflammatory character—for only think what the subjects were: on the first occasion the subject was that of joint-stock banks. Doubtless a tumultuary subject—enough to make one's blood boil. Well, Lord Milltown went down to the Association and made a flaming speech upon the subject of joint-stock banks. The next topic upon which he spoke so much sedition, upon which he poured out such a torrent of lava, was that of the Poor-laws. He made a speech in favour of the Poor-laws. With these observations he dismissed the subject of the charges brought against Lord Milltown. He ought, perhaps, to apologise to the House for having dwelt upon it so long; but he felt bound to refute the charges that had been made, as well in justice to Lord Milltown as to the character of the Government of Lord Mulgrave,

which had been most inconsiderately and unjustly assailed, upon statements, every one of which, he did not hesitate to declare, was as totally unfounded as the one he had just refuted, or as any statements that were ever uttered within the walls of Parliament. He would not occupy the valuable time of the House, which he thought ought to be devoted to the discussion of a subject most important to the well-being of the empire, by investigating the various isolated and particular cases which had been introduced by the hon. Gentlemen opposite, and which had no relevance whatever to the question at issue. He did not mean to complain of hon. Gentlemen for the course they had pursued, but he thought he should hardly be justified in occupying so much time as would be necessary to follow the hon. and learned Member for Bandon into the cases of Mr. Magrath and Mr. Maguire, and to inquire why it was, that the Court of King's Bench passed so lenient a sentence, and why that sentence was afterwards remitted? In the discussion of such cases upon the present occasion, he thought the time of the House was utterly wasted, and therefore he would not enter into them. But there was one topic incidentally introduced into the debate to which he thought he might for a moment allude. He did so, because he considered himself bound in justice to an hon. Friend of his, who had been his predecessor in the office he had then the honour to hold, to state that the ear of the House had been grossly abused, he did not say intentionally—but still grossly abused by the statements which had been made, attributing to that hon. and learned Gentleman a rule with regard to the challenging of jurors, in consequence of which rule, it was asserted that, in many instances, there had been a failure of justice. It was said that his hon. and learned predecessor had laid down this rule—that in the trials at the assizes the Crown should abandon its prerogative, not of challenging, but of setting aside jurors called upon the panel; and that no juror should be challenged or set aside except where there was a legal objection to his being placed upon the panel. That was a misstatement of the fact. The rule that his learned predecessor had laid down, and which he, on coming into office, considered it to be his duty to desire the counsel employed for

the Crown to follow, was this—not that they should repudiate or abandon the prerogative which the Crown, from time immemorial, had exercised in Ireland, of desiring a person upon the panel to stand aside, if a proper case for so doing occurred; but that they should not set a juror aside merely because he happened to be a Protestant or a Roman Catholic. They were, of course, instructed to challenge wherever there was a legal ground for challenging; and they were further instructed to set aside jurors in other cases where the objection might not amount to a legal ground of challenge, but this was to be dependent upon the discretion and sound opinion of the counsel employed for the Crown; and to prevent a wanton exercise of this power on the part of any subordinate officer, the Crown solicitor was directed to take a note of every case where a juror was set aside upon an objection not amounting to a legal ground of challenge, and that he should report the circumstance, together with the details of the trial, to the Attorney-General. A wiser or more discreet regulation could hardly be conceived; and the late Attorney-General never laid down any other rule than that. What was the value, then, of all that had been said of the various cases in which there had been a failure of justice in consequence of the abandonment of the prerogative of the Crown? He would not stop to inquire whether it were true that convicts had sat up n juries; it was a point upon which the attention of the House had already been sufficiently fatigued; but this he would say, that if the fact were so it had been not in consequence of the rule laid down by the late Attorney-General, but in consequence of the non-observance of that rule. There was only one other topic irrelevant to the real subject of debate to which he would refer—it was the case of Mr. Pigott. It had been alleged that he was a member of the Association at the time he was appointed assistant to the Attorney-General. Mr. Pigott was not a member of the Association at the time of his appointment to that office. He had been a member of it some time previous to his appointment; but he ceased to be so at the time of his appointment—a very short time previous to his appointment, he admitted. He did not state that fact as an apology—he did not think an apology necessary; but he stated this simple fact,

that Mr. Pigott did think it right to withdraw from the Association before he took the office he was then holding; not because he thought that the Association was illegal, but because he felt that it was the growth of great popular emotion, and that it was not fitting that either a judge—or a person who might be called on to be a judge, should take such a decided part in a popular movement. An instinctive delicacy and sense of propriety on the part of Mr. Pigott induced him to think—not that he considered the Association illegal, but induced him to think it right that he should not continue to be a member of an Association which was undoubtedly the offspring of great popular passion; and it would be well for the respect due to justice if those who were members of other societies would follow Mr. Pigott's example. The hon. and learned Member for Bandon had put a question with regard to this circumstance which he would take the liberty to answer, after the fashion of his country, by putting another. The hon. and learned Member asked what would the Government do if they found it expedient to put a question to Mr. Pigott with regard to the legality or illegality of the Association? Now he was grievously misinformed if there did not exist in Dublin another association, called the Lay Association, which consisted of persons who had confederated together, and clubbed their purses and resources for the purpose of carrying on a system of the most expensive and vexatious litigation. If he were misinformed, of course what he said would fall to the ground; but he had certainly heard of a confederation in Dublin, called the Lay Association, the members of which contributed largely for the purpose of carrying on suits, in which they were not personally interested, on the part of the tithe-owners in Ireland. He was glad that his hon. and learned Friend (Mr. Sergeant Jackson) denied the existence of such an association; but up to that hour he had certainly been led to believe, not only that such an association notoriously existed, but that the hon. and learned Gentleman himself was a member of it. But as there was no such association, of course it could not be true, either that the hon. and learned Gentleman, or any other distinguished Conservative Members of the bar were members of it. As no such association existed, he could only put the case hypo-

of these corporations, not to the Catholics of Ireland, not to the Protestants of Ireland—but to give it to the people of Ireland. The effect of it would be, to give to every man in the country who would be entitled to it, a participation in that power, irrespective of his creed. The effect of it would be, to attach to corporate power a civil qualification; and wherever that qualification was found, there the power would be found also. The limitations adopted in the Bill proposed by the King's Ministers, made it utterly impossible that the Roman Catholics of Ireland could acquire more power than they *de facto* possessed, or than they were *de jure* entitled to; or, that they should have less *de facto* than they were entitled to *de jure*.—It distributed corporate power upon the only principle on which any power can be justly distributed. It distributed it to every man who had that presumption of fitness to possess it in his favour which arose from his having the necessary civil qualifications. It was the principle upon which all the powers in the state were now distributed; it was the principle upon which the elective franchise was distributed; it was the principle upon which the power to sit in the House of Commons was distributed; it was the principle which pervaded the whole system of our civil establishments. But he was not now arguing that point, because, if he mistook not, hon. Members on the other side of the House did not suggest that this principle was not a fair one, and ought not to be adopted. No; they said, that if the power was to be created, this mode of distribution was just; but they alleged that, inasmuch as the adoption of this principle of distribution would lead to the giving of that power into the hands of the Roman Catholics, therefore the power itself ought not to be created: because, if the power were to be distributed at all, it must be distributed upon a constitutional principle, and that principle would give the Catholics more power than the Protestants. Was not that the argument? In the first place he would remark, that gross exaggerations had been made as to the extent of the influence which this Bill would give the Roman Catholics. He really could not believe that any man acquainted with the state of Ireland could get up in that House to say, that the effect of the Bill would be to put the

entire corporate power in the hands of the Roman Catholics. With those who knew the state of the city of Dublin, of Belfast, of Waterford, of Cork, and of other cities in Ireland, such an argument could have no weight. Was it not notorious that in those towns the Protestant strength chiefly prevailed. And what was the fact with respect to parties in those cities? Not only were the Roman Catholics not a decidedly ascendant party, but in those places where the 10^l. qualification was established, even with the aid and assistance of the liberal Protestants—a most efficient as well as valuable body of men—the Roman Catholics were only able to maintain a difficult and precarious struggle against the section of Protestants who were arrayed against the Government. It was impossible, therefore, to insist that the whole power would fall into the hands of the Catholics. If any man would look only at the shops and houses occupied by the Protestants in those towns and count their numbers, he would be compelled to say, that the Protestants must necessarily partake, in a very large degree, of the power of the municipal corporations in those places. Was it, then, he would ask, just or honest to represent, that this was an entire and wholesale transfer of power out of the hands of Protestants into those of Catholics? It was not. It would fall into the hands of Roman Catholics and Protestants in that proportion in which it ought to fall with respect to the population, wealth, and intelligence of the towns. It was a remarkable thing how differently the strength of the Catholic body was represented in that House, according to the different ends which were to be attained, by the hon. Gentlemen opposite. At one moment hon. Gentlemen opposite had to exhort the House not to yield to abstract justice; pressing upon them the practical expediency that intervened, and made it improper that a body so influential and large, and occupying all the civil positions in Ireland, they should be entrusted with the power of local taxation. When that was the view to be pressed upon the House, nothing, according to those hon. Gentlemen, was so great and irresistible as the power of the Roman Catholics; they were all in all, and quite overwhelmed the Protestants everywhere. But, on the contrary, when the feelings of the Roman Catholics of Ireland were to be

outraged, and every indignity to be cast upon them, then they were represented as an insignificant body, and that the Protestants of Ireland were able to control and to keep them down. In short, the deductions drawn from the proportion of the Roman Catholics and Protestants were made to answer any purpose. But he would not dwell upon this fact. He would place his argument upon higher ground. He would admit, for the purpose of argument, that this power, being distributed upon a proper and sound principle of distribution among the people of Ireland, it would throw a larger proportion of that power into the hands of the Roman Catholics than into the hands of the rest of the population. Assuming this, for the sake of argument, he would then say, that to withhold that power from the people of Ireland upon the ground of their religion alone was a gross violation of the Act of Union, and of the Act of Emancipation. He would say, that to withhold from the people of Ireland an important civil power which had been already given to the people of England and of Scotland, because in Ireland a greater proportion of that power might fall into the hands of the Catholics than of the Protestants, was to disturb the balance of constitutional power between the different portions of the empire and to violate the principle of the Union. He would say, that to give to the people of Scotland and of England a civil institution which enabled them constitutionally to exercise a control over the Government and the Legislature, which gave them an important influence over all the executive functions of the state, and at the same time to withhold that power from the people of Ireland, was to act in violation of the Act of Union, and to the prejudice of the Irish people. What was the principle of the Union? The principle of the Union was equality. The principle of the Union was equal dealing towards the people of England, Scotland, and Ireland. But it was not equal dealing to give to the people of the two former countries those means of controlling the legislative will and the executive Government which were withheld from the people of Ireland. Was it denied on the other side that these corporations did give to the people, wherever they existed, a great constitutional power over the legislative will, and over the executive? Was that fact denied? It was so far

from being denied, that it was the very groundwork of the argument advanced on the other side. Their argument was, that Municipal Corporations would have that effect in Ireland; and because they would, so they ought not to be given to the people of that part of the empire. The argument used both for and against the English Corporation Bill, when it was passing through Parliament, was, that it tended to augment the power of the people over the ruling authorities of the State. He would not now inquire whether the English or the Scotch Municipal Bills had had that effect; but he would say this, that having given that power to the people of England and Scotland, they could not in honesty or in justice, or in adherence to the principle of the Union, withhold it from the people of Ireland. He knew, that in the course of this debate, Gentlemen on the other side had affected to think that they had answered this argument, founded upon the title of the people of Ireland to share equally with the people of England and Scotland in exercising all constitutional power over the will of the Legislature and the Executive, by saying that there existed other differences between the law of Ireland and of England and Scotland; that a similarity of the law was no portion of the Union, and that it was not necessary to the Union that such a similarity should exist. No one had ever said—he, at least, had never said—that a similarity of the law was necessary; but what he contended for was, that if they gave to the people of one part of the empire power which enabled them to exercise a control over the will of the Legislature and the Executive, they could not in fairness refuse the like power to the other parts of the empire. The Poor-law and the Constabulary Bills had been referred to. The similarity of those measures to the laws in England might or might not be necessary; but show to him that the want of any law in Ireland which existed in England would be attended with this result—that the people of Ireland had less control over the will of the Legislature and the Government of the Empire than they would enjoy if that law existed—show him that, and he would then do the utmost he could to assimilate the laws of the two countries. It was not the act of Union alone that would be infringed and violated by the project of the noble Lord on the other side (Lord F. Eger-ton), but the fundamental principle of the

Act of Emancipation would be widely departed from. The principle of that Act was, that all the civil powers of the State might be properly intrusted to Roman Catholics, notwithstanding their religion. The principle of the Emancipation Bill was to place in the hands of the Roman Catholics, in spite of their religion, the most important civil power and authority. It intrusted to them the right to sit in the House of Commons; it intrusted to them the right of filling the highest offices in the executive department of the State, while acts of the same nature empowered them to lead our army and conduct our fleets. Such was the principle of the Emancipation Bill; a principle which declared that notwithstanding their religion Roman Catholics were trustworthy to hold civil power in the State. But what was the principle proposed by the noble Lord's project? He considered it to be this—that by reason of their religion the Roman Catholics of Ireland were not worthy to be intrusted with the exercise of that power over their own concerns which the rest of his Majesty's subjects enjoyed. He knew very well that an attempt had been made to reconcile the principle of that project with the principle of the Emancipation Act. It was said, that there was no injustice in that project, because the principle of the Emancipation Act was equality between Catholics and Protestants, and accordingly the project of the noble Lord dealt with them upon the principle of equality. The noble Lord said, that the Bill of his Majesty's Ministers did not deal equally with Protestants and Catholics, whereas his amendment did. But the distinction was most marked and obvious. The principle of the Roman Catholic Emancipation Bill was equality of employment, notwithstanding dissent—the principle of the project of the noble Lord was equality of privation because of that dissent. The principle of the Catholic Emancipation Bill was equality of rights—the principle of the project of the noble Lord was equality of wrongs. The principle of the one was the principle of disunion—dealing with the powers of the State as equitably distributable among all without regard to difference of creeds; while the principle of the other was the principle of destruction—destroying all civil powers instead of distributing them upon an equitable principle. The principles of the two measures were not only not the

same, but the very antipodes of each other. Nothing could be more dissimilar than the two principles. He could understand how a person who opposed the Catholic Emancipation Bill, and who entertained sentiments hostile to that measure, might still think that, under every circumstance, the augmentation of the Roman Catholic power was to be considered as likely to militate against the Ecclesiastical Establishment in Ireland; but how any man who at the time of its being passed thought, and still continued to think, that principle just, could support the project of the noble Lord, really surprised him. At the same time he must observe, that those persons were departing from their own principle. Their ancient principle was, not only that the Catholics should not have civil power, but that Protestants should and Catholics should not; whereas, now their principle was, that neither Protestants nor Catholics should have civil power. If they were justified in principle and policy in withholding civil power from Catholics and Protestants in Ireland, for fear a predominancy should fall to the Catholics he could not help saying that would have found the right hon. Baronet, the Member for Tamworth, in 1829, means of escaping the difficulties by which he was then beset. The right hon. Baronet distrusted the Roman Catholics—he was afraid they would abuse the powers to be placed in their hand, but he was coerced by circumstances to give it them. Now, if the principle of the noble Lord's project were sound, could not the right hon. Baronet have adopted it, and instead of giving civil power to Catholics and Protestants indiscriminately, why not have taken it indiscriminately from both? That would have been a much more safe mode of proceeding according to the right hon. Baronet's own views. But he did not think of adopting that principle. It was a new-fangled principle unheard of before. He defied any hon. Member to open a single page of the History of England, since it was a nation, and show that the principle of destroying civil power, because it might possibly fall into the hands of one party rather than of another, was ever before acted upon. It was a principle at variance not only with history, but with every system which had ever been adopted. The principle upon which the predecessors of the hon. Gentlemen opposite had proceeded was, that if there

were a party in the State which ought not to be intrusted with power, yet punishment ought not to be inflicted on others—that Protestants were not to be deprived of their rights because Catholics were unworthy. Hon. Gentlemen opposite spoke of innovators and of innovation. But who were the innovators, and what was innovation? That was innovation which spoliated Protestants without gratifying the Catholics. It was no satisfaction to the Catholics of Ireland that when their civil rights were destroyed, the civil rights of the Protestants of Ireland should also be destroyed. He was sure that there was not a Catholic in Ireland who would not rather a thousand degrees that the corporations should be established in Ireland upon a fair basis, and upon the principle of popular representation, although confined to the Protestants only, than that they should be wholly extinguished. He admitted that by the adoption of that clause the Catholics of Ireland would sustain a considerable wrong; that the principle of the Emancipation Bill would be violated, though not more grossly than it would be by the present project of the noble Lord opposite; but still the principle of the Union would be saved—that Act of Union which established equality between England, Ireland, and Scotland, would at all events be preserved. He had in all periods of his life been a supporter of that Act of Union. He had done so because he considered by the provisions of that Union every man in Ireland would be treated in all respects upon terms of equality with Scotland and England, and that on all questions of power, in all matters where the people were to exercise any influence in the State, the people of Ireland would receive the same attention, their feelings would be equally consulted, and their will, their prejudices, if you please to call them so, would have equal effect on the Parliament of the United Empire, and would produce as full an operation upon the proceedings of the Legislature and the Executive as the will, the passions, the feelings, and the prejudices of the other parts of the empire. He had argued with many people in Ireland upon the principle of the Union, but he could not argue with them again if the argument maintained by hon. Gentlemen opposite were to be admitted. How could any man suppose that they could maintain the Union if the people of Ireland were to be taunted as

they had been. You told them that you would support the Union between the two countries—you told them that the people of England would do justice to them with all other parts of the empire; but what had the Irish nation done, that while municipal institutions, on a popular basis, were given to all other parts of the country they were withheld from Ireland? It was not because they did not require local bodies like those established in England, it was not because they had no local matters to attend to which required watchful superintendence, but because those bodies had hitherto been made exclusive in Ireland, and that, therefore, they should not be established now. This argument, however, was now in substance abandoned with regard to Ireland; and, to use a vulgar expression, was now regarded as mere chips in porridge. Then why should Gentlemen opposite not accept this measure now? Did they do so on the ground that these institutions had not been found to be beneficial in England and Scotland? On the contrary, their utility was admitted. He would then ask whether they could sustain the Union without life. Hon. Gentlemen opposite said that they could not maintain the Established Church conjointly with these bodies. He never heard of a proposition having been made in that House to grant some boon, or to bestow some advantage on the people of Ireland. that was not met by some ill-omened expression in some speech or other, that if they did so they would tend to destroy the Irish Church. He could only regard such expressions as mere cant, which had been constantly used from the time of Swift down to the present time; and they had been urged not only against the Catholics, but also against Presbyterians and Dissenters—indeed, they were sometimes now applied in the latter way. The Legislature, then, had been driven, step by step, to grant to the people of Ireland large and constitutional powers, but at the same time refused them the government of their local affairs. You give them political power, but you refuse them this comparatively insignificant, but at the same time important, power. The mode in which this had been refused was an insult as much as the refusal was an injury; but was there no possible loss of strength in withholding these institutions? This part of the subject had been eloquently dwelt on by the hon. Member for Liskeard, who

traced out the several uses and benefits which had arisen from them in England and Scotland. If, however, these bodies were perfectly useless in Ireland, yet if they were withheld from that country in the manner in which they had hitherto been, it would excite feelings of discontent which they would never be able to dispel. He was most anxious to support the union between the two countries, but to do this effectually, every reason and argument showed that they must give the same measure of justice to Ireland that was possessed by the people of England and Scotland.

Sir *James Graham* could assure the House that he had risen with very great unwillingness. Need he make any excuse for saying so, aware as he was that the subject had been so sifted and winnowed, that he feared the chaff only remained, and that, therefore, the House would be unwilling to hear him on this third night of the debate, and furthermore, because he had presumed, on more than one occasion, to address the House on that very same subject; nevertheless, the vital importance of that subject impelled him once again to then offer his opinions. If he thought the subject important before the commencement of the speech of the hon. and learned Gentleman who had just sat down, he was disposed now to think it of still higher importance. Sectarian as he was called, and almost bigot as he was held to be by hon. Gentlemen on the other side of the House, he would remind them that he had been the firm, constant, and uniform supporter of the Catholic claims for emancipation; and, as one who supported those claims, he sincerely congratulated the hon. and learned Gentleman on having won his way to the highest office of his profession by his legal abilities, and on having sustained the credit of his appointment by the ability he had displayed in the speech which he had just delivered. Having said that, he hoped the hon. and learned Gentleman would permit him to comment with freedom on some of the topics of that speech. He (Sir J. Graham) had already said, that, in his opinion, the importance of the subject had been increased by what he had heard fall from the hon. and learned Gentleman, whom he understood to have said, that if this question were not carried, then he, the King's Attorney-General, would cease to defend the Union.

Mr. Sergeant *Woulfe* begged leave to explain: he had said more than the right hon. Gentleman attributed to him. What he had said was, that he should cease to be able to defend, with effect, the Union from those who attacked it.

Sir *James Graham*: That was a very nice distinction. The hon. and learned Gentleman would excuse him for saying, that this was a fine-drawn legal subtlety, which he feared would not be so nicely discriminated by the people of Ireland. He must, however, remark, that there was something ominous in such a declaration being made by the King's Attorney-General, that if this question was not carried now—at this particular moment—that he was of opinion that he would not be able to defend with efficiency the Union with Ireland. But he would pass on from this topic to the real question in debate, which was in point of fact, the actual state of affairs in Ireland. He would not follow the hon. and learned Gentleman through his arguments as to the criminations and recriminations which had passed between different sides of the House respecting the Association in Ireland. It appeared, that that which was one day the Volunteer Association, became shortly after the National Association; and, in answer to remarks respecting this to-day, the hon. and learned Gentleman recriminates the other side with the existence of the Lay Association, and of the Orange Association which was put down last year, but which was now again got up under another form. And he would remind the House, that although the National Association was on one side, and the Lay Association on the other, that the Lay Association had been formed for the purpose of maintaining the administration of the law, the execution of which duty had been, in some respects, partially or wholly neglected by his Majesty's Government in Ireland. The National Association, however, was formed for the purpose of violating the law, and he must also add, that he considered that that Association continued to receive a most extraordinary degree of indulgence and support from his Majesty's Government. The hon. and learned Gentleman said, that he would not go into a defence of the various legal acts of his Majesty's Government. What would the noble Lord, the Secretary for Ireland, say to this declaration of the Attorney-General, after the statement he made the other night? What

was the answer which would be given to the case of Mr. Cassidy? Surely it had not escaped the recollection of the hon. and learned Gentleman, that since the noble Lord, the Secretary for Ireland, had spoken, the letters of Lord Vesey and Lord Oxmantown had been read to the House? The statements contained in their letters had not been denied; they could not be denied. He would not stop at the case of Mr. Cassidy, but would go on one stage further. He would not, however, pass by the general gaol delivery made by the Lord-Lieutenant of Ireland during his tour through the country, when he liberated not less than sixty-nine prisoners in one county, and when he found that certain prisoners had been committed for a further time to gaol, until they found bail, he ordered them to be liberated, and they had not heard that he had taken care to direct that some provision should be made for surety in the shape of bail. The hon. and learned Gentleman, as the Attorney-General, was the legal adviser of the Lord-Lieutenant; and surely he might have been expected to give some explanation of this proceeding. He now, however, came to a much more important point, namely, the case of Mr. Pigott. He intended to argue the general question immediately; but, in the first instance, he trusted that he should be allowed to make some remarks on this case. There could be no doubt that Mr. Pigott seemed to entertain a higher sense of duty with regard to the appointment he held, and the situation he occupied in connexion with the Association, than was entertained by his Majesty's Ministers. It had been stated by the hon. and learned Gentleman opposite, that Mr. Pigott thought that it was only proper and becoming before he accepted the office which had been conferred upon him by the Irish Government that he should retire from the Association. It appeared that his Majesty's Government, however, had no such scruples. As the case stood, according to the statement of the King's Attorney-General for Ireland, it appeared that Mr. Pigott thought that it was only decent and proper for him to withdraw from the Association before he accepted office; but it was not stated by the hon. and learned Gentleman—it remained to this moment a presumed fact—that his Majesty's Ministers made no such agreement on this appointment of Mr. Pigott. But he did not attach much weight

to the offer of the appointment on condition of his withdrawing from the Association; and it remained yet to be seen whether the offer of the appointment was made while he was yet a Member of the Association. If it was made while he was a member of the Association, and he of his own free will resigned the Association, it became a mere subterfuge, and the argument remained untouched and uncontradicted as regarded his Majesty's Ministers, that they had made an appointment of a gentleman to the most confidential legal office connected with his Majesty's Government in Ireland who had previously taken a part in the proceedings of the Association, had been a most useful member of it, and had taken an active part in its formation. And let the House not forget that for the purpose of making this gentleman the legal adviser of the Government a special and unusual vacancy was made. Who was the first sergeant in Ireland? A gentleman of great ability and high professional reputation, and very lately in the confidence of the Government. This gentleman had been passed over in appointing a Solicitor-General. Certainly his hon. and learned Friend, the Member for Bandon (Mr. Sergeant Jackson), had no title to the confidence of his Majesty's Ministers. But who was the third sergeant? A gentleman whose talents were well known and appreciated in that House, and who had a high professional reputation and character. These two gentlemen were passed by, and a person was made Solicitor-General who held the office of confidential legal adviser to the Irish Government, that Mr. Pigott, who was comparatively little known in the profession, might be placed in the latter office. He understood the hon. and learned Gentleman to say, that the establishment of Municipal Corporations would give greatly increased political power to a certain party in Ireland, and would afford additional means of controlling the Legislature. He begged to ask his Majesty's Ministers whether at present there was not a sufficient control exercised over them as regarded all their Irish measures? Were they desirous, by a measure like that before the House, to increase this influence and control, for a learned Gentleman sitting beside them had told them that by giving municipal corporations they would materially increase the political power of a certain party in Ireland? He

thought that he had read in a speech of the hon. and learned Gentleman—he believed an electioneering speech—another description of the probable operation of this measure. If he was wrong in his quotation, he should be happy to be set right; but he recollected to have read some observations purporting to be made on a certain occasion at Cashel, when the hon. and learned Gentleman took an opportunity of discussing this question. Did not the hon. and learned Gentleman then make use of an expression somewhat of this nature—that if this measure were carried, the popular influence of a certain party which was now supporting His Majesty's Government would be greatly increased—that the number of Members of that party returned from Ireland would be augmented from sixty to ninety. He would now turn to a very important part of the question, and would, in the first place, refer to the speech made last night by the noble Lord, the Secretary at War. The noble Lord put certain questions with great perspicuity and force. The first was, why did the opposition put forward this argument, that the carrying this question would be attended with danger to the Church of Ireland? And next he asked, how would the establishment of municipal institutions endanger the established Church in Ireland? The Attorney-General for Ireland had refused in no very courteous terms to give any answer to these questions. He said that it was all cant to talk of the Church being endangered by these municipal corporations. The hon. and learned Member for Bath had said, that the notion of the Church being in danger was merely the hobgoblin phantom of a fanatical imagination. Another hon. Gentleman called it a political cry of a faction, and other expressions of a similar character had been used. The noble Lord opposite did him only justice in saying, that, in arguing the question last year, he did so in connexion with the Established Church. He did so consider the question last year. It was afterwards said, that the question connected with the Irish Church was only made a stepping-stone to power; he could reply that neither noble Lords nor the right hon. Gentlemen opposite would assert that he was touched by any such insinuation. He would now endeavour to establish the fact that this connexion between the two questions was not so unnatural as hon. Gentlemen oppo-

site asserted; and he would do this by citing evidence which the opposite side of the House could not refuse to receive. The evidence he alluded to had been given in the course of the present debate, and in the presence of the House. The noble Lord, the Secretary for Ireland, complimented an hon. and learned Friend of his on the great ability he displayed in the speech which he made on this question two nights ago. He admitted that the speech of the hon. and learned Member for Liskeard (Mr. C. Buller) manifested great ability, and he confessed that he heard the opinions put forth in the course of it without surprise, coming from whence it did. That speech contained some very strong expressions, and he certainly did not mean to say, that the noble Lord when he praised that speech was to be considered as adopting all the opinions put forth in it, or to be held answerable for all the expressions used in the course of it. This would be very unfair; but then the House should consider the character of the speech in support of this measure. The hon. and learned Member for Liskeard said, that he regarded the Irish Church with horror, as the most revolting profanation of all that was most venerable in Christianity, and the most odious perversion of all that was useful in the principle of a church-establishment. He went on to argue that the Church in Ireland could not co-exist with free institutions. He was followed last night by another hon. and learned Gentleman, in a speech of not less ability than that of the hon. Member for Liskeard, and what was his description of the Church of Ireland? He applied terms to it which had in former times been used with reference to another Church in the height of polemical quarrels. The hon. and learned Gentleman called it the harlot Church of England in Ireland, the greatest enormity in any country in Europe—this harlot Church of England as now existing in Ireland.

Mr. Roebuck rose to order. He begged the right hon. Baronet not to misrepresent him. The words he made use of were, "the harlot Church of Ireland;" he said nothing about the Church of England.

Sir J. Graham: The hon. and learned Gentleman might endeavour, with great legal precision, to make a distinction between the expressions, but in the eyes of the law and the nation there was no dif-

ference. The Church of Ireland did not exist separately from the Church of England. Did any hon. Gentleman deny that the proper expression to be used was the Church of England as established in Ireland? The main point, however, was, that the hon. and learned Member for Bath had used the opprobrious epithet, "the harlot Church of England, as established in Ireland," and had declared that Church to be the greatest enormity in Europe; and the hon. and learned Member, following up the arguments of the hon. and learned Member for Liskeard, went on to give, in able terms, his *rationale* of the further proposition, that an abuse so great, so flagrant as the Church Establishment in Ireland, could not co-exist with free municipal institutions. His words were—"This Bill will produce a spirit of self-dependence that will prevent them (the municipal burgesses) from suffering themselves any longer to be guided or governed by any body,"—a very happy prospect! "so as to make them support or approve of any abuse whatever." He was accused of being a bigot for contending that the two questions were connected; but he was now showing the House that there was not only a natural but an irresistible connexion which could not be denied even by Gentlemen on the opposite benches. His noble Friend, the Member for North Lancashire, had shown, that with the petitions in favour of this Bill, the question of tithes had been generally, it might be said invariably, united. That was not the result of accident, but of previous arrangement, under the direction of the National Association of Ireland. He was glad to see the hon. Member for Tipperary in his place, for whenever he heard him discuss any great national question in which he felt interested, no man listened to him with more sincere pleasure than he did. He would now read to the House the forcible suggestions given by the hon. Member for Tipperary at the meeting in the Coburg-gardens: he told his auditors, that "strong and immediate application must be made to the Legislature for relief from that most frightful of all grievances; that 7,000,000 was the talismanic word by which to disarm the rancorous faction of its power." That was rather on a footing with the threat of the Attorney-General for Ireland that the Union would be dissolved unless the Bill were passed. It was said that it was the bigots, the political

hypocrites, on his side of the House, who united these two questions; but here was the hon. and learned Member for Tipperary telling the people of Ireland by no means to petition for corporate reform alone, but in every petition to unite with that subject the more important and more pressing question of tithe. The hon. and learned Member further said, "Trust to me who have long observed the debates, in which I have acted as well as looked on, when I say that success is certain, that they will, they must, they shall give way." The hon. and learned Member cheered this sentiment of his; and it had, indeed, become quite evident, from the tone which the subject had assumed, that the question now was, whether the House was to yield to intimidation by force, whatever its real opinions on the subject might be. There was plenty of evidence to establish the fact of this connexion. Besides the evidence of the hon. and learned Members for Bath, for Liskeard, and for Tipperary, there was the hon. and learned Member for Kilkenny, who could be brought forward as additional evidence on this point. He would not read to the House the many extracts he had by him from the hon. and learned Member's speeches, on numberless occasions, on this subject; but he would recall to the House the important declaration which that hon. and learned Member had made:—"Let me get the Whigs to a certain point, and I will undertake to carry them the rest of the way with me." That was not all. The hon. and learned Member connected with the Municipal Corporations question, not only the Church question, but many other and much greater ones. He had declared, "I am for the assertion of the voluntary principle in Ireland, the separation of the Church from the State, the vote by ballot, the household suffrage, the expulsion of the Bishops from the House of Lords, and the organic reform of the Lords themselves: give me Municipal Reform, and I will undertake to carry all these into the bargain." He would not carry this point any further; the connexion of the two subjects, he thought, had been indisputably proved. The noble Lord, the Secretary at War, had pressed another point on the attention of the House in reply to the noble Lord, the Member for North Lancashire, who had charged the Government with always burrowing onwards, although they were satisfied that this mea-

sure could produce no good effect, and although a large minority in that House had declared, while the supporters of the Bill admitted, that it was a step towards the destruction of the Established Church. The noble Lords and right hon. Gentlemen opposite, satisfied themselves with the notion, that because they had no such intention, that therefore no such result would take place; and the noble Lord, the Secretary at War, by way of meeting his noble Friend, the Member for North Lancashire, had charged him and his Friends with taking up the very position which those occupied who opposed the Reform Bill when he held office. But the cases were by no means analogous or parallel; and to prove that he would remind the House that the measure then brought forward by Earl Grey as the head of the Government was a specific and final measure, utterly and entirely unconnected with any other. When Earl Grey proposed it to the House of Lords, he said, "There is nothing in this measure which is not founded on the acknowledged principles of the constitution; there is nothing that is not perfectly consistent with the ancient practices and institutions of the country; there is nothing that may not be adopted with perfect safety to the rights and privileges of all the orders of the State, and particularly of that order to which your Lordships belong." What was the declaration which Earl Grey made after the Bill had passed, and after his Government had been broken up, and within a few days of his retirement from office? On the 6th of June, 1834, Earl Grey said, "It is undoubtedly true, that while every Member of the late Administration felt the necessity of introducing a measure of Parliamentary reform, we thought it right that it should be an extensive measure, in order that we might afterwards take our stand upon it; and I appeal to your Lordships and to the country whether I have not resisted any attempt to push the principle of that measure further." That was a measure, then, specific, and finite in itself; and although in carrying out that measure the Government received the support of some Gentlemen who had ulterior views, yet the existing state of parties at that time was such that the old Whig party had a most predominant influence in the House, and the Radical party was comparatively small, so that there was a party sufficiently strong

in itself to resist any attempt to push extreme measures. But was the present a specific and a final measure? The noble Lord, the Secretary for Ireland, might say that it was intended to be so, but was not the question left open still with regard to tithes in Ireland? Were there not other questions still left in a vague and indefinite state? Had his Majesty's Government given any decided answer yet as to the course they meant to pursue with regard to the appropriation clause? What power had the Government to give effect to their own decisions on this point? Had not a great change taken place in the relative strength of parties? What were the relative proportions at present of the Radical and old Whig party? Had there been no compact in this matter? Not only a compact—but a compact union was notoriously effected at Lichfield-house, and what was it? As he understood the nature of that union, it might be shortly and simply stated—it was this, to give Downing-street and office to the Whig party, and surrender the Irish Church to the Irish Association. He said more. He was decidedly of opinion, after surveying the relative strength of parties in that House, that if the Gentlemen among whom he sat were to secede from the House of Commons, and cease, for a short while, to attend to the duties here, he did believe not a month would elapse before vote by ballot, household suffrage, the expulsion of the Bishops from the House of Lords, and the voluntary principle in Ireland, would be established by the most triumphant majorities of at least two to one. So much with respect to the strength of parties at the present moment as contrasted with their relative strength during the progress of the Reform Bill. He should now shortly address the House upon one or two other points. And first of all, he begged to state that the representation of this motion for the abolition of corporations as an Orange device, was utterly unfounded. It was no new opinion—it was no new project. It was first mooted, he believed, so far back as 1829; it was decidedly advocated in the letter of Lord Cloncurry, which he had read at that time; and if he were not greatly mistaken, in a petition which came from the Catholic Association in 1826, this precise object, this disfranchisement, meaning thereby the abolition of those corporations, was distinctly prayed. It was therefore

no new proposition. He should not go into all the details of the measure itself, but there was one point on which he must be allowed to touch—he alluded to the alteration which had been made in the Bill with regard to the appointment of sheriffs. That point had not been very distinctly explained by his Majesty's Ministers. He wished to call to the recollection of the House what had taken place on this subject. When the Bill was introduced last year, it was provided that as in England so in Ireland, the sheriffs in the counties of cities should be subject to popular election. Those on the opposition argued that this was an undue interference, in the shape of popular control, with the administration of justice. His Majesty's Ministers yielded to that argument, and withdrew from popular control, the sheriffs of counties of cities, and the other justices. But an alteration was made this year. The Bill gave to the popular body the right of returning three names to which the Lord-Lieutenant might absolutely object, without assigning the slightest reason. It then empowered the municipal bodies to name the other three, and gave the Lord-Lieutenant the power of setting them aside also. Now he begged the House to observe what had already taken place on the subject of setting aside jurors. If public opinion had rendered it necessary to place some restraint on the unlimited power, as it had hitherto been exercised by the Crown prosecutors—and the rule had been to-night satisfactorily enough explained by the hon. Attorney-General for Ireland, although his explanation was somewhat inconsistent with that furnished on a former evening by the noble Lord—if the weight of public opinion against the setting aside of jurors had rendered the practice so unpopular, what would be the effect of the Lord-Lieutenant setting aside six gentlemen thus nominated by their fellow-townsmen to fill the high situation of sheriffs without assigning any reason whatever? There might be sufficient reasons against all of these, and yet in the present state of public opinion in that country it was hardly possible for the Lord-Lieutenant to exercise that most sound and proper discretion. Either this variation from the principle adopted last year was a real concession, or it was a colourable one. Was it, then, real concession, restoring to popular control an officer who had to appoint the juries in Ireland? If so, he

held in his hand the solemn adjudication of the House against it in a recent instance last year. The House of Lords in this very Bill inserted a clause which gave the present clerks of the peace and clerks of the Crown in Ireland, a life tenure in their offices. The House of Commons objected to that clause, and assigned a reason for their objection. He would read to the House the reason which had been unanimously adopted, and which he believed there was no ground to forego. The Commons objected to the Lords' plan and the reason given was "because such officers as are connected with the administration of justice in Ireland should be removed from local influence, and placed directly under the authority of the Crown." Here was the recorded unanimous opinion of the House of Commons. Again, therefore, he asked, was this a real concession, restoring the sheriff to popular control in defiance of the opinion of Parliament, or was it merely a colourable one? Was it an act of tame submission to the hon. and learned Member for Kilkenny? It was an attempt to deceive the public or an attempt to deceive one who would not be deceived, to satisfy one who would not be satisfied. He should have gone further into the details of the question if the evening had not been so far advanced as to preclude the possibility of doing so with propriety. He could have shown how tolls—one of the most fertile subjects of grievance in Ireland—was kept up in all the obnoxious integrity by it; and then he could have compared with it the plan of his noble Friend, which went to abolish them all. The commissioners even of the Government itself, who reported on the corporations, with Mr. Sergeant Perrin at their head, had pointed out the propriety of abolishing tolls in the strongest manner. They said, that "The tolls were excessive and unreasonable in their amount and exaction; and that the schedules laid them on the smallest articles coming into towns; all of which was a great hardship on the people, and especially bore with severity on the poorest." Then were tolls set down by the Corporation Commissioners themselves as one of the worst grievances of corporate cities; and yet the Bill of the noble Lord opposite, which affected to remedy all grievances in corporations altogether, omitted to notice that crying one. The Commissioners then went on

to say in the same report, "That these tolls were often unjustly and illegally enforced, and were as often resisted by violence and tumult." Thus the law was transgressed on both sides. On the one by an illegal assertion of rights which did not exist, and on the other by an illegal resistance to wrong; through which means commotions and bloodshed ensued, unhappily not of unfrequent occurrence in Ireland. The noble Lord the Home Secretary, admitted that there was a great analogy between the Bill before the House and the Bill on the Poor-laws—that was between the subject of both. Now what did Mr. Nicholls say in his report on the state of the poor in Ireland? He said in substance that he did not believe there were the means of constituting boards of guardians in that country, and the noble Lord, in corroboration of the correctness of that belief, gave the central board the power of suspending such of the boards of guardians as they thought fit. Mr. Nicholls went still further, for he stated that he believed the mode of electing a board of guardians for the poor by the popular voice would be at present dangerous in Ireland; yet the noble Lord proposed in the measure under discussion to confer all the power upon the popular body. How did he reconcile the discrepancy? The noble Lord, the Secretary for the Home Department, in moving the other night for leave to bring in the Poor-law Bill for Ireland, gave no very flattering picture of the present state of that country; he described the want of education—the lawless habits—the marauding mendicancy that prevailed there; he described it as a country overrun by marauders and mendicants. He went on to tell of ejected tenants returning with multitudes, and even with arms, to recover possession of their holdings; and it was in the recollection of the House how the noble Lord illustrated that by an example. He told a story of an ejected tenant, the morning after his ejection, again appearing on the land to resist the entry of the new farmer, and being armed, actually fired a shot at the tenant; fortunately it did not take effect, but with the other barrel he fired at the tenant's servant, and killed him, while multitudes were present aiding and abetting him. Such was the description given of the present condition of Ireland by the noble Lord, the Secretary for the Home Depart-

ment; but he would read to the House something still more curious, and which well merited the attention of the hon. Gentlemen opposite. The House was perhaps aware that Downing-street had lately brought forth a pamphlet. The Foreign-office had been in labour, and was safely delivered, and he held the bantling in his hand. It was christened—they might guess who were the sponsors on the occasion—"The policy of England towards Spain." Now in this pamphlet it was attempted, if not to defend, at least to gloss over, those atrocities which disgraced and disfigured the civil war in Spain. The murder of the mother of Cabrera, for instance, the assassination of Quesada, and many other such dreadful atrocities, were disposed of in that spirit. But perhaps the House would like to hear the juvenile Whig speak for himself. Not only were the offences to which he had referred treated in the way he had stated, but actually—which perhaps they would hardly believe—a comparison was instituted between the present state of Spain, in which country civil war was raging, and the state of Ireland—very little to the advantage, he was sorry to say, of the sister kingdom. The passage ran thus: "Let us look at home—let us examine what happens here, under our own eyes, with every circumstance most favourable to the prevention and punishment of crime, and we may then form an estimate of the difficulties against which a Government of Spain, in its present state, has to struggle. Some of the provinces of Spain are larger than Ireland; but it may be doubted if in the course of a twelvemonth the balance of crime would not be against the sister island, and in favour of any province of Spain that might be selected. Yet, with all the authority of the law—with all the force of opinion—and with the long array of judges, magistrates, infantry, cavalry, and police, all well disciplined, all having a common object, how hard is it for the Government to exercise its functions, when the people, unfortunately, do not recognise their own interest in the suppression of vice and crime!" Was he then wrong? Had he overstated the case? Was there not a comparison drawn between Spain, where civil war was now raging, and the existing state of Ireland, and was not the assertion broad and distinct that crime was more rampant in Ireland because the people in that country took no interest in

He said, of all abstract rights, none is so clear as the right of self-defence. A sword is a weapon of self-defence. A man asks me for my sword; if I know that sword is to be drawn to cut my throat, I am a fool or a coward if I surrender it. So he (Sir J. Graham) said, in the abstract municipal institutions were good, but if he knew—if he were told beforehand that these municipal institutions were to be employed for a purpose which he considered fatal, to use the words of Mr. Burke, he should be a fool or a coward, if he gave those weapons to be employed for so deadly a purpose. It was come to this. He saw clearly and distinctly that the Protestant Church in Ireland was in the utmost danger. To those who considered "that harlot church," as it had been designated, a nuisance that must be abated, the cry of the church in danger would be a sound of cheering joy; but to those who regarded it as a great national good, which it was their sacred duty to maintain, the present aspect of affairs could not but occasion the gravest apprehension. And could he doubt that church was in danger when he had lived to hear a Minister of the Crown, and that Minister the Secretary for Ireland, talk of the rottenness of that church? Wherein consisted its rottenness? Not in its foundation—it rested on the rock of ages. Not in its bulwarks—the hearts of a million of brave men, who regarded it as their first duty to defend, and would rather die than betray it. But still he admitted there was rottenness in that church, and that rottenness, in his opinion, mainly consisted in the hollow, wavering, if not insincere, support, given to it by the ministers of the King—of that King who was sworn to defend and maintain the united church of England and Ireland in all its rights, privileges, and immunities. They had been prepared for

"The rent the envious Casca made,"
but—

"This was the most unkindest cut of all."

He certainly must say, not in bitterness of spirit, but from the bottom of his heart, he wished "an enemy had said this!" Ministers had declared against that church, and when Ministers had so declared, was it to be wondered that it had assumed a most formidable aspect? What the supporters of this measure ask for, concluded the right hon. Baronet, is jus-

tice to Ireland. We contend for justice to Ireland—justice to the judges of the land, whose sentences are reversed, whose feelings are outraged, whose opinions are rejected, whose judgments are reversed by the Lord-Lieutenant of the King—justice to the magistracy of Ireland, whose authority is impaired, as is proved by the fact, hardly denied, that turbulent violators of the law are placed in the commission of the peace, side by side with its accredited guardians and defenders—justice to the Protestant clergymen of Ireland, whose rights are overborne by open violence, whose property is despoiled with impunity, whose lives are taken in open day, and from whom the protection of the King's Government seems almost entirely withdrawn in face of the tyrannous hatred of the Irish people—justice to the freeholders of Ireland, who are overawed in their exercise of the elective franchise, by the constant interference of those priests who impress them with the belief that they hold in their hands the keys of heaven and hell; and who bring to bear upon their fears the terrors of the other world, and the pressing struggles of this—justice to the entire people of Ireland, by vindicating the majesty and supremacy of the law, with a hand of firmness, so that in progress of time, life may become more secure, and the rights of property more respected in that unhappy country. These, Sir, are our plans of justice. And when you shall have satisfied them, then, but not till then, we shall be prepared to consider the extension of popular privileges to that country, and to encounter even the danger of your "normal schools of peaceful agitation."

Mr. *Sheil*: The right hon. Baronet commenced his speech by saying, he believed he was regarded by this side of the House as a sectarian and a bigot; whether his speech was calculated to remove any such injurious impression, I will leave those who heard it to determine. I cannot help thinking that the right hon. Gentleman made use of language, in speaking of the Roman Catholics, such as no Roman Catholics in this House have ever applied to the Protestant Church. No Roman Catholic in this House has spoken of the Church of England, or of the Church of Ireland, in language so derogatory as that which they have heard applied to them by a Member of that com-

munion—as that which they have heard not with disgust, no such thing, but with a feeling of commiseration—with a feeling of commiseration and surprise that a person who once sat on this side of the House, and who was so strenuous and uncompromising an advocate for reform, that he defied all its consequences in Ireland, should on this occasion be so far led away as to utter the expressions which have been heard from him. Why did he speak of Spain? Why did he refer to the atrocities which have been committed in that country? Why was Cabrera's, why was Quesada's, name introduced? I will not call the right hon. Gentleman a bigot, but he will pardon me if I call him a convert. On this occasion he has exhibited all that zeal and enthusiasm for which conversion—conversion be it—is proverbial. In the course of his speech, which was certainly an extremely discursive one, he did me the honour to refer to a speech of mine, and I must confess he spoke of me in terms which were most complimentary. I, in return, must say, I hear him always with the most unqualified pleasure; he is in heart most generous and humane, and his tongue carries conviction to the mind. I remember an instance of this in a speech made by the right hon. Baronet at Cockermouth—a speech in which there was some reference to a recreant Whig.—[Sir J. Graham: That was a long time ago.] Well, no matter; I don't know how long it was ago. Sir, in my opinion, this measure before the House must be granted. In saying this, I assert no more than was said, I believe the night before last, by the noble Lord who sits behind the right hon. Baronet. The noble Lord said, Municipal Corporation Reform should not be granted to Ireland. I say it shall be granted. The right hon. Baronet has also referred to a meeting which was held at a place which he calls the Lichfield House of Commons. He described the result of that meeting as a compact between two parties. I have already stated the expression I used with respect to that meeting—I said that there was then formed “a compact alliance.” But if you are to hear of the Lichfield House of Commons, do you remember that in 1831 there was a meeting at Brookes's Club? Does the noble Lord, or the right hon. Baronet remember that then there was an assemblage of Irish Members, who had

differed from the Government, and who were called upon by that Whig Government to forego their differences, and enter into “a compact alliance” with them? The noble Lord and the right hon. Baronet were Members of that Whig Government. The right hon. Baronet shakes his head, but there is nothing in it. All must recollect the course taken by the noble Lord on that occasion. The noble Lord in a paroxysm, I will not say of after-dinner oratory, delivered one of the most powerful speeches I have ever heard against the very persons with whom he is now operating. I have not adverted to this subject from any malevolent purpose. But have I not a right to advert to it? Is Lichfield house meeting to be made the subject of discussion in this House, and out of this House—and is a meeting at which the noble Lord took so conspicuous a part, not to be made the subject matter of debate? Is the one to be fair game, and the other to be prohibited? If you are disposed to do justice to Ireland, do justice at least to the person who is now speaking to you, and who will break through no rule of decorum in his address to you. The right hon. Baronet in the course of his address to you, proceeded to comment on the General Association. Now I think that he ought to feel that this was dangerous ground for him to tread upon—if not for himself, at least for his existing associates. You talk of that Association. How long ago, I ask, is it since the right hon. Baronet, the Member for Tamworth, when called upon to form an association, selected as the objects of his special favour, the members of an association which has since been denounced by the House of Commons? The hon. Member for Sligo, the treasurer of the Orange Society, was promoted, the treasurer of a society that tampered with the army. Have we not evidence of that? Has not the evidence been produced in this House that the Orange Society was in communication with the army? Was there not the declaration of the Duke of Cumberland, that he was unacquainted with the fact? Is there an Orangeman in this House—is there a Gentleman in this House—who can deny that the proofs were afforded to us, that warrants were issued to the army? Will that be denied?

Colonel Perceval: Yes, I deny it. I wish to state distinctly, that I did not say

that warrants were not issued ; but I did and do say, that the army was not tampered with.

Mr. Sheil: We do not materially differ. In fact, what I insist on is this, that warrants were issued to the army. We have that in the printed reports ; we have it, too, stated there that Mr. Boyton moved that warrants should be sent to a particular regiment. We have abundant evidence of the fact, and in consequence of that evidence Lord Hill issued an order to the army. I entreat the hon. and gallant Gentleman opposite (Colonel Perceval) to believe that, if I refer to him, it is in no spirit of unkindness. I fairly and frankly tell him that I do so, because Mr. Pigott being a Member of the Association has been so much dwelt upon by hon. Members on the other side. I point then, to the hon. and gallant Member who was promoted by the right hon. Baronet, the Member for Tamworth. I shall only advert to another—Lord Roden, who was also raised to a very high office ; he is, I admit, an individual of the highest respect, but a Member of the Orange Association. Surely, then, when the Tories make charges against the present Government for promoting Members of one Association, they ought to recollect that they dwell in so fragile a tenement that they cannot with impunity incur the danger of a tile being flung upon the roof of their place of refuge. So much with respect to one Association ; but then the right hon. Baronet has adverted to other Associations—to the Birmingham Union for instance. What, I ask you, is the reason, if you now condemn these Associations, when Lord Brougham addressed the Birmingham Union, at the time they passed a resolution to pay no taxes—what is the reason that the right hon. Baronet and the noble Lord did not resign—why did he not then refuse to hold office with his then colleagues ? Let the right hon. Baronet beware—we have not forgotten his public life, though he may have done so. He and the noble Lord who sits beside him have taken as strong a course in the excitement of the public passions as any one of the agitators who are now the objects of their denunciation. I shall not go into the details connected with Ireland. There is only one point to which I mean to advert—the Government of Ireland—as materially affecting this question. The appointment of Mr. Cassidy

as a magistrate is a matter of so little consequence, that it ought not to be mixed up with subjects of national importance. I will tell you what is my view of the matter, as connected with the conduct of the Irish Government, and which I regard as of great importance. The Irish Government is acting on a peculiar policy, and the question is, will the Legislature adopt a similar policy ? Has the Irish Government succeeded ? Has it produced peace in Ireland ? I can produce you strong authority on the subject. I have not the means of referring to official details ; but I refer you to Mr. Howley, a gentleman who unites in approbation of his conduct the applauses of the Radical, the Agitator, and the Orangeman, and who has received an unanimous vote of thanks from the magistracy who witnessed his conduct as an assistant barrister. I find in his charges repeated statements made of the tranquillity produced in the county Tipperary ; and by a return from the clerk of the Crown for the same county I find that where 111 were formerly tried at the Nenagh sessions for riot, in the last session there were only two. Then I ask you, has not the policy of Lord Mulgrave succeeded ? What has he done ? He has laid to rest that question which you regard as the truly dangerous one. Who has heard in our public assemblies in Ireland the repeal of the Union made a subject of discussion ; or if introduced, but incidentally glanced at—a question which, if not dead is dormant ? I have not uttered one syllable on the subject ; but this I say, that if justice is denied to us here, we have a right to ask for the repeal of the Union ; and I wish to show you that this sentiment was uttered by the noble Lord (Stanley) on the opposite side of the House. What is justice to Ireland ? Let us examine the question calmly, as such a subject ought to be examined. What is justice to Ireland ? And will it not help us in determining that question to ask what is justice to England ? The Test and Corporation Acts were at one time regarded as defences to the Church—through them the corporations were regarded as the bulwarks of the Church ; and Mr. Canning felt this so strongly that in 1827 he refused to repeal the Test and Corporation Acts. The right hon. Baronet (Sir Robert Peel) refused also to repeal them until he was forced to do so : he had not experienced

then the process of soft compulsion which he has since been undergoing, and which I have no doubt he will yet be compelled to submit to. The Test and Corporation Acts were then repealed; but by means of the machinery of self-election in the corporations the people had not the benefit of them. What was then done? The House of Commons came to a resolution that the corporations in England should be placed under popular control; and the Lords did not think fit to reject such a proposition. Do not the corporations, then, which are now made to apply to the Irish Church, apply in a still greater degree to England? In Liverpool the effect of the Corporation Bill had been to transfer power from one party to another. In Liverpool the Tories have been completely prostrated; and the people of Liverpool, struck with admiration of the system of education given by the noble Lord opposite, to Ireland, and this, too, notwithstanding the violent remonstrances of the noble Lord himself against such a course, have adopted it in Liverpool. I do not know whether the noble Lord has not also changed his opinion about his own system of education. You then find the transference of power from one party to another. I should be glad to know if, on that account, Liverpool is to be deprived of its corporate rights? Corporations were considered the defence of the Established Church in England, and yet to England corporate reform has been conceded. What, then, was the course pursued with respect to emancipation? I have now to refer to the right hon. Baronet, the Member for Tamworth; and I beg of him to understand that I do not mean to say anything which can be in the remotest degree offensive to him. I submit to him—I beg to remonstrate with him in language respectful as it is earnest—whether he is not bound to fulfil the compact with us that he entered into upon that occasion? Did he wish to exclude Roman Catholics from corporations when the Emancipation Bill passed? In his address to this House he admitted the pressure which my hon. and learned Friend (Mr. O'Connell) had subjected him to. He declared that Roman Catholics were to be admitted into the corporations—to every office in those corporations. Does it stop there? The Emancipation Bill contains two clauses respecting Roman Catholics being admitted into corporations, and providing that they should be admitted

into every office. Were you sincere in that declaration? No doubt you were;—the promise you made was to the heart;—you did it unwillingly, but you did it honestly. Can you approve of the course which the Irish Orangemen have pursued? From that day to this—mark it! Englishmen!—from that day to this, despite of that Act of Parliament—despite of the declaration of the right hon. Baronet—not a single Catholic—I repeat it—not one has been admitted into the corporation attached to the metropolis of our country. Do you approve of that? You do not. Will you then now, as the opportunity is afforded to you, carry emancipation into effect? Will you do it? Do you repent of having sanctioned part of the Act of Parliament? Was that the compact? Was it to be a dead letter? Will you permit the law to be still evaded by the Orangemen of Dublin? You tell me that you fear for the Established Church. Why, you had that fear before you when you passed the Emancipation Bill. You had all the arguments, all the danger, all the evils, and you saw those evils as clearly as those who remonstrated with you. You tell me you have fears for the Church. I shall not use any warm language with respect to that Church. If that Church be, as it is said, built upon a rock, it is a very hard one. We are told, too, that there are millions of men ready to die for it. If it will afford martyrs, many of them are as ready to insult and put to death others, as well as suffer such themselves. I will not suggest one word against that Church; but, admitting it to be the asylum of truth, I still cannot but think it unfortunate that that Church is made the plea for refusing every concession. If we ask for the remission of a severe and grievous impost, you answer, the Church—if we ask you for any benefit, you answer, the Church—if we ask you to do justice to Ireland, and make perfect the Emancipation Bill, you still answer, the Church. You say we must have the same Church in both countries; but you cannot have in both the same Corporations, because the same Corporations and the same Church cannot exist together. Then the Church of eight hundred thousand is to be maintained, and the Corporations of seven millions to be refused. I come now to the course which was pursued on the Reform question, and the observations I have to make cannot be at all applicable to the

right hon. Baronet. The Tories stood forward as the opponents of Reform—they objected to Reform being conceded to Ireland. They said that Reform would annihilate their power in Ireland; that “the Roman Catholics would not only drive them from the guns, but turn the guns against them.” This was the language of the Recorder of Dublin, and of every other Irish Tory who spoke on the subject. What did the noble Lord then say of the cautions that were thus given by those with whom he was now sitting? Here is the language of the noble Lord. Citations, I know, are not favourably received here; but when the right hon. Baronet spends the recess in groping out speeches—when he even refers to Cabrera’s mother—surely a person may be excused for reading such a document as this. It is very short. I begin with a paragraph referring to the Irish Members. The extract is taken from volume 17, page 2278 of *The Mirror of Parliament*. Lord Stanley thus speaks—“I call upon those who are for Reform in England, to look back, and consider what has been the conduct of the Irish Members with respect to that Bill.” We certainly carried the Reform Bill. A majority of English Members, a majority of Scotch Members, voted against it. We insured its success. I invoke, then, the people of England and the people of Scotland in this crisis to stand beside us. The noble Lord then proceeded to speak of Reform in England and Ireland. He said “If it be just here, so it must be just there.” I entreat of the advocates of the Conservative interest, and those who consider themselves the supporters of Protestant institutions, to look at the danger to which those institutions are exposed. By withholding the privileges which this Bill confers, you will give to Ireland a real substantial grievance. It will give a handle for agitation—a great argument for the repeal of the Union. Do not let them say that in the House of Commons English interests were treated one way, and Irish interests in another—that in England public opinion is attended to, while in Ireland the public voice is stifled. I, for one, cannot conceive how, in a spirit of fairness and justice this can be done. Agitation will break out, and in a manner that it has never done before. I cannot conceive that anything can be more clear than that there ought to be an extension

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of the English Bill to Ireland. I cannot conceive how we can refuse to treat both countries equally, and make the same principle applicable to all the Members of the empire.” Now the right hon. Baronet speaks of fears for the Church, and shows distinctions between the two countries. If the right hon. Baronet (Sir Robert Peel) who sits on his right hand will do me the honour of adverting to anything I say, I hope he will have the goodness to extricate the noble Lord from his difficulty; and certainly it will require all the consummate dexterity for which the right hon. Baronet is so conspicuous to serve his Friend, for he certainly is now in need of it. Is it not, after all, a painful thing to see the man who uttered sentiments like these—whose principles were so advocated—is it not a lamentable thing to see him occupy his present position? He will forgive me for saying, that it is more with a feeling of mournfulness than resentment that I see him where he is. It is melancholy to see him where he is; and the pain is aggravated by the tone and character of the speeches he has lately addressed to this House. The man who speaks thus, or who uttered such language amid the acclamations of those who heard him, that is the very man who tells the people of Ireland that they never shall have corporate reform. [Lord Stanley: No, no.] If he did not say so I beg the noble Lord’s pardon. What did he say? If he recalls the phrase I am satisfied. [Lord Stanley: I never used it.] It is enough. I admit I was not in the House when the expression is alleged to have been used. I unaffectedly retract every phrase I used under the impression that the expression was used by him. I understand from the noble Lord he did not use the expression.

Lord Stanley: The hon. and learned Gentleman has made a personal attack upon me.

Mr. Sheil: No, no! not a personal attack.

Lord Stanley: What! no attack? The hon. and learned Gentleman has made an attack on me, knowing that I have not the opportunity of answering him. I do not complain of this; but as he does ask me to explain that which he had not the opportunity of hearing, and yet to which he is replying, I beg to tell him that I did not use the expression that the people of Ireland should not ever be put in possession of corporate reform; but I stated this, that

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while the Irish Church was subject to danger, and while the General Association was using threats and intimidation, that the more these threats and intimidation were used, the more would the people of England be determined that they should not have what they thus demanded.

Mr. *Sheil* resumed: The people of Ireland relied upon the principles contained in the speech which I have just read. The noble Lord complains that I am making an attack to which he cannot reply. The noble Lord knows perfectly well that although I feel myself, and I speak most unaffectedly, most conscious of my inferiority to him in point of talent, I have never shrunk once when my public duty called upon me to assail him, whether he had a reply or not. I must appeal to the House whether I have made an attack on the noble Lord. I would rather say that there is that in his own breast which reproaches him more than I can do. I stand here, in a constitutional point of view, the noble Lord's equal. The noble Lord knows it. I respect his rank, I respect his talent, I lament his opinions. Let me add that the noble Lord himself is not characterised by mercy to his opponents. No man fears an operation so much as a surgeon. I have always heard that the drummer of the regiment has the greatest terror of the lash. I will now show the reasons why the "No Popery" cry, which is attempted to be raised, cannot succeed. I wish to show that this question must be carried. We have carried Catholic Emancipation, not against the noble Lord, but against the right hon. Baronet beside him (Sir R. Peel). The right hon. Baronet is as good a debater as the noble Lord, and the right hon. Baronet has discretion, he has great personal influence, and a great hold on the feelings of his country; and with his resistance, which was as immediate and as strong as that opposed by the noble Lord to the present measure, we carried Emancipation. We did that by union, by organization, and by an associated power; we carried it by the Clare election. I beg leave to ask the noble Lord whether, with our power now trebled, we are not able to carry on the immediate result of reform? Let the noble Lord look around. You see the national power: you see Ireland advancing with rapidity in the march of improvement; you see her spirit of union, her intelligence, and, we have to thank the

noble Lord for it, her education; you see the character of Ireland gradually changing; you see something of British thought; you see us not only free, but we feel as if we had never been slaves. I may say, without exaggeration, that Ireland not only stands erect, but she looks as if she had never stooped. I may say that this improvement is general. I may point at the bar, and show the second judicial office held by a Roman Catholic. I may point to the Irish Attorney-General, and to many others, if individual cases are necessary, to illustrate the point. It may be regretted, it cannot be denied—the conclusion is irresistible. I say, then, that the Clare election carried emancipation. No! What carried it then? Is not the Duke of Wellington an authority, and has he not said that he could not help it? But if the Clare election contributed to carry that question, what power must we have now? How do we stand in this House? Sixty, at least the great majority of the representatives of Ireland act together as one man, our power is combined and confederated for one great purpose, and do you think that this power you will ever be able to put down? We are here, thank God, in this House. I remember the time when I occasionally obtained admission under that gallery, and I heard men who appeared as the advocates of the rights of Ireland—I heard them, whilst addressing the House, under the necessity of doing so as if in asking for liberty for Ireland they were soliciting alms. Perhaps it was necessary then to take that tone, but shall it be necessary again? We may be less eloquent, we may have less astuteness, we may have less wisdom and less erudition, but we bring to the advocacy of our rights, our hearts, and our hands. Though we may be deficient in the qualities of public speaking, though we may not be masters of diction, in our determination we stand unsurpassed. With this power you have to contend, and this you attempt to meet by raising the "no popery" cry. The noble Lord is not one that will do this, he will repudiate it; I am not telling him what he is doing, but I hope he will forgive me if I tell him what the Tories once did. The actors and the transactions to which I allude are now matters of history, and in speaking of them, therefore, make no reference to what can be painful to any individual. What I allude to occurred in

1807. I am not speaking of individuals, but of the party. That year found the Whigs in Downing-street, whilst the Tories were in possession of St. James's. The Whigs did no more than propose that Roman Catholics should be admitted to the army and navy. The Tories saw the opportunity and seized it, to work on the excited feelings of the people of England against their adversaries. What course did they take? They raised the cry of "No Popery!" On that key the Tories worked; the tocsin of religious warfare was sounded; they alarmed the minds of the people; in public assemblies noble Lords, not greatly distinguished for religion and morality, addressed the people in the most exciting language—"Rally round your King," they exclaimed in 1807! "Rally round your Church," "Rally round your Constitution." They appealed to the passions of the people—they got the Whigs out of office, and in eight years after they passed this very measure. Yes, in eight years they passed the very measure which they made such strenuous and discreditable efforts to obstruct. I ask you, are you playing the same game now? I do not say you are, but if you are, shame, shame upon you. Let the facts speak for themselves. Look at the language of the journals in your interest. Look at the papers containing the names of the subscribers for the publication of "Fox's Book of Martyrs," with the name of the Duke of Cumberland at the head of them. What was the language used at the Mansion-house in Dublin?—ay, at the Mansion-house, the seat of the corporation, and at a meeting at which the hon. and learned Member for Bandon (Sergeant Jackson) attended? What said *The Evening Mail*? Why, that the moment Lord Roden appeared there with Orange emblems, assuming an attitude of thoughtfulness, and exhibiting an Orange handkerchief, he walked up the room. Then, said *The Evening Mail*, there was a display of Orange handkerchiefs: then came peal after peal of the Conservative or Kentish fire. Does the right hon. Baronet, the Member for Tamworth, approve of all this? The right hon. Baronet does not, I am sure, approve of all this. The right hon. Baronet's speech at Glasgow was distinguished for its moderation. But the right hon. Baronet could not check this formidable display, although he might entreat for a forbearance to offer gratui-

tous insult to the feelings of the people of Ireland. But I am dwelling too long on this subject. I will come to the question. All we ask is simply justice. Can you reconcile it with common sense or justice, that I, who stand in this House as Member for the county of Tipperary, cannot be a member of the corporations of Cashel or Clonmel? The thing is monstrous. We ask for justice, and we will persevere in the assertion of our just cause. If the Tories come into power, they shall find us here; they will find us combined and confederated against them. We beat them before, and we will beat them again. What is our cause? I will tell you what our cause is. You took from us a Parliament. If you left us our Parliament, there would have existed in Ireland the same dominion over that parliament as the British people have over theirs. But you bought our House of Commons, and you paid for it in gold; ay, gold in its most palpable and sordid shape. You affected to enter into a league with us; and the head of the Administration of the time, the great minister of the day, by his classical references elucidated and illustrated that great unnational compact. Twenty-nine years had passed before this House took a single step for the purpose of carrying that contract into effect. At length Emancipation was forced from you, Parliamentary Reform came next, and Corporation Reform was given to England; and now, when we ask you for the same privileges which you exercise yourselves, you refuse them. Yes, that which you did not dare to refuse to the people of England, you have contemptuously denied to the people of Ireland. Is this justice? Oh, but there is an anxiety to do us justice. This is the language that has been always used ever since Strongbow first put his foot on the shores of Ireland. Yes; every Englishman to whom the Government of Ireland has been committed, professed the utmost solicitude to do justice. Even Strafford, the deserter of the people's cause—the renegade Wentworth, while setting his foot on the necks of Irishmen, declared his anxiety to do justice. I am not surprised at this, for the same influence now exists by which Strafford was influenced. But while all others professed to do justice, there is one amongst you of the most distinguished talent, and the most decided character. He is not a Member of this House; but he spoke at

least with more frankness than others of his party. He does not profess to do justice to Ireland, he is above imposture, and part of the epitaph on *Chatteris* is applicable to him. This distinguished person tells us, when making an appeal to the passions of the English people, he tells us—the people of Ireland—that in every particular by which strangers can be enumerated, we are aliens to this country. The phrase is certainly a remarkable one, and one which now belongs to history. It is one which must necessarily be the subject of fair and legitimate quarrel now, as it must be the subject of observation hereafter. I am not aware whether that phrase has ever been attempted to be explained. I know the phrase has never been distinctly disavowed. I know that the utterance of that phrase has not been denied, and with respect to the meaning of it, but little doubt can be entertained. I know that in this House, upon one occasion, immediately after that remarkable phrase had been uttered, I took the liberty—if it be one, I beg pardon—but I took the liberty of asking every one who held a conspicuous position on the opposite benches, whether he adopted the phrase or not? I remember more especially, the right hon. Baronet, the Member for Tamworth, on that occasion saying, that he was not responsible for any language but his own. The right hon. Baronet was in the painful situation of being in close connexion and association with a man, in whose expressions he did not think it judicious to express his concurrence. I am surprised that at the moment the phrase was uttered, the Duke of Wellington did not start up and say, that those aliens had done their duty. But the Duke of Wellington is not a man of a peculiarly excitable temperament; his mind is too martial for sudden emotions, but yet I cannot help feeling, that when he heard expressions so affronting to his country, I am surprised that he did not recollect how often in the field, and in the fight, the Irish Roman Catholics have been the auxiliaries of his renown. He ought not to have forgotten *Vimeira*, and *Badajoz*, and *Salamanca*, and *Toulouse*, and the last and most glorious conflict which crowned all former victories. I will appeal to the gallant and hon. soldier opposite (Sir H. Hardinge), I know he bears in his breast a brave and generous heart. Let him tell how, on that day, when the destinies of mankind were

trembling in the balance, when the batteries, with fatal precision, spread slaughter over the field, and men fell in heaps—when the legions of France rushed to the fight, and, inspired by the voice of their mighty leader, rushed again and again to the onset—the gallant soldier opposite will tell you whether, in that *last hour* of thousands, the “*aliens*” flinched. And when at length the moment for the decisive charge arrived—when the banner so long closed was at length unfurled, he will tell you—when the mighty champion of that day cried out “*Now, boys! at them!*”—he will tell you, for he must remember, whether the Irishman, the Catholic Irishman, hung back from the charge. No: he will tell you, that on that day the blood of England, Ireland, and Scotland was poured forth together—their children fought in the same field—they died the same death—they were stretched in the same pit—their dust was commingled in the same earth—the same dew of heaven fell upon the earth that covered them, the same grass grew upon their graves. Is it to be endured after this, that we should be called aliens, and complete strangers to that empire for whose salvation our best blood was shed.

Sir Robert Peel said, his wish was, at the close of this debate, to have confined himself exclusively to the consideration of the proper subject in question, to have stated briefly and simply the reasons why he could not concur in the arguments which he had heard from the opposite side of the House, to have refrained from any reference to the conduct of the Irish Government, although provoked to do so by the challenge of the noble Lord opposite (Lord John Russell), and to have treated this subject on its simple and proper grounds. But the hon. and learned Gentleman, by the personal attack which he had just made, for the purpose, not of convincing the reason, but of exciting the passions—of stimulating—he did not say with the intention, but with the effect of widening the national differences—had compelled him to depart from the course which he had prescribed to himself. He would ask, was it wise, was it prudent, was it just to ransack every past debate for every angry expression? Was every hasty expression that might have fallen from an individual in this way to be taken up at once, considered as matter of history, and handed down as evi-

dence of national prejudice. Was the hon. and learned Member content to abide by the same rule? Did he ever hear that when the illustrious captain of that mighty field—as he designated the Duke of Wellington—that when he to whom life was nothing, staked the mighty reputation which he had gained by former victories on the field at Waterloo—when he stood there opposed to the legions of France, leading the united bands of Englishmen, of Irishmen, and of Scotchmen—did he ever hear that after the Duke of Wellington had rescued Europe by that great battle from the dominion of Bonaparte, and established the military fame and the peaceful security of his own country—did he ever hear of an Irishman who had so little sympathy for his country's glory, as to be able with all the opulence of his own peculiar vocabulary, to find no other appellation for the illustrious hero of Waterloo, than that of “the stunted corporal”? And if it were unfair to fasten upon words like these, uttered in a moment of irritation, of jealousy, or mortification at his country's triumphs, and at the fame of the most illustrious man his country ever produced, was it not equally unfair to select the expressions used by Lord Lyndhurst as irrefragable proofs of his hostile sentiments against the whole of the Irish? The hon. Gentleman had called on him (Sir R. Peel) to defend the conduct of his noble Friend, the Member for North Lancashire. The hon. and learned Gentleman had contended, and justly, that he had a perfect right at any time to make, on public grounds, any reference to the opinions and conduct of his noble Friend. But when the hon. Gentleman alluded to the meeting at Brookes's, the hon. Gentleman must have known that that was a matter in which he, for most evident reasons, was precluded from giving the hon. Gentleman any answer. It required no ingenuity, no knowledge of petty details, however, to defend the conduct of his noble Friend. What was it that had placed him in the position which he now held? What defence was required for his noble Friend? Why should he require deliberation to devise an ingenious justification for his noble Friend, when, from the facts which the hon. and learned Gentleman had himself stated, that justification appeared so palpable, so evident, as to occur at once to the mind of every man, be he friend or opponent of

the noble Lord? What man was there, he repeated, who ever held in public life a prouder position than his noble Friend? What man ever attained, not by the advantages of connexion, or of rank, or of fortune, but by his evident abilities for debate and public business, and through the undivided confidence of a great party to which he belonged, what man had ever attained to greater or more permanent eminence than his noble Friend? What man was there more endeared to the persons with whom he had ever been connected? When his name was mentioned, was there any man who had ever been connected in office with him, who did not express the deepest regret at being separated from him, and a deep sense of the public loss which had been sustained by his quitting office? He (Sir R. Peel) was speaking to those who had been connected with the noble Lord in office, not those whose designs he had combatted. If love of office or ambition for official distinction had been the object of his noble Friend, was there ever any man who had such prospects open to him, such means of gratifying his wishes? What, then, made him relinquish office, but a stern and overpowering sense of duty? What, and what alone, had placed him in the position he now occupied? What, he demanded again, had caused his noble Friend to retire from office, to sever himself with feelings of the deepest regret from his ancient party, what object could he have had in view in so doing, but the highest and purest sense of public duty, which, being obeyed, had placed him where he was, in opposition to his former connexions? What he (Sir R. Peel) had thus stated on the instant, without any communication with his noble Friend, were facts well known to all mankind, and which he perceived were confirmed by the testimony of the former colleagues of his noble Friend; and after stating these facts, it did not require any ingenious dexterity or skilful advocacy on his part, to make out a complete and unanswerable justification of his noble Friend's conduct in quitting office, and taking up his present position. The hon. and learned Gentleman next applied to him (Sir R. Peel) to fulfil the compact which he said was entered into with him at the time of passing the Roman Catholic Relief Act. Let them see for one moment the exact nature of that alleged compact. The hon.

and learned Gentleman contended that this compact compelled him (Sir R. Peel) to apply to Ireland the same principle of municipal reform as that which had been adopted for England. Now, on referring to the Roman Catholic Relief Act, he found no such compact. He certainly found a compact to this effect—that Roman Catholics and Protestants were to enjoy equal eligibility to corporate offices. The hon. and learned Gentleman referred to a speech he made in 1831, when he gave his advice that Roman Catholics and Protestants should be admitted into the corporations according to their fair merits. There was no compact made that he was aware of, that the municipal institutions of Ireland were to be framed upon the model of those of England; nor, if it were shown that it would be better that those institutions should be altogether abolished, would there be any thing inconsistent with the Roman Catholic Relief Act, in abolishing them. This was not his single opinion only, for in a petition which had been presented to this House by the Roman Catholics themselves, anticipating the removal of every civil disability, the same view had been taken. The prayer of the petition to which he referred was, “that they would cause a reform to be made in the temporalities of the Established Church—that they should declare Orangemen to be ineligible as magistrates—that they should emancipate the Roman Catholics of Ireland—and that they should disfranchise the Irish corporations.” So that at the time that the Catholics petitioned for the removal of their civil disabilities, it was not considered an insult to them that the municipal institutions should be retained in England, and should be discontinued in Ireland; but, on the contrary, it was expressly asked as a favour not to reform those institutions, but to abolish them altogether. He admitted, indeed, that at this period the corporations of England had not been reformed, and the Irish Roman Catholics had not these reformed institutions to contemplate; but still those institutions themselves existed in England, and the inference was the same. The hon. and learned Gentleman had relied on the Roman Catholic Relief Bill as a contract, the terms of which they were bound to fulfil. But did he not consider the Act of Union a solemn compact? The inference that must be drawn

from the general context of that Act, supposed, implied, and evidently understood, that the protection of equal laws should be extended to Ireland. This argument in support of the permanence of the municipal institutions of Ireland was an inference drawn from a supposed article in the Act of Union that the two countries were to be governed by a parity of legislation. There was no such article however, in the act; though he would admit that, generally speaking, the principle might be correct; but in the anxious search which the hon. and learned Gentleman had made through that Act, he wondered that that article had never struck him in which one institution was particularised, not by remote or doubtful inference, but in express and clear terms, and its existence guaranteed as a condition of the Act of the Union. The fifth article of this Act was as follows:—“That the churches of that part of Great Britain called England, and Ireland, shall be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said United Church shall be preserved as was by law established for the Church of England.” Would the hon. and learned Gentleman allow him to ask him whether or not the uniform declaration of every Roman Catholic, whether every petition presented by a Roman Catholic, whether every declaration made by them, either individually or collectively, had not, with the force of a compact, led the Protestant mind of England to this conclusion, that the restoration of political equality to the Roman Catholics of Ireland was perfectly consistent and compatible with the maintenance of the Church establishment in that country? Nay more; was it not the express assurance of every Roman Catholic who had spoken on the subject, that the maintenance of the Established Church as the religion of the State was perfectly consistent with the political privileges and civil rights claimed by the Roman Catholics of Ireland? Did not the hon. and learned Gentleman himself once believe that such was the case, and that political privileges once granted to the Irish Roman Catholics, the causes of jealousy and disunion would cease, and the system of agitation subside? Did not the hon. and learned Gentleman himself once say—

before a Committee of that House—"that he was perfectly convinced that neither on the subject of tithes, nor on the Union, nor on any other political subject, would the people of Ireland be permanently or generally excited if the civil disabilities of the Roman Catholics were removed; that at present they were aggrieved by the state of the law, and that it was not so much on public grounds as by a sense of personal injustice that they were urged to complaints." The individual injustice here complained of was now done away with by the passing of the Roman Catholic Relief Bill; and the hon. and learned Gentleman himself boasted of the result of that measure, when he stated that the chief offices on the bench and at the bar in Ireland were now filled by Roman Catholics. From these circumstances it appeared that not only had a serious complaint of injustice been removed, but a practical equality established. Now he would ask the hon. and learned Gentleman, in pursuance of his express or implied compact, in the expressions he had quoted, whether he considered the present state of the Protestant clergy of Ireland to be consistent with the declarations he had made at the above period? They were now told that religious freedom could not exist in Ireland until the voluntary principle was established, or, in point of fact, until the Protestant religion was destroyed. [Mr. *Sheil*: I have not said that.] "You never said so?" But you asked me, continued the right hon. Baronet, to be responsible for expressions which had fallen from others, and to check the indiscretions of those who acted with me. And now, when I repeat a plain statement, the hon. and learned Gentleman had no other refuge but to say, "I did not say so, it did not fall from me." Was this, he asked, the promised fulfilment of the compact on passing the Reform Bill—that Ireland was never to be tranquil until the Protestant Church was abolished? The noble Lord (Howick) who spoke last night, had used certain expressions in reference to the part he (Sir R. Peel) had taken in the passing of the Roman Catholic Relief Bill, in the course of which the noble Lord had done him the justice to say that he thought that in the year 1829, in coming forward to remove the civil disabilities of the Roman Catholics of Ireland, he had acted upon

disinterested motives, and with great courage in remaining in office as he did. The noble Lord had also referred to the taunts which had been cast at him by persons belonging to that party, by whom he had before that period been respected and supported. But the noble Lord, from his experience in public life, ought to know what was the value and weight of expressions of this nature, uttered under such circumstances. He regretted at the time the taunts thrown out on the part of friends whom he had every reason to respect, but the impression made by those remarks had long passed away; they had left no rankling wound, because he knew that the imputations were unfounded; and he could say, that there was no one act of his political life which he was more prepared to justify than remaining in office, in spite of such imputations, for the purpose of relieving the disabilities of the Catholics. The part which he took on that occasion was approved of by his colleagues; he had the concurrence of the Duke of Wellington, and also the concurrence of his noble Friend, Lord Lyndhurst, on the subject of granting Catholic relief; and acting in concurrence with them and with the rest of the Members of the Government, he resolved to lend his assistance in carrying the measure into effect. Much public indignation had been expressed against his conduct, that at the close of the Session of 1828 he had not adopted the views which he adopted in the following years; and in answer to that he would say, that after renewed applications—after reflecting on the desire evinced by the public mind in England and Ireland, and on the impossibility of forming a united Government without conceding the question—he came at last to the conclusion, that though he did not consider the claims founded on right, it was better that those claims should be granted than resisted. But when he gave his consent to advocate the measure, he gave it under the full conviction of the sacrifices with which it was to be accompanied, and under the full impression of retiring from office, and supporting the claims of the Catholics in private life. And the reason why he remained in office was because he foresaw to demonstration, that if he did not remain in office and brave the storms of calumny (he did not say that from any arrogance, but because it was consistent with truth), these disabilities would not have been removed. An

erroneous construction had been put on something which had fallen from him, and it had been inferred that he had been out of office from an unwillingness to redeem the pledge he had given to his noble Friends with respect to the Catholic question; and that a difference of opinion had existed between them. Such was not the case; for, having come to the conclusion of the expediency of conceding the Catholic claims, and having given notice of his intention to bring forward a measure on that subject, he never once thought of shrinking from the performance of that task. But the noble Lord opposite, while admitting that his conduct on that occasion was free from the suspicion of interested motives, asked why he did not take the same course with regard to the Catholic question in 1825 and 1827, as he had done in 1829, and how it happened that at that latter period an entirely new light broke in upon his mind? Now, he declared that he, for one, never professed to entertain in 1829, the sanguine expectations which others entertained with regard to the effect which would be produced by the removal of the Catholic disabilities. He had his misgivings; nay, looking to the state of Ireland, he entertained great doubts whether the removal of those disabilities would restore peace, and afford full security for the Protestant Establishment in that country. But in 1829 he made up his mind upon a consideration of what ought always to have influence over every statesman, upon a comparison of the evils and dangers existing on both sides, and on the whole he came to the conclusion, without the assistance of any new light, and without changing his opinion, that the Catholic claims were not founded on any abstract right, he came, he repeated, to the conclusion that those claims ought to be conceded, and that, if conceded, the concession ought to be full, frank, and generous. The noble Lord opposite asked, why he had not taken the same course at an earlier period? The same question might be put to many other public men. Would the noble Lord have the goodness to ask the noble Lord, the Secretary of State for the Foreign Department, why he was not an earlier convert than he had proved to reform? He had no doubt the noble Lord was an honest convert, and that, acting with regard to the question of reform on the same principles as he had acted with regard to the Catholic claims;

he had chosen what he considered to be the lesser of two evils. Would the noble Lord opposite inquire of the head of the present Administration, why he, too, had not been an earlier convert to reform? If it were blindness in him not to foresee in 1825 the necessity of granting—of conceding the Catholic claims, was not Lord Melbourne blind in 1826, when he made the most vigorous opposition to all reform, even to the transfer of the Representatives from Penryn to Manchester? Nay, even the leader of the House of Commons could not escape the searching question of the noble Lord, his colleague. Had a prophetic vision of what was now passing appeared to the noble Lord some ten years ago, he doubted whether any eulogium on Old Sarum, or any declamation on the necessity of preserving Aladdin's lamp, and cherishing the vestal flame, would ever have proceeded from the pen of the noble leader of that House. He knew not what answer the noble Lord might return to the question, why he had changed his course with respect to the question of reform, but he would freely reply to the question which had been addressed to him on the subject of the Catholic claims. He thought that a man might, without any irrational distrust of the Roman Catholics, have entertained conscientious doubts on the question, whether the removal of the political disabilities of the Roman Catholics would restore peace to Ireland, and secure the stability of the Established Church; and the hon. Member for Liskeard was not justified in saying, that he had been, on a former occasion, carried into office by the force of the "No Popery" cry, if the hon. Member meant to imply that his opposition to the concession of the Catholic claims proceeded from any bigotted motive. He feared danger to the Protestant Establishment. Had he been entirely wrong? He would, however, say, if the question were to be discussed again—if the question carried in 1829 were again to be agitated—looking at the position of parties and the state of public opinion, looking at the hostile elements, the parties in favour and those opposed to emancipation, he should on the balance of opposing evils do as he did before, and resolve that concession would be the wisest course. But had he no reason to relinquish all the fears which he might once have entertained of the danger of conceding the claims of the Roman Ca-

tholics? Did he not find that all the public men who appeared as the advocates of the Roman Catholics—all, without exception, made two declarations—first, that they considered the maintenance of the Established Church essential to the well-being of Ireland, and to the maintenance of the connexion between the two countries; and secondly, they gave the most positive assurances that, the disabilities of the Roman Catholics being removed, all fear of danger to the Established Church would be removed? Did not he find those declarations solemnly recorded in the preamble of Mr. Grattan's Act, by which it was proposed to remove the Catholic disabilities? The preamble of that Act declared, that "the Episcopal Church of England and Ireland, and its doctrine and government, were permanently established, and that it would promote the interest of the same, and strengthen our free constitution, of which they formed an essential part, if the disqualifications under which the Roman Catholics laboured were removed." Had he not heard Mr. Grattan declare, that he thought the removal of the Catholic disqualifications consistent with the preservation of the Protestant Establishment, the maintenance of which he considered essential to the peace of Ireland? Did he not find it written in that paper, which that eloquent individual called a testamentary bequest to his country, that the Protestant Establishment should be maintained inviolate? Did not Mr. Canning, Lord Castlereagh, and every advocate of Catholic relief, attempt to banish all fear with regard to the result of the removal of the disabilities? When he (Sir R. Peel) had at an earlier period than 1829 stated his apprehension, that by the passing of a Catholic Bill, animosities would not be subdued, that distractions would still continue, and that the stability of the Church would be endangered, how was he then replied to by Lord Plunket? That noble and learned individual stated, that the Catholics, though they preferred their own religion to any other, looked upon the Protestant Church as an institution established by law, and necessary for the liberty of Catholics along with all the subjects of the realm. And what said the same authority with reference to the Church of Scotland as a precedent for subverting the Protestant Church in Ireland? He said,

the assertion that the establishment of the Presbyterian Church in Scotland could form a precedent for the subversion of the Episcopal Church in Ireland was laughed at by the Catholics, because they knew that the Presbyterian religion was the reformed religion, and it was so ordered by the solemn contract entered into at the Union, that the maintenance of the Protestant religion should form a permanent law of the empire, and added, that the Catholics considered the clergy of the Established Church were as much entitled to the possession of Church property as private individuals were entitled to property purchased or devised, and that he would abide by the oath he had taken, and so far from adopting measures for the subversion of that Church, he would offer the most strenuous resistance to those that would overthrow it, from whatever quarter it came. That was the language of Lord Plunkett; and was it not rather late now to say, that religious freedom could not exist unless the Protestant Church were destroyed? Was it not rather late to say, that the Protestant Church was the greatest curse, and to rejoice in the prospect of establishing municipal corporations in Ireland, because these would certainly lead to the overthrow of that Church? Those who held that language might have been no party to the carrying of the Catholic Bill, but he who was instrumental in carrying it—who believed that there was danger in it to the Established Church, who believed that the maintenance of that Church was essential to civil rights and liberty. Was he to be blamed for asserting the principle for which he had always contended; and were they to be surprised if, after the assurances that had been made of the determination of the advocates of emancipation to support that Church, that he should now do every thing in his power to protect what some called a curse, but what he called the greatest blessing? And if he were told, that the establishment of these municipal institutions were subordinate to the destruction of the Protestant Church in Ireland, and that they were to be used as a means to subvert it, was he to blame for not acceding to the Bill till he knew what security they would give against its subversion? He did not oppose the measure on the ground imputed by some. He did not cast any reflection upon Catholics; his only object was to take care, as it was

the duty of every Government, that institutions should be established which would be conducive to the peace of Ireland and the impartial administration of justice. The hon. Member for Liskeard had argued the propriety of discussing the abstract principle of the measure, and he concurred with him in thinking, that by adopting such a course they would have arrived at safer conclusions, but they had been led away from that by the indiscreet challenge of the noble Lord who brought forward the measure. The hon. and learned Member had also contended, that these municipal institutions were of great use in former times, and on that point he entirely concurred. He agreed that in the eleventh century the municipal corporations in France and Italy, and Spain, and almost every country in Europe, were great instruments of improvement. In those times when the great body of the people were vassals to the Crown, or to great Lords, there could be no doubt that municipal institutions were a great blessing; but it did not follow, that because they were good in the reign of Louis le Grand, or when a man could not dispose of his property, or give his children in marriage without the consent of his superior, they were equally good in more civilized times. And besides these there were other causes of civilization at the remote periods alluded to. There were the Crusades. The Crusades improved the manners and enlarged the views of the people. They opened the avenues to commerce, and removed many turbulent noblemen from the different kingdoms of Europe. He referred to those, and he might refer to other causes, to show, that it was not necessary to attribute the progress of civilisation to the sole cause to which it had been ascribed by the hon. Member for Liskeard. The hon. Gentleman then proceeded to talk of the confidence which ought to be reposed in local authorities. He said, that the right of paving, of watching, of lighting, ought to be placed in local authorities; and had referred to the Act of 9 Geo. 4th, on the subject. The hon. Member for Liskeard was also desirous for the establishment of municipal institutions in Ireland, because he said they would inculcate lessons of mutual forbearance and concession. If it could be proved, that such was likely to be the result of the creation of corporations in

Ireland, his (Sir R. Peel's) objections to the Ministerial proposition would, in a great measure, be removed. But when he saw the maintenance of political institutions, which all admitted to be perverted, was insisted on, he then suspected that it was the object of the promoters of the present proposition to get hold of political power for their own benefit, and to exercise it through the instrumentality of those corrupt bodies, the existence of which was so strenuously advocated, but to which he was opposed, because he believed they would continue to be perverted to bad purposes.

"Quo semel est imbuta recens, servabit odorem Testa diu."

He feared it was because of the sweetness of the odour that they wanted these corporations. But there was one question from which those who advocated the necessity for these institutions had invariably shrunk from answering—namely, the question, "why they were not in operation in the great towns in England?" Why had not Manchester, Birmingham, Marylebone, and many others, petitioned the Legislature to grant them these so much coveted institutions? The truth was, that Manchester and Birmingham, and the boroughs of Southwark, Westminster, Marylebone, and Finsbury, were satisfied with their present condition, and municipal institutions, such as Ministers proposed to give to Ireland, were not considered necessary by the inhabitants of those places. In Ireland, he did not think they would be found, as the amiable simplicity of the hon. Member for Liskeard supposed, conducive to mutual goodwill, concession, and forbearance. It was much more likely they would be under the control of that species of central government, the General Association, and would constantly interfere with the elective franchise; and the result would be, that the ascendancy of one political party would be effected, while all confidence in the administration of justice by the local authorities would be destroyed. In support of his argument, he might quote a passage from the Report of the Commissioners appointed to inquire into Municipal Corporations. They stated, that a great number of corporations had been preserved solely as political engines, and that the towns to which they belonged derived no benefit, but often much injury, from their existence: to maintain the political

influence of a family, or the political ascendancy of a party, had been the sole end and object for which the powers intrusted to a great number of these bodies had been exercised. It appeared, then, that the most flagrant abuses had arisen from the perversion of the municipal privileges to political purposes, and that the corporations not possessed of the Parliamentary franchise had most faithfully performed their duty. But it was contended by the hon. Member for Bath, that in the present instance, there was a security against corruption and persecution on the part of the corporations in the circumstance that they would be the instruments of a majority. Surely, it would hardly be contended that it was impossible for a majority to persecute? Mr. Fox said, that the ancient republics, whenever danger was apprehended, did, by incorporating every man with the state, excite great enthusiasm in their defence; and yet, that such instances of iniquity, injustice, and oppression were never presented as were presented by those republics. Did the hon. Member for Bath consider the present position of the Church in Ireland as no proof that a minority might be persecuted? Had the hon. Gentleman read the history of the French Revolution? Were not the emigrants, were not the Girondists persecuted, and were they not the minority? Did not the hon. Member for Bath bear in mind that the government of Spain had confiscated the property of General Alava, and that it had lately sent a general into Andalusia with authority to proclaim, that every man who did not join him should be hanged—and was not that persecution? Would it be right, then, to establish the proposed municipal bodies in Ireland, the election of which would, in his opinion, be influenced by pacificators appointed in every parish, and acted upon by Roman Catholic priests? Pacification was, indeed, a noble object, but he did not think it most likely to follow from a transfer of authority from one section in the state to another, and certainly he had serious doubts whether it were conducive to religious peace, above all, that the transfer should be from a minority to a majority. He had been tauntingly reminded of the minority in which he was in that House, but what was his minority compared to the overwhelming importance of the question before them? He felt that it was more important to him to take

the course prescribed by justice, than to enter into speculations concerning his minority—to look to the safety and the solidity of the Protestant Church, rather than to the insufficiency of his minority—to provide, in the first place, against his becoming an instrument of doing wrong, and not until he had made that provision to think of his minority. He never felt so satisfied of the justice of any cause as that of that Church, nor was he one whit less satisfied that the House was bound by all the obligations of honour, of justice, and of interest too, to provide for the security of that Church. The noble Lord had asked him, and with considerable anxiety too, which was not to be wondered at, as the noble Lord would soon have to ask the question of himself, what his intentions or designs were under the formidable circumstances which Ireland presented. Yes, the noble Lord would have to ask himself that puzzling question, when, with these Municipal Corporations in the fore-ground, he peered over the battlements of the Church, which he and his Colleagues were ashamed to abandon and afraid to defend. They pointed to the Association, and they asked him how he proposed to meet the power which was in open resistance to the Church, and which meditated a violence as open? Who had made the Association powerful—not he, but they. The existence of that Association was fraught with importance to the Church, for it had determined on the destruction of the Church, had resolved that in Ireland peace should not ensue until that destruction was complete. They were persons fond of secret determinations as to the benefits they might obtain; they never could be satisfied with what they got; they were always asking for more, and each new boon was an instalment only, a fraction of some greater claim. This was the way they had received the Appropriation Clause bestowed on them by that House, and this was the way in which everything else would be received. Now, he would ask them, did they think it possible, that if they selected their confidential legal advisers from out that Association, from among its most active members, they would disabuse the public mind of the impression that they approved of it, that they were anxious to encourage it, that they were desirous even of rewarding it? An effort at a retort had been made by the allusion to the appoint-

ment of Colonel Perceval, but was there no distinction between the cases? Did the House see none? Was there nothing in the existence of funds regularly collected, which, though now said to be kept sacred for a legitimate purpose, might be used to effect the perversion of justice? Was the man most active in the creation of such funds, which might be applied to defeat the law, to be appointed a legal adviser of the Government? The Prime Minister had declared, that he disapproved of the Association, and thought it ought to be discouraged—that was the declaration of a gentleman; but the mode of discouragement was a singular one. To discourage the Association, they gave office to a gentleman who had tried his 'prentice-hand in that Association; because he had graduated in the normal schools of agitation, they thought him fit to become a professor in Dublin Castle—they had actually created a vacancy for him. If that were their mode of discouraging, to him, it appeared anything but an efficacious one. They might think to limit the evils by the plan they were pursuing, but their turn would come next, their lukewarmness would fail them. He knew that it was difficult, and ungracious, perhaps, for a Government to exert its power to restrain, but it should not lend its power to incite or goad on those who were, or might become, disaffected; if it were so lent, then it was a perversion of power, and became a formidable encouragement. He did complain of such conduct as unjust, ungenerous, and impolitic; it was unjust to discourage one species of association merely, and from another to take an important functionary, whose duties as a lawyer for the Crown ought to be uninfluenced by the spirit of any association; it was ungenerous to avail themselves of the loyalty of Orangemen, to cajole them with praises of their love for their Sovereign and deference to his commands, to confess that the law could not reach them, and to obtain their ends from their goodwill, and then to turn round on them and call them a miserable monopolising minority; it was impolitic, for if a Government did not interfere to restrain, it at least should not interpose to encourage. When did the principle of successive concessions, of constant compliances, of a nervous horror of refusals, ever succeed? Never—it was revolting to common sense to suppose that it would.

Such a system, if pursued in private life, would be most injurious to society; in official life, it was much worse, much more pernicious. Persons in official life, should recollect how great the interests were committed to them, and they should never interpose their authority, no matter what the direction of its exercise, to encourage, or to do acts tending to encourage, any party or political sect whatever.

Mr. O'Connell rose to bring back to the recollection of the House, who the claimants were in this case. The Irish people were the claimants before a *legislature* which was not Irish, and they asked only for that which an Irish Legislature would concede to them. He stood there an avowed Repealer; he stood there as one convinced that the Union should be repealed. He was, therefore, persuaded that the period had not arrived, and he feared it never would arrive, when a British Legislature would be prepared to do perfect justice to Ireland. Everything he had heard that night, and everything which he had witnessed, convinced him the more strongly that there was not the disposition on the part of a great portion of that House, nor in another place, as it was termed, to do justice to Ireland. And yet he saw sufficient to warrant him in not abandoning the hope that the Irish people would be able to obtain justice for themselves. But he should not be doing justice to those who opposed this measure, if he did not caution them against pursuing that conduct which might induce the Irish people to look to constitutional means for the restoration of their own Parliament. He would bring under the attention of the House the history of the connexion between the two countries. It was a fact admitted, that there was no country in the world which had suffered so much from another, as Ireland had from this. This country had had dominion in Ireland for a period of 600 years, and they were still to be deceived by professions and treachery; and now, at the end of 600 years, the British Legislature were as little disposed to do justice as if they were beginning their work for the first time. The Irish people had always claimed British institutions. In the year 1172, in the reign of Henry 2nd, that claim had been made; in the year 1200, in the reign of John, that humble petition was repeated; and, in the reign of Edward 3rd, in the year 1336, the question was taken into

solemn consideration. This happened 500 years since; and, the Irish people were again to be deceived in the year 1837, though the King was disposed to allow them constitutional local government. But the great Lords declared it to be their interest, that Municipal Corporations, on the principle of those in England, should not be created. To the petitions, and the demands of the Irish people, the Government in England had persevered in their refusal to do justice. The excuses which had been made were, to be sure, various. At one time, the Irish were too numerous, and the British were too few; at another period, the English were too powerful, and the Irish too few in number; and, therefore, of course, it was safe to refuse their demands; at another period, it was said that the Irish people were hostile to the Government, and therefore they must be treated as enemies; at another time, it was said that they were friendless, and therefore it was unnecessary to do anything. And thus the excuses which had been made changed, and thus they had varied up to the present day. But the excuse, which hon. Gentlemen on the opposite side now gave was of far greater value, though that excuse had been given before. Last year they were told, that if they granted these Corporations, they would only become normal schools of agitation. Now, they had put their refusal on another footing; namely, that of decided bigotry on the part of the Roman Catholics. The right hon. Baronet, the Member for Cumberland, had read what he hoped, was a slanderous, as it was a vicious, description of the second order of clergy in Spain, and he had ventured to insinuate the same thing as against the clergy of Ireland. "You have raised the no Popery flag," said the hon. and learned Member, "and under it you think to fight your way into office. Yes; I tell you the right hon. Member for Cumberland did not disguise it. He gave this excuse, to be sure, that if you granted Municipal Reform to Ireland, you would endanger the Protestant Church. What! does the Protestant Church depend upon doing injustice to Ireland? Is this your recommendation of Protestantism? In the first place, then, the Protestant Church cannot exist unless you tax those who have no concern in it for its support; and next, unless you deprive the people of the same

rights as you yourselves enjoy." The hon. and learned Gentleman proceeded to say, that he rose for the purpose of distinctly stating that the people of Ireland, though they came forward as petitioners for that relief which had been given to England and Scotland, he was by no means prepared to say that their fates and fortunes depended upon the British Legislature. They were anxious to show, that the Legislature was capable of giving equal laws with the people of England and Scotland. But they knew full well, that seven millions of men never yet were outraged with impunity unless the fault was their own. The overpowering sentiment on his own mind, was the impossibility of getting such laws from a British Parliament, as they would get if the Irish had their own Parliament. It was said, that the Union was not founded on an equality of rights. If it had not been so founded, it was a fraud on the one country and an act of tyranny on the other. He desired to put upon record, his conviction of the necessity of looking to other means for redress.

Lord John Russell: The right hon. Baronet had accused the Government of cajoling the Orange societies in Ireland—of inducing them to abandon their Association, and afterwards allowing similar societies to be raised. He denied that charge. No intention whatever had been entertained of cajoling or deceiving any one upon the subject. But those Orange societies were exclusive in their character—they were formed of persons who were exclusively of one religion; and they were secret in their meetings and conduct. It was on that ground that he had asked them to dissolve; and, it was on that ground that they yielded, saying only that all other secret societies should be dealt with in the same way. Whatever might have been the grounds of the dissolution of these societies, he must own he could not see any resemblance whatever between the Orange lodges and the General Association of Ireland. The latter might be considered dangerous or objectionable in different ways; but it did not resemble those secret societies to which allusion had been made. Having said those few words as to the charge of the right hon. Baronet, he would beg to call the attention of the House to the question then before them, and this was a question for the Parliament of Great Britain as to

what in future years should be their course with regard to legislating for Ireland. It was a question, whatever party might be in power, to decide what should be their rule and guide, and to discriminate what course it would be wise to pursue for the promotion of the interests of seven millions of their fellow-subjects, who were united to us, and were ready to apply themselves, as he believed, as cordially in the support of this great empire as any of the great body of inhabitants of England or Scotland. It did then become a great question to say, whether they should adopt the proposition before them, utterly to extinguish corporations in Ireland. He would not go over those arguments which had been so admirably put by the hon. Member for Liskeard with respect to corporations in general, because nothing could be more complete than the proof that hon. Member had given the House that corporations tended to invigorate those excellencies of a free character on which the government of all free countries must depend. The argument of the hon. Member for Liskeard had not been met—it had not been denied. But he must remark on one observation which had been made upon that speech by his noble Friend, the Member for North Lancashire, who, completely misunderstanding and misinterpreting the purport of that speech, stated, that the hon. Member for Liskeard had said that the great recommendation for instituting corporations was, that they might be made the engine for destroying the Church Establishment in Ireland. Now, the hon. Member's argument was, that where, by the establishment of corporations, they created a general interest in local matters, there the power and influence of priests and demagogues would be overwhelmed; but the noble Lord had understood the argument in an opposite sense. He must say, with respect to these corporations (it being allowed that corporations were good in themselves), that they formed a part of the greatness of imperial Rome, nor did they fall when the empire had begun to decline. It remained, then, to be shown why corporations were unfit to be adopted at the present time. The right hon. Gentleman said, that in a state of civilization, corporations were not productive of good. And why, at one moment, should it be maintained that corporations could not be adopted under a highly civi-

lized condition, and in the next breath tell them that Ireland was not so civilized as to allow them to give her municipal institutions? But he was told, as an answer to every plea that had been urged, that the hon. and learned Member for Kilkenny had made certain predictions, and had said that these corporations must be followed up by certain effects. Why, Gentlemen opposite took these predictions as certain consequences. Hon. Gentlemen opposite said, they could not bear the influence of the hon. Member for Kilkenny; they abjured this influence; but here what he said was considered by them infallible, and must come to pass. The hon. Member for Cavan said, his opinion was that at first, parties in these corporations would be likely to use their power to political purposes, but when the offices were vested in merchants and tradesmen of repute they would soon lose that heat which would first be evinced, and men of character, and wealth, and leisure would be the persons chosen in these corporations. That was his belief. But it was said, and it was urged, indeed, as a conclusive argument on this subject, that although these corporations might in themselves be fitting, they would be dangerous to the Church of Ireland. He would not deny, that the Church of Ireland, in the position in which she stood, might be placed in danger by many circumstances; and he knew not that they could save that Church from all dangers by depriving the Roman Catholics of their political and civil rights. In a country where there were more than six millions of a different religion, and not more than one million were Protestants, and the six millions of Roman Catholics were daily increasing in power, it could not be said the Church could remain free from all danger. They were not, however, to look to a supposed contingent danger; and he could see no danger in receiving these new corporations. It was ten times a more dangerous proceeding to tell the people of Ireland, "You cannot have corporations, because the Protestant Church is there established." If they did this, they would indeed most unquestionably, increase the danger to the Church, whilst they would place it in an odious position. He could not refrain from quoting some observations made by Mr. Burke which bore on this subject. Mr. Burke said, "You have an ecclesiastical establishment which, though the

religion of the prince, and of the first class of the landed proprietors, is not the religion of the major part of the inhabitants, and consequently does not answer any one purpose of a religious establishment. This is not a state of things which any one in his senses can call perfectly happy. But it is the state of Ireland, and has been the state of Ireland for upwards of 200 years." Mr. Burke also said, "To-day the question is, are we to make the best of a situation which we cannot wholly alter—shall the condition of a body of the people be alienated from a burthen to which they are now subject—the burthen of living under and paying for two religious establishments, from one of which they do not receive any religious instruction or consolation; or are we to aggravate their condition by stepping out of our way to cut off three millions of people from all connexion with popular representation?" Mr. Burke's argument was, do not aggravate the burthens of the great majority of the Irish people—do not aggravate, in the eyes of the people of Ireland, the burthen of having to support an establishment to which they do not belong, and from which they derive no benefit; rather try to alleviate it, and show them that if the Church Establishment cannot be altered, at least that they were not inferior in other respects. "With these observations," continued the noble Lord, "I have now only to beg the attention of the House to the real question before it. It is not a question of degree—not a question of whether any part or parcel of this measure shall be conceded—but a question of whether you will now agree to abolish entirely Municipal Corporations in Ireland, and whether by so doing you will affix upon the people of Ireland the stigma of being unfit to enjoy our free institutions, and whether you will look for the future to nothing but force to enable you to conduct the government of that country."

Mr. Henry Grattan regretted that he had tried in vain to catch the Speaker's eye. He begged to say, that as Gentlemen opposite had made attacks upon Lord Mulgrave's Government, and certain persons appointed to offices by his Excellency, he held in his hand letters and statements from three individuals, Mr. Berwick, Mr. Lawrence Crume Smythe, and Mr. Cassidy; and he was authorised to give to the charges advanced against these individuals, the most unqualified denial. Mr.

Berwick had actually received the thanks of Lord Bantry and the magistrates of the West Riding of Cork; who passed unanimously a resolution of unqualified approbation of his conduct, and of the appointment made by the Irish Government. So much for the truth of the charges made by Gentlemen opposite.

The House divided on Lord Francis Egerton's motion:—Ayes 242; Noes 322: Majority 80.

List of the AYES.

Agnew, Sir A.	Cripps, Joseph
Alford, Lord	Dalbiac, Sir C.
Alsager, Captain	Damer, D.
Arbuthnot, hon. H.	Darlington, Earl of
Archdall, M.	Davenport, John
Ashley, Lord	Dick, Quintin
Attwood, M.	Dottin, Abel Rous
Bagot, hon. W.	Duffield, T.
Bailey, J.	Dugdale, W. S.
Baillie, H. D.	Dunbar, George
Barclay, C.	Duncombe, W.
Baring, F.	Duncombe, hon. A.
Baring, H. Bingham	East, J. B.
Baring, W. B.	Eastnor, Viscount
Baring, T.	Eaton, R. J.
Barneby, John	Egerton, Sir P.
Beckett, Sir J.	Egerton, Lord Fran
Bell, M.	Elley, Sir J.
Bentinck, Lord G.	Elwes, J.
Beresford, Sir J. P.	Entwistle, John
Bethell, Richard	Estcourt, Thos. G. B.
Blackburne, J.	Estcourt, Thos.
Boldero, Henry G.	Fancourt, Major
Bolling, Wm.	Fector, John Minet
Bonham, R. Francis	Feilden, W.
Borthwick, Peter	Ferguson, G.
Bowles, G. R.	Finch, George
Bradshaw, J.	Fleming, John
Bramston, T. W.	Follett, Sir W.
Brownrigg, S.	Forbes, Wm.
Bruce, Lord E.	Forester, hon. G.
Bruce, C.	Fremantle, Sir T.
Bruen, F.	Freshfield, James W.
Buller, Sir J. B. Yarde	Gaskell, James Milnes
Burrell, Sir C. M., Bt.	Geary, Sir W. R. P.
Campbell, Sir H.	Gladstone, T.
Canning, hon. C.	Gladstone, Wm. E.
Canning, Sir S.	Gordon, W.
Castlereagh, Visc.	Gore, Wm. Ormsby
Chandos, Marq. of	Goulburn, rt. hon. H.
Chaplin, Col.	Goulburn, Sergeant
Chapman, Aaron	Graham, Sir J.
Chichester, A.	Grant, hon. Colonel
Chisholm, A.	Greene, Thomas
Clive, Visc.	Grimston, Viscount
Clive, hon. R. H.	Grimston, hon. E. H.
Codrington, C. W.	Hale, R. B.
Cole, A. H.	Halford, H.
Cole, Visc.	Halse, James
Compton, H. C.	Hamilton, Geo. Alex.
Conolly, E. M.	Hamilton, Lord C.
Coote, Sir C.	Hammer, Sir J.
Corry, H.	Harcourt, G. G.

Grattan, J.
Grattan, Henry
Grey, Sir G.
Grosvenor, Lord R.
Grote, George
Gully, John
Hall, Benjamin
Hallyburton, Lord D.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir And. Leith
Heathcote, John
Hector, C. J.
Heron, Sir R., Bt.
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodges, T. T.
Holland, E.
Horsman, E.
Hoskins, K.
Howard, R.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, John
Hurst, R. H.
Hutt, Wm.
James, William
Jephson, C. D. O.
Jervis, John
Johnstone, Sir J.
Johnston, Andrew
King, Edward B.
Labouchere, H.
Lambton, Hedworth
Langton, Wm. Gore
Leader, J. T.
Lee, John Lee
Lefevre, C. S.
Lemon, Sir C.
Lennard, Thomas B.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Lister, E. C.
Loch, J.
Long, W.
Lushington, Dr.
Lushington, Charles
Lynch, A. H.
McLeod, R.
Macnamara, Major
McTaggart, J.
Maher, John
Mangles, J.
Marjoribanks, S.
Marshall, Wm.
Marshall, H.
Martin, J.
Martin, T.
Maule, hon. F.
Methuen, Paul

Milton, Viscount
Molesworth, Sir W.
Moreton, A.
Morpeth, Lord
Morrison, J.
Mosley, Sir O.
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hon. J.
Musgrave, Sir R., Bt.
Nagle, Sir R.
North, F.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Olipphant, Lawrence
Ord, W. H.
Oswald, James
Paget, Frederick
Palmer, General C.
Palmerston, Lord
Parker, John
Parnell, Sir H.
Parrott, Jasper
Parry, Sir L. P. J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W.
Phillips, Mark
Phillips, G. R.
Phillipps, Charles M.
Pinney, W.
Ponsonby, W.
Ponsonby, J.
Potter, R.
Poulter, J. S.
Power, James
Power, J.
Poyntz, W. Stephen
Price, Sir Robert
Pryme, George
Ramsbottom, John
Rippon, C.
Robarts, A. W.
Robinson, G. R.
Roche, William
Roche, D.
Roebuck, J. A.
Rolfé, Sir R. M.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord Charles
Ruthven, E.
Sanford, E. A.
Scholefield, Joshua
Scott, Sir E. D.
Scott, James W.
Scourfield, W. H.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sharpe, General

Sheil, Richard L.
Simeon, Sir R.
Smith, J. A.
Smith, hon. R.
Smith, Robert V.
Smith, B.
Spry, Sir S.
Steuart, R.
Stewart, P. M.
Strangways, hon. J.
Strickland, Sir G.
Strutt, Edward
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Surrey, Lord
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thomson, Paul B.
Thompson, Colonel
Thornley, Thomas
Tooke, W.
Townley, R. G.
Trelawney, Sir W. L.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, W.
Tynte, Chas. K. K.
Tynte, C. J. K.
Verney, Sir H., Bt.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.

Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, Hen. George
Wason, R.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, J. C.
Whalley, Sir S.
White, Samuel
Wigney, Isaac N.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, John
Williams, W.
Williams, W. A.
Williams, Sir J.
Williamson, Sir H.
Wilson, H.
Winnington, H. J.
Wood, Alderman
Worsley, Lord
Woulfe, Sergeant
Wrightson, W. Battie
Wrottesley, Sir J., Bt.
Wyse, T.
Young, G. F.

TELLERS.

Stanley, Edw. J.
Wood, C.

Paired Off.

Grey, C.
Dobbin, L.
Heneage, E.
Tracey, H.
Crompton, S.
O'Connor, Don
Chapman, M. L.
Speirs, A. G.
Talbot, J. H.
Bellew, Sir J.
Belfast, Lord
Winnington, Sir T.
Guest, J. J.
Childers, J. W.
Ingham, R.
Rice, T. S.

Smith, T. A.
Verner, Colonel
Corbett, T. G.
Herbert, Sidney
Peel, J.
Cooper, E. J.
Mandeville, Lord
Goodricke, Sir F.
Plunkett, R.
Bateson, Sir R.
Hay, Sir J.
Foley, E.
Owen, Sir J.
Glynne, Sir S.
Tollemache, hon. A. G.
Cartwright, W. R.

The House went into Committee, *pro forma*, and resumed.
Committee to sit again.

HOUSE OF LORDS, Thursday, February 23, 1837.

MINUTES.] Petitions presented. By Lord CLONCARR, from Saint Micham, Dublin, for the Adoption of Poor Laws (Ireland).—By the EARL OF DEVON, SHAPTESBURY, LORDS KENTON, REDESDALE, the Bishops of BATH and WELLS, and EXETER, from Dunstable, Exeter, and other places, against the Abolition of Church Rates.—By LORDS STRAFFORD, BROUGHAM, the EARL OF RADNOR, and the MARQUESS OF CONTINGHAM, from Brighton, Lincoln, and 2 I

other places, for the Abolition of Church Rates.—By Lord CLOWESBY, from Comg. for the Abolition of Tithes (Ireland).

WILLS BILL.] Lord Langdale: I beg leave to move, that the Bill for the Amendment of the Laws with respect to Wills be now read a second time.

It is so important to the welfare of families, and to the general interests of the community, that men should be able to dispose of their property by will, and that their lawful intentions should be faithfully carried into execution after their deaths, and the laws under which these objects are to be effected are now attended with so much doubt and perplexity, that I am induced to hope that an attempt to introduce some improvement will not be considered to require any apology.

The subject has of late years been very much considered, and has been carefully investigated by two distinct Commissions—by the Real Property Commission, which was appointed in 1828, and by the Ecclesiastical Commission, which was appointed in July, 1830. It was part of the business of the Real Property Commission to consider the law relating to wills of real estate; and part of the business of the Ecclesiastical Commission to consider the law relating to wills of personal estate; but in such a case it was impossible for either Commission to avoid touching upon something which was within the province of the other; and the result has been, that upon several points comprised within the general question, the public has the benefit of the investigations and recommendations of both Commissions.

The Report of the Ecclesiastical Commission was made in February, 1832. The fourth Report of the Real Property Commission, which is upon the subject of wills, was made in April, 1833; and with a view principally to carry into effect the recommendations of the Real Property Commission, a Bill was prepared by Mr. Tyrrell, a very able and distinguished member of the Commission, and that Bill was brought into the House of Commons in the year 1834. It was referred to and considered in a Select Committee, but did not then proceed further. In the year 1835 it was introduced into the House of Commons, and passed the House after having been again referred to, and, as I am informed, very carefully considered in a Select Committee. It was then brought up to this House, read once, and referred; o

a Select Committee, from which it received great attention, but no report was made.

My Lords, I had the honour to present the same Bill to your Lordships early in the last Session, and, though I had every reason to think that great pains had been taken to investigate the subject fully, yet being of opinion that in such a case no caution could be superfluous, and being certain that I might rely on receiving advice and assistance from the members of a learned and liberal profession, I caused several copies of the Bill to be sent to many eminent men engaged in different branches of the law, and from them I received, as I had expected to do, many valuable communications—some of them reached me at a late period of the Session—and that, together with other circumstances, prevented me from laying the subject in detail before your Lordships in the course of the last year.

These communications have been carefully considered, and in consequence of them, and with the assistance of Mr. Tyrrell, some alterations, though not to any great extent or of any considerable importance, have been made in the Bill which I now submit to your Lordships in what, I hope, may be considered an improved state.

The general object of the Bill is to collect the provisions of several statutes relating to wills into one Act of Parliament, and at the same time to make in these provisions such modifications as may afford additional securities for the prevention of spurious wills, and additional facilities for making genuine wills.

The particular provisions relate to the property which may be disposed of by will; the persons by whom wills may be made; the forms which are to be observed in making them; and the modes of revoking, altering, and reviving them; and to these provisions, which necessarily belong to the subject, it has been thought right to add others for correcting certain rules of construction, by which the lawful intentions of testators are often defeated; and there are some incidental matters which may, perhaps, be more conveniently explained on a future occasion.

According to the policy of this country, it is desirable that the property which a man may dispose of by his will should comprise every thing which he has—i. e. every thing he has for an interest which endures beyond his own life, and which,

in default of any disposition made by him, would devolve upon the person who is designated by the general law as his real or personal representative, and, generally speaking, the law as it stands, gives this power of disposition—but there are some exceptions, and one of the objects of this Bill is to remove those exceptions. I will endeavour to explain the nature of them to your Lordships. There are some customary freeholds or tenant rights and also, as it is supposed, some copyholds of which the legal estate cannot at present be devised: any equitable interest, however, in the same estates may be devised, and consequently when a man wants to make such estates subject to his will, he is obliged by some direct or indirect means to constitute a trustee who may voluntarily, or under the compulsion of a Court of Equity, dispose of the estate as the real owner may by his will direct. What is proposed is, to make the legal estate in property of this nature pass directly by the devise without any of those expensive and sometimes hazardous contrivances which are now necessary. Again, estates for others' lives, estates *pour autre vie* as they are called, are in general devisable by the law as it now stands—but if the property be copyhold and there be no special occupant, the estate is not devisable, and this Bill proposes to remove that exception. Again, almost all contingent and future interests are now devisable, but there is an exception if the testator be not, when he makes his will, ascertained to be the person in whose favour the contingency, if it happens, must fall. Thus, if an estate be limited to two sisters and the survivor of them, and, after the death of the survivor, to such other person as the survivor may give it by will,—whilst the two sisters are both living, it cannot be known which will survive; and I will suppose that one of them in the expectation of surviving, makes a will giving the estate which in that event she will be entitled to dispose of, and after making that will, actually becomes the survivor, and competent to dispose of the property; yet, if she dies in that state of things, without re-executing her will, the property will not pass, and for this it is proposed to give a remedy. Again, although reversionary interests are now devisable, rights of entry are not; and this strange case has happened and may again occur. An estate is vested in one man for his life; the reversion is in

another who may effectually devise it if he pleases. I will suppose him to make his will for that purpose, and to die without knowing that anything has occurred to prevent its legal operation. Unfortunately, however, the tenant for life without the knowledge of the reversioner has done one of the several acts which may in law occasion a forfeiture of his life-interest. This act at the same time converts the reversion into a right of entry which is not devisable, and the testator's will is as to that estate wholly frustrated, and this is an evil which the present Bill proposes to correct.

My Lords, the propositions which I have mentioned though important in themselves, and in relation to the particular cases to which they may be applied, cannot I think be represented as of very frequent and general occurrence. The cases occasionally occur; they give rise to well-founded complaint, and bring some reproach upon the law; but neither in respect of their frequent occurrence nor in respect of the amount of property likely to be involved do they at all approach in importance to the next proposition which is made in reference to this part of the subject.

As the law now stands, a will does not pass any real estate which the testator is not intitled to, both at the date of his will and at the time of his death; it has no effect upon any real estate which may have been acquired in the intermediate time. It is probable that the rule, in this respect, arose partly from the construction given to the word "having" in the Statute of Wills, and partly from the desire which has been felt to favour the heir; but, beyond all doubt, it defeats the intentions of testators. A man may, in express words, devise all the real estate he possesses at the date of his will, together with such other real estate as he may afterwards acquire and be intitled to at the time of his death; only that which he had both at the date of his will, and also at the time of his death, will pass, and not that which he acquired after his will. He may in his will recite, according to the truth, that he is in treaty for the purchase of a particular estate, and expects to become the absolute owner by the purchase, and then declare that he is buying the estate with a view to the benefit of a particular person to whom accordingly he devises it. He afterwards does complete his purchase

and become the owner, but, without re-execution, the will is wholly ineffective as to this estate. Nay more, a man may have entered into a binding contract for the purchase of an estate which in equity is justly considered as his. Being his, he devises it; and if he were then to die, the equitable interest would pass to his devisee—but during his life, he obtains a conveyance of the legal estate; and, if from some circumstance of family convenience, or it may be from some whim of the conveyancer not knowing of the will, the legal estate should be taken in a form different from that of the equitable estate obtained by the contract, the will fails and the devisee is disappointed. And what seems more extraordinary than this, a man may be possessed of the same real property, both at the date of his will and at the time of his death, so that by the ordinary rule the estate would pass; yet if in the interval he should, with the desire, and, for the avowed purpose of strengthening his own title, and by that means making his gift more secure, have done certain acts as he thought for further assurance, the effect of those acts (as the law now stands), may have been to strengthen his own title, and, at the same time, to defeat the devise for the sake of which alone he desired to strengthen his own title.

These and other anomalies have been constantly complained of; and judges have lamented the necessity under which they were, to act upon rules which they disapproved of, and which they could not evade. The Real Property Commissioners have, therefore, recommended, and this Bill proposes, that a man should be able to dispose by his will of all the real estate which he may be intitled to at the time of his death, although he may have become intitled to it after the date of his will.

Such are the alterations which it is proposed to make in the property which may be disposed of by will.

As to the persons by whom real estate may be devised, it is not proposed to make any change; but, at present, personal estate may be bequeathed by boys of fourteen and girls of twelve years of age, if they should be of sufficient discretion. It was proposed by the Real Property Commission, that no will of any sort should be made by any person under the age of twenty-one years; and the Bill, when introduced into the House of Commons in 1834 and 1835,

contained a clause to that effect. In the Select Committee of that House, it was considered that persons under twenty-one might be intrusted to make their wills, and seventeen was the age there proposed and adopted. This change, however, was not acquiesced in by the House, and the age of twenty-one years was restored to the Bill, and remained in it when it came up to this House. The present Bill proposes twenty-one years as the age of persons who make wills of lands, and seventeen years as the age of those who make wills of personalty; and, if it should be your Lordships' pleasure that this Bill should go into Committee, it may be considered whether this is not a convenient arrangement by way of compromise. The law, as it stands, makes the property of an intestate devolve in a manner which, notwithstanding some objections, is, I believe, generally approved in this country; and the intestacy of a young person under twenty-one years of age cannot be looked upon as a considerable grievance; but there are cases (of illegitimate children particularly), in which with reference to the persons by whom they have been brought up and kindly treated, it may be thought desirable to give a power of making a will at an earlier age than twenty-one years.

The provisions of this Bill, with respect to the mode of executing wills, are next to be considered.

Now, my Lords, of all acts whatever by which property may be disposed of or affected, it may justly be said, that at the very times when the acts are done, you should secure the means of authenticating and establishing them on future occasions: and that which is true of all such acts, is more particularly important in the case of wills, the making of which, though a most important duty, and one which every man ought to perform in his time of health and strength, is so frequently delayed to the last moments of life—moments too often of agitation, debility, and destitution; when the man may not be able to procure the assistance which, at another period, he might have commanded; and, when he may be surrounded by interested and artful persons, willing, if they safely can, to withdraw the testator's estate from the proper objects of his bounty, or from the persons whom the law has designated as his proper successors in the absence of any expressed will of his own to the contrary.

It has, therefore, never been doubted, but that in the formation of wills, it is desirable to have some means of authentication provided—some forms and ceremonies observed, when the wills are made—and it will probably be admitted, that for the purpose of securing in the best mode you can the observance of them, the directions for the forms and ceremonies which you require should be clear, uniform, and simple, to the utmost extent which is consistent with the security you desire to establish.

Considering, that to prevent the imposition of spurious wills, is the reason for requiring forms; and that wills may be genuine, *i. e.* may be true expressions of the testator's intentions in the absence of the forms, or of some of the forms which you may direct, one would wish it to be practicable to direct the observation of certain forms for security without absolutely excluding the validity of wills in which those forms had not been observed, in cases where in the absence of the forms full and satisfactory evidence of the genuineness of the wills could be produced.

With respect to wills, formal and genuine, informal and spurious, are not convertible terms; and it seems, I confess, but a coarse and clumsy mode of legislation upon such a subject as wills, often made *in extremis*, to say, that unless certain forms are observed, the will shall be wholly null. But, after careful reflection on the subject, and the topics necessarily connected with it, I am afraid that, at present, all that can be done to avoid the frustration of genuine wills, whilst you are imposing forms to prevent the imposition of spurious wills, is to make the directions for those forms as clear, uniform, and simple, as the nature of the case admits of.

What then are the forms which appear to be necessary? It is plain that writing affords the most useful means of authentication: but not only may a writing be forged, but a writing, even in the hand of the testator, may purport to express an intention, when the writer in making it contemplated only a project: the writing may seem to express a will or determination concluded upon, when in truth it was written only as a draft to facilitate meditation and future consideration. It appears, therefore, that writing alone does not afford sufficient security; and even a writing with the signature of the testator

at the foot, which would indicate a conclusive act, does not afford any security that the writer was, at the time when he wrote and signed, of sound mind or free from all undue influence. In addition to the writing and the signature, it is desirable to have witnesses of the act, attesting it at the time when it was performed.

And it is scarcely disputed but that these things, *viz.*—writing—the signature of the testator—and the attestation of witnesses—are the acts which the law should require to be done for the authentication of wills. But these acts, instead of being required to be done in a clear, simple and uniform manner, are by the present law required to be done in modes which have been justly enough said to exhibit “a matchless variety.” The Real Property Commissioners have stated ten different modes of making wills, sanctioned by the law of England, and depending on the various sorts of property intended to be disposed of. I do not intend to trouble your Lordships by stating them all; but shall content myself with adverting to those which are most contrasted to one another—the mode of devising freehold land—and the mode of bequeathing ordinary personal estate.

Freehold lands are to be disposed of by will, executed according to the forms directed by the Statute of Frauds, which passed in the year 1676, and which provided, that wills of land should be in writing, signed by the testator, or by some other person under his direction, and attested by three or four credible witnesses in his presence.

Personal estate, on the other hand, may be disposed of by any writing, however informal. The ecclesiastical courts have exclusive jurisdiction over this matter, and may consider as a will that which appears in the shape of a letter to a friend or an agent, or of a loose memorandum, or of a series of detached memoranda, if it be deemed that such writings afford sufficient means of collecting an intention.

Thus a freehold interest in land, however small, cannot be disposed of by will without all the forms required by the Statute of Frauds, whilst an interest in personal estate, however large, will for which no form but w
quired.

Both methods have been di
by eminent judges. It has be
that the Statute of Frauds di

so strict, in language so loose, for wills of real estate, and that the Legislature did not require some form for the validity of wills of personal estate. The discrepancy between the modes of executing wills of real, and wills of personal estate, and the grave inconveniencies arising from that discrepancy, have been from time to time pointed out and lamented, and have been noticed at length in the Reports of both the Real Property and the Ecclesiastical Commissions.

I shall submit to your Lordships only one case, for the purpose of illustration. A man having ample property, real and personal, and a large family, makes his will for the purpose of providing for all his children: he settles what he thinks proper for the benefit of his heir—he directs all the rest to be sold, and the produce to be divided amongst his younger children in certain shares; or knowing the different habits and characters of his younger children, he provides for some by giving them portions of his real estates, and for others by giving them sums of money. He expresses himself clearly and distinctly, so that there is no doubt of his intention. He signs his will, and procures witnesses to attest his signature; but knowing that two witnesses are commonly sufficient to attest a legal act, and not aware that three witnesses are required to attest the execution of a will, he procures no more than two; and the consequence is, that the will, though good as to the personalty, wholly fails as to the real estate. To ears not familiar with such things, it seems strange to say that the will, though clearly expressing the intention in every part, is partly good and partly bad, but so it is, as the law now stands. The real estate, intended for the younger children, descends upon the heir in addition to the provision expressly made for him, and the younger children, whose provision was to consist of real estate only, are left penniless.

I might mention other cases of striking inconvenience arising from the want of uniformity in the mode of executing wills relating to different sorts of property, but it seems unnecessary. It is clearly desirable that the validity of all wills should depend on circumstances of the same sort; and as I apprehend that no one would agree to sanction informal wills of real estate, it follows that some forms should be required to give validity to wills of personal estate.

It is not to be denied that the Ecclesiastical Courts have sometimes been able to collect a clear intention from the informal and imperfect papers which they have held to constitute a will; and, consequently, that the intentions of some testators may be disappointed by excluding such documents. But in considering the propriety of a proposed general rule, it is necessary to estimate the probable inconveniences to arise from adopting or rejecting it; and on a fair consideration of all the circumstances, both the Commissions concur in recommending that a formal execution of the wills of personal estate should be required.

And supposing that your Lordships may be disposed to concur in an enactment, providing for the execution of all wills, in an uniform manner, the next consideration is what the form should be? the forms required for wills of lands by the Statute of Frauds, or any other?

There is not, as I apprehend, and as I have before stated, any doubt as to the necessity of writing—signature—and attestation of witnesses,—but the Statute of Frauds in directing the attestation of witnesses says, that the will is to be subscribed by three or four credible witnesses in the presence of the testator; and from this clause great litigation has arisen, and continually arises. The questions relate to the number of witnesses—to the legal effect of the word “credible”—and to the direction that the witnesses shall subscribe the will in the presence of the testator.

Both Commissions recommend, that the number of witnesses shall be reduced from three to two, for reasons which they have stated, and which seem to be sufficient to warrant their conclusion. In most legal instruments the attestation of two witnesses is thought sufficient. Two witnesses are usually called in, and are often required to subscribe the attestation, and this to such an extent, that a sort of habit of attesting by two witnesses has been acquired, and very many wills have been frustrated in consequence of testators having unfortunately conformed to that habit. It is obviously less difficult to procure two than three witnesses in cases of emergency, and this Bill, pursuant to the recommendation of the Commissions, proposes, that an attestation of wills by two witnesses shall be sufficient.

As to the word “credible”; it is cer-

interest which he possesses at the time of his death, it is provided that the will shall speak from that interest. It is next proposed that the will shall speak at the time of the testator's death. If he has real estate, the time of his will, and other interests, at the time of his death, and the will shall speak from all his real estate, and the time of his death, and the will shall speak from the state he then has, and the will shall speak from the real estate which he had at the time of his will. Further, this Bill provides that a residuary devise shall include void devises. This follows necessarily from the proposed change in the will speak from the death, and it has been thought better to remove the subject from making the declaration. It is perhaps, to have stated at an early stage what this Bill proposes to do in respect to powers of appointment to be created by will. This subject is not taken up in the report but is of considerable importance.

It is proposed that if he pleases give an estate to another, and that another shall appoint, that such appointment shall be made in a particular manner with or without witnesses, or with one witness, or any number of witnesses, of any particular number, and if the mode in which the power is directed to be exercised is not complied with, the appointment fails: and if the mode is not complied with by great litigation, the appointment shall be void, and those who claim the benefit of the appointment; and it is proposed that the benefit will arise from the exercise of the powers to be executed, and that the powers shall be duly executed, and that the powers shall be made in the mode required for a valid appointment, and that the powers shall be executed in the mode required for a valid appointment.

The Bill provides that a general power of appointment shall be valid over which he has a power of appointment. The intention of the Bill will appear from the following cases. A man may have a power of appointment only in five parishes, lands in which he has a general power of appointment only in three parishes, and both lands in fee and lands over which he had a general power of appointment in one parish, devises all his lands in the nine parishes, naming them. The lands in fee

passed of course—the lands over which he had the general power of appointment in the three parishes passed, because as he named the parishes he must have meant the lands within them, and those were only lands over which he had the power of appointment; but in the one parish in which he had lands of both sorts, the lands over which he had the power of appointment did not pass, because the lands in fee in the same parish were sufficient to satisfy the words of the devise. It is impossible to believe that the testator did not intend these lands to pass; and the intention of the enactment now proposed is to prevent such disappointment of intention in cases of the like kind.

The clauses in this Bill which are next to be noticed are those which relate to the construction and effect of certain words. There are certain constructions of words which the Courts are at present obliged to adhere to, and have no power to alter; but being acknowledged to produce an effect which, if uncontrolled, is in all cases contrary to the intention of the testator, endeavours are constantly used to find out other words and circumstances to control them: and to what extent those other words and circumstances may be available for that purpose is always a question attended with doubt and difficulty, and is often a source of great uncertainty in titles. I do not know how I can explain the nature of the proposed enactment better than by stating examples of the cases which occur. The words lands and tenements do not of themselves designate the quantity of estate for which they are held. They are equally applicable to lands and tenements held in fee and to lands and tenements held for years only, and when found in wills they clearly ought to be applied to both; but the construction which the Courts are now bound to give to the words varies according to circumstances. If a man having lands in fee only in one parish, lands for years only in another parish, and both lands in fee and lands for years in a third, devises all his lands and tenements in the three parishes, the lands in fee pass by the will, and so do the lands for years in the parish in which he has no lands in fee, but the lands held for years in the parish in which he has both lands in fee and lands for years do not pass. The case is very like that which I have mentioned upon the subject of land over

which there is a general power of appointment, and the plain and manifest intention of the testator is equally violated, and is by all judges admitted so to be. It is therefore proposed to be enacted, that a general devise of lands shall be held to include leaseholds.

Again, because the words lands and tenements do not of themselves designate the quantity of estate or interest for which they are held, and in common parlance when a man speaks of his house or of his lands as property which he has a right to dispose of, he means his whole right to it, it often happens that a man making his will without competent legal advice, gives his house or his lands at such a place to such a person without adding any word of limitation or inheritance. To common understandings, and out of the Courts, his meaning is clear and obvious, to give all his interest in the house or in the lands to his devisee. But the rules of construction which have unhappily been established intervene to thwart the plain intention; and if there be no other words in the will to help that plain intention, the devisee takes only an estate for life. Lord Mansfield and other eminent judges have admitted, that in almost every case where by law a general devise of lands is reduced to an estate for life, the intention of the testator is thwarted; and it is therefore proposed to put an end to this reproach upon the law.

Again, it is very common to devise real or personal estate to a particular person, as to an eldest son, and if that eldest son "shall die without issue," then to the second son. Of the meaning and intention there is no doubt—no one who considers the ordinary sense and meaning of the words "die without issue" has or can have any doubt that they mean die, being at the time of dying without issue, and that the testator means that the estate shall go to his second son if the first shall die without issue living at the time of his death. But very different is the construction which the judges are bound to put upon the words if they can find nothing else in the will to control their technical meaning. They are bound to construe the words "shall die without issue" to mean, "shall become dead without issue at any period however remote." Now a man may die to day, leaving a family of children; he is not dead without issue, but two or three hundred years hence, his children

and their offspring may be all exhausted, and then for the first time, at that remote period, the man becomes dead without issue, and consequently in the absence of any other words to control the construction, the judges are obliged to hold that it is only upon that remote event that the estate is given or intended to be given over to the second son. The result is, that the eldest son is deemed to have an estate tail in freehold estate and an absolute interest in the personal estate, and thus notwithstanding that the eldest son may never have any issue, the intended gift over to the second son entirely fails.

My Lords, I should scarcely venture to employ the language applied by Chief Justice Willmott to cases of this nature, but in an opinion delivered by him in this House, he calls the technical exposition which I have adverted to, of the words "if he shall die without issue," "a monstrous absurdity, a shameful abuse of language, a confounding of the present and future time together, the most intolerable tyranny and the grossest barbarism;" and after saying most truly, that wresting and torturing words out of their natural signification, to defeat a testator's, intention is directly counteracting the injunction of the law in expounding wills, and racking a man upon his death bed to make him say what he never meant or thought of," he adds, "but unfortunately for devisees claiming under bequests, depending upon the contingency expressed in these words only, without any other words to restrict them, some of the greatest and ablest men have followed one another in saying, that alone and by themselves, they must be considered to mean, being dead without issue at any future time, and that limitation over upon them are void."

My Lords, the judges have no choice upon this subject; they must administer the law as they find it, and adopt the constructions which are established. I, who have now the honour to address your Lordships, and who feel sincerely the truth of the remarks made by Chief Justice Willmott, may, in the discharge of my duty, be obliged to-morrow to act upon the construction of words which he so severely condemns; and the rule being established, no judge can be exempted from the necessity of conforming himself to it without the interposition of the legislature.

But the construction given to the words "die without leaving issue," when there are no other words to restrict them, is still more extraordinary. By a train of decisions which can only be controlled by the legislature, it is established, that the words "die without leaving issue" shall have two distinct meanings, one applicable to real estate, the other applicable to personal estate. When the words are applied to personal estate, they are to have what may be called their natural meaning, "leaving no issue living at the death," but when applied to real estate, the same words are to mean, "a failure of issue at any period, however remote." And if a man devises and bequeaths as follows: "I give my freehold and leasehold estates to my eldest son, and if he shall die without leaving issue, to my second son," the words "die without leaving issue," in this short phrase, are held to have two distinct meanings with respect to the two sorts of estates given, viz. an indefinite failure of issue with respect to the freeholds, and a failure of issue living at the death with respect to the leaseholds.

And thus, under the same words in the same sentence, and it being beyond all doubt that the testator meant the same thing as to both freehold and leasehold estates, the gift is by the construction quite different. In the freehold the eldest son takes an estate tail, which he can dispose of as he pleases. In the leasehold he takes an interest defeasible on his own death, without leaving issue then living.

This rule, laid down by Lord Chancellor Parker in 1720 against the opinion of Sir Joseph Jekyll, has been loudly complained of, and diligently have the Judges endeavoured to evade it by constructions and exceptions, from which an intolerable amount of litigation has arisen; and it is hoped that a great deal of litigation may be prevented by enabling the judges to construe the words according to their natural and obvious meaning, and in the same way in which they are now construed in their application to personal estates.

My Lords, I have heard of objections being made to a legislative construction of words; but when a rule of construction which plainly violates the lawful intention of testators has been established in the courts of law, I know no way of correcting the abuse (for such it is) but by legislative interposition; and I beseech of your Lordships to consider how important it is

that the courts should construe the words of a will in their plain, popular, and obvious sense. A man may have made his will in his time of health and strength, and with the ablest professional assistance: such a will is probably so expressed as to secure the execution of that which was the intention at the time when the will was made. But in the mutability of all human concerns, no man can say that the will which is now most suitable to the state of his family and affairs, will be so in the course of a few days hence, or at the time of his death. However well his affairs may now be arranged, however accurately the will already made may express his wishes at this time, a change may be necessary almost at the last moment of life, and at a time when it is impossible for him to procure the assistance of a professional man, competent to suggest the words, by the use of which alone, in the technical construction put upon them, it can be made sure that his real intentions will be carried into effect. He must take such assistance as in the emergency he can procure; words taken in their ordinary and popular sense, will probably be used: and if the courts cannot, as they now cannot, construe them in the same ordinary and popular sense, the intentions of the testator will be frustrated. I hope, therefore, that your Lordships will not object to the construction clauses introduced into this Bill.

My Lords, I have already occupied so much time, that I shall barely notice the remaining clauses in this Bill. Two of them are introduced for the purpose of making it more easy to ascertain what estate is vested in trustees, and to remove uncertainties and difficulties which have arisen from the rule which in some cases makes the estate of the trustee commensurate with the purposes of the trust which he has to execute: and there are two others which relate to lapsed devises and bequests.

When there is a gift in tail, the testator intends the issue to take if no act be done to bar the entail; and if the persons to whom the gift in tail is made, should die in the life-time of the testator, leaving issue inheritable under the intended entail, it is probably intended by the testator, that such issue should be substituted as the devisee in tail, in lieu of the person first named, and the Bill proposes to carry this probable intention into effect.

Again, it often happens that a testator gives legacies to his different children as their portions, and that some of his children marry and die in his lifetime, leaving children of their own. It is in the highest degree probable that the testator does not intend the portions of such deceased children to lapse—does not intend the children of his deceased children to be left destitute; and this Bill therefore provides, that the legacies or portions of such of the testator's children as die in his lifetime, leaving children, should take effect.

I have now endeavoured to explain, however imperfectly, the principal provisions of this Bill. If your Lordships should be pleased to adopt them, they will, I believe, be found to supersede all the statutes heretofore made on the subject, and it would seem to be more convenient to repeal those statutes.

It only remains for me to thank your Lordships for the attention which I have received, and to move that the Bill be read a second time.

Lord Abinger concurred in many observations and propositions of his noble and learned Friend, and though he was not altogether pleased with the phraseology of the Bill, yet it was considerably less objectionable than the last. Of that it had been said in another place that it had lain in the dormitory of that House so long as to prevent its being enacted. It had never undergone public discussion elsewhere, but it had in that House, and to him it was unintelligible at first, and not quite clear even when interpreted by the Gentleman who had drawn it. The present Bill was an important improvement on the last, and was rendered the more valuable by the fact, which his noble and learned Friend had not adverted to, that by it rights of entry and of action, or suit, might be devised or bequeathed.

Lord Brougham did not rise to offer a panegyric on that which required none, but to express his satisfaction that his noble and learned Friend, who had just spoken, did approve of this Bill. He was sure, that had his noble and learned Friend examined the former Bill as attentively as he appeared to have done this, he would have found no difficulty in comprehending it. There were but two differences of any importance between them, or, at the most, five. There were some clauses, however, to which, in Committee,

he should propose alterations. The repeal of all the other statutes must be guarded against with great caution; especially must their Lordships consider what the effect would be of altering that part of the law of revocation which affected the marriage of a man, and the subsequent birth of a child of that marriage. If that were abolished in cases of sudden death previously to the re-execution of an old, or execution of a new will, gross injustice might be done.

Lord Wynford was of opinion, that the facility for willing away personal estate ought not to be greater than that which existed for the disposal of real property. He did not understand the reason why it should be permitted to a boy of seventeen years of age to will away any amount of personal property, even to the value of a million of money, while he was prevented at that age from disposing of, by testament, even a shilling's-worth of real property. He saw no good ground for establishing such a distinction, and he hoped the provisions in the Bill with regard to it would be altered.

The Lord Chancellor expressed great satisfaction at the unanimity of opinion expressed by their Lordships as to the principle of this Bill; and his only object in rising then was, to draw their attention to another measure, which he had the honour of introducing last Session, and which he had postponed, in order that the present Bill might take precedence of it. The object of this measure was to attach more solemnity to wills of personal estate; and that object could not be affected unless some provision were made for affording the means of strict proof. At present that matter was left entirely to the very imperfect machinery of the Ecclesiastical Courts, and the Bill for the improvement of those Courts (to which he had alluded, and which had been much discussed up stairs, but had subsequently been postponed in consequence of the necessity of passing previously some Bill of the same nature as the present) contained a clause which provided for the object in question. The two measures, taken together, would be highly beneficial. The first Bill would provide the means of properly making wills of personal property; and the other would provide means whereby the fact of their having been properly executed might be satisfactorily tried.

Bill read a second time.

HOUSE OF LORDS, Friday, February 24, 1837.

MINUTES.] Bills. Read a third time:—Post Office Contracts.—Read a first time:—Outlawry.

Petitions presented. By the Earl of SALISBURY, the Marquess of SALISBURY, and the Bishop of DURHAM, from Dorchester and other places, against the Abolition of Church Rates.—By the Earls of SEPTON and BURLINGTON, the Marquess of LANESBOROUGH, Lords POLTUN and BROUGHAM, from Middlesex, Birmingham, and other places, for the Abolition of Church Rates.—By the Marquess of SALISBURY, from Saint Mary, Aldersbury, for Exemption from the Poor Law Amendment Act.—By the Earl of RANDOLPH, from the Medical Profession, Donagel, for the Repeal of the Grand Jury Act (Ireland) BILL.

HOUSE OF COMMONS, Friday, February 24, 1837.

MINUTES.] Bills. Read a third time:—Charity Commissioners; Sedition (Scotland).—Read a first time:—Recovery of Tenements; Public Records; Controversial Election.

POOR-LAW AMENDMENT ACT.] Sir Robert Peel, before the discussion on the Poor-law Amendment Act was entered into, had a petition to present on the subject from the medical practitioners of Bucks, complaining of the state of medical treatment and practice under the Poor-law as at present administered. He wished to know from the noble Lord if he was prepared with any amendment to the Act with respect to medical treatment. Of course inquiry would go far to point out the nature of that remedy.

Lord John Russell was prepared to resist any motion which would go to the repeal of the Act, or to any extensive change in its machinery or its details. At the same time, he was willing to go into an inquiry as to the working of the measure by the commissioners, though he had no doubt that it would be found that the commissioners had acted on sound principles throughout. There were, however, many highly respectable individuals who differed from the rules laid down by the commissioners with respect to medical treatment; and in the committee for which he should move as an amendment to the motion of the hon. Member for Berkshire, an inquiry would be gone into on that subject, with the view of seeing whether an improvement might not be made in the working of the Bill in that respect. In the inquiry an opportunity would be given to the Poor-law Commissioners of stating the grounds on which they acted. If, in the result of the inquiry, any amendments

Lord Chancellor said, "that the chief point involved in this Bill, was, whether their Lordships should retain their properties or not. It was the opinion of the Commissioners—and in that opinion he concurred—that if this measure, or a measure similar to it, were not speedily adopted, the property of this country would shortly change hands." The Government organs of the press made use also of similar language—"We require a dictatorship for a time." From these three sources any one might clearly come to the result, what kind of a Bill it would be. It was to be inflicted by despotic power—it had nothing in it indicative of a kindly feeling towards those who were to be its victims, and it appeared to have been founded chiefly on the false assumption, that unless it was passed, all the property of the country would go into other hands. The Bill, it was said, was to establish an uniform system throughout the country. Had such been the case, or was it likely to be so? Let the squabbles which had so frequently taken place between the parishes and the commissioners, sometimes one gaining a point, and sometimes another—let these squabbles, he said, and their contradictory issues, answer the question. Uniformity of system, indeed! Why, how far did their system extend? In many of the most populous districts, and where, if it had been good for anything, it ought to have been first imposed, it had not been introduced—no attempt had even been ventured upon to introduce it. In some populous districts, the Commissioners had been pelted and driven away by an indignant population. In other places, the guardians, impelled by a humane principle, had set the Central Board at defiance. In order to constitute a uniform system, the law itself ought to be uniform. But they had been told in this law, that the Commissioners themselves might relax its stringent operation; that was, in other words, they might apply it partially. Was that uniformity? The truth was, that what was meant by this relaxation, was, that the Commissioners were to impose it on the timid and weak, but to abstain where they dreaded opposition. The evils of the new system were of two kinds: as of every other tyrannical operation, there were the two extremes. The confinement was intolerable, and therefore they who had vainly attempted to bear it, or who had shrunk

from the hopeless experiment, were flung upon the wide world. Hence came the encouragement, and all the snares and artifices which had been practised with regard to emigration. It was admitted on all hands, that there should be no compulsory emigration; that was to say, they all agreed that no Act of Parliament could be passed to force the people to emigrate. Why, then, did they do by a side blow, what they confessed must not be attempted openly? It was true the people were not carried off by force; but fraud, deception, and unfounded representations, constituted the worst kind of coercion. If their workhouses had been endurable under the new system, who would have thought of breaking all the ties of kindred, locality, and everything else that binds man to the place of his birth, and to all its kindly associations? Having broken these ties, and he must say, through the injustice and severity practised on them at home in their native country, what must be their feelings towards that country in foreign regions? If they continued to love it, so much the more unfeeling must that system have been which forced such hearts away. That they might feel the movements of indignation and revenge for such treatment, and that they might convey such resentments to their posterity, was but too probable. General Stewart, in speaking of the compulsory emigration of the Highlanders, many years ago, said, "I have been told by intelligent officers who served in Canada during the last war, that they found the Highland emigrants more fierce in their animosity against England, than even the native Americans." His remarks upon this subject must be understood to extend only to Poor-law plans of emigration, the motives of which had been made obvious. Now, how stood the case with our Poor-law Commissioners? The victims of their expatriation were really crushed, if he might use the expression, out of their native land by harsh treatment. He would read passages from their own report, from which it would appear that the principle of their success in inducing to emigrate, was the poor having nothing at home to look to but those vast prisons—the union workhouses. They said—"In the case of any real surplus of population being found to exist, we have already announced our intention of endeavouring to provide for

they could, the wages that can be earned are not such as will enable a man to live out at quarters, and send home enough to sustain a wife and six children. "Well, then, (says the Commissioner), let the young men go to the railroads; they can earn there great wages!" So the young men are refused either work or relief, or assistance to emigrate, and are told to go to the railroads. To the railroads they go; they come back. "What do you want?" "Work." "Work! why I thought you had gone to get work on the railroad?" "So I did." "Well?" "I could not get any." "I do not believe a word you say; you are idle, so you may starve." Such is the kind of dialogue that takes place. Now let us look to the facts. This circumstance, of young men having gone to the railroads for work, and having come back again, saying they could get none, having been several times brought to the notice of the Petworth Board of Guardians, they sent their relieving officer to Winchester, for the express purpose of ascertaining the real truth. He returned, and reported that there was no work to be had. The leading principle and practice of the new law seems to be, to harass the poor man, to make him run about from place to place, from one functionary to another whether he wants medical aid, relief, or work, until at last, utterly worn out, he sits down in hopeless despondency. His informant next mentioned the case of a day-labourer's wife, the mother of six children, all under twelve years of age, who was suddenly taken ill. Her husband was obliged to leave his work, to apply to the relieving officer for medical assistance for her, but was informed that it could not be granted. Why? "Because this union gives relief to the man only, not to his family." The man represented this answer to the Board of Guardians, and, strange as it may appear in a Christian country, the Board approved of it. His informant, referring to the report of the Poor-law Commissioners, adverted to the notorious fact, that they brought forward no evidence but that of their dependents—that they did not mention the season, or even month of the year at which the evidence on which they relied was given—that they made an assertion, which was perhaps applicable to harvest time, "that the poor are now all employed," applicable to the whole year—and that they garbled or suppressed the evidence they

received, just as suited their own purpose. Of this his informant mentioned one instance, so extraordinary, that he could not refrain from mentioning it to the House. "The clerk to the Petworth Union," said the rev. gentleman, "wrote a letter to the Commissioners, stating, as might be seen in their report, that 'the people were much more orderly, &c., than they had been heretofore, in the town of Petworth.' All this was true, as far as it went; but the Commissioners had most dexterously availed themselves of the beginning of that letter, thereby to prove that all this amelioration had been produced by the operation of the new law; but they found it convenient to stop short at that precise point of the clerk's letter, where he went on to observe, that this state of tranquillity was owing to the parish having been recently placed under the provisions of the Police Act, to a regular system of police having been established, and to the town being lighted. The disorders which attack the poor come on suddenly, are rapid in their progress, and fatal in their consequences, unless attended to early. The forms necessary to obtain relief are so tedious, and so difficult, that the patient incurs a serious risk of dying before they are complied with. Suppose a labourer's wife to be attacked with inflammation, and her husband to have to leave his work, and to run about from one officer to another, to get the necessary forms completed, she may be dead before those forms are gone through, even allowing the Board to be softened at last, and to give directions for the attendance of the surgeon. In fact, the sole object of some people seems to be, to diminish the expense, no matter how; and if the population happens to be diminished by the consequences of the process, why, in the minds of many persons, it is an additional recommendation to it. A case occurred last week in this parish. A widow with a family was taken violently ill with the prevailing disorder. I was informed of the fact, went to see her, and found her in a very bad state. The relieving officer I knew was from home; and though, under the Gilbert Act, I had been visitor of the parish for twenty years, yet, under the new regime, I possessed no power. However, in passing through the town, I fortunately fell in with the union doctor, to whom I stated the case, observing, that I had no power to give an order for his attendance. He kindly

the day, left all the rest to chance, the god of their fondest worship: so I went, at much risk to my own health, and baptised the child, and on the same principle I have buried their dead; but I strongly protest against being called upon to do either, and maintain that, where masses are brought together under this new law, neither commissioners nor guardians have any right to lay an additional burthen upon the minister of a parish, or to call upon the parishioners to find burial room for as many as they may be pleased to send thither, to look for their last earthly location."

Another clergyman had furnished him with the following case:—

"The union to which my parish is annexed, is the Paulerspury and Stoney Stratford Union, consisting of fifteen parishes, a population of about 8,000, and the guardians all renting farmers and tradesmen."

Mr. Curties again rose, observing that the hon. Member for Berkshire was reading a printed letter.

Mr. Walter said, that these interruptions were really most unhandsome on the part of the hon. Member. The last letter which he read to the House was from a clergyman well known to him. As to the remark of the hon. Member for Sussex, respecting the form of his documents and extracts, he conceived that he had a right to use them in the form most convenient to himself. He should now, with the permission of the House, proceed with the letter:—

"The board is held now once a fortnight at Stony Stratford, the extreme point of the union which extends nearly nine miles. There was only one relieving officer and one medical man till the spring of 1836 (when another surgeon was appointed to the union); consequently many of the paupers had to send eight miles for relief. In 1836 I made several representations to the Poor-law Commissioners of repeated instances of cruel and oppressive cases. One man had to send near twenty miles before he could obtain any medical assistants. No distinction is made between the honest, industrious labourer, the old and infirm pauper, the idle and dissolute. The allowances to the poor are by no means equal to their absolute wants. One instance will suffice for all. An industrious, sober, and hard working labourer, with a wife and three young children, had no work for seven weeks; he went for relief or work to the board, but could find none; he asked my advice; I told him to go to the board of guardians; for several weeks they would neither give him relief nor work; at last they allowed him four small leaves for himself his wife, and three young children; and they told him to walk every morning for bread from Pury to Stratford (six miles), then to Yardly Gobion, nearly five

miles, and the distance to his house was four more; this he did for many weeks. Another man, of good character, complained to me that he had no work, and no adequate means of supporting himself and family; I sent him to the board, and the following conversation took place between the pauper and the chairman, a tenant of the Duke of Grafton's and a parishioner of mine:—'What is your name, and what do you want?'—'Work or relief.'—'Who sent you here?'—'Mr.——,' 'Why did not Mr.—— come himself, or employ you, or lower his tithes?' This wise remark was made at a time when there were weekly robberies and fires in the neighbourhood. I went up to London immediately, and named to one of the Central Board myself the conduct of the chairman; he merely observed, 'If this be true, it is very bad.' The poor were living, from 1835 to the spring of 1836, in a poor-house not weather proof, the rain pouring in on the wretched inmates as they lay in their beds; no means of religious instruction, no classification, or employment for the paupers. The sick poor of Ashton and Hartwell have been grossly neglected by the relieving officer. A poor sick pauper of Hartwell (I speak on the best authority) died in consequence of the carelessness of the relieving officer and board of guardians."

Another clergyman wrote thus from Stoke Ash, in Suffolk:—

"I shall lay a simple statement of a case before you, which, occurring as it did in my own parish, and verified as it has been upon oath before me, will serve to show the cruel, tyrannical, and merciless operation of that act which professes to have been instituted for the benefit of the truly distressed poor. An able bodied labourer in the parish of Stoke Ash, in the county of Suffolk, having a family of ten children (two at service, eight were living at home with their father and mother), without employment and without victuals, applied on Tuesday, the 15th of November last, to the board of guardians at Eye, to request some relief, and was refused. On Thursday, the 17th, he was compelled to leave his wife and family to seek for work. On Tuesday, the 22d, his wife informed the relieving officer she was going to the board of guardians to apply for relief, as her husband was gone from home after work, and she had no victuals; he said, she might return home, the guardians would not relieve her, and she did return home without money or food. Subjoined are a number of affidavits which show the severe privations which the woman had fortitude enough to endure rather than be immured with her family in the workhouse during the seven weeks and a half her husband was absent. He returned home, it appears, on the 8th of January, 1837, having been absent seven weeks and three days. He could only get ten days and a half work the time he was gone; of course he brought no money home. His wife and family had very little else to eat but dry bread the time he was

He should fatigue the House were he to detail half the cases of cruelty and hardship which had lately come to his knowledge arising out of this Bill. They had had petitions presented to them from thousands of persons, including clergymen, magistrates, guardians of the poor, and others, the best judges, praying for its amendment. He knew of some guardians, one the chairman of a board, who, from humane feelings, were induced, with great difficulty, to retain their situations. With respect to the last report of the central board, on which, doubtless, great stress would be laid, he should only say, that he had reason to believe that many of the statements would be disproved. To a certain extent he had the means of doing so in his possession. It was a part of their duty to support that system which supported them. It would be very odd, if twenty-five commissioners, receiving salaries amounting to 39,000*l.* per annum, could not get up a work laudatory of their own exertions. That, however, was a matter for the consideration of a committee with unrestrained powers, which the noble Lord would not grant. The noble Lord might depend on it, that he would find it very difficult to make the public disbelieve that the most powerful, if not the only reason, for this refusal, was to screen the Commissioners, and prevent the exposure of their false and exaggerated statements. Nor would this opinion of the public be at all unreasonable, when it was recollected how many deceptions had been practised on the subject of this law. The country had been told by Lord Althorp that outdoor relief would be extended by the Bill rather than otherwise, while Lord Brougham went so far as to say, that he doubted whether any one had ever even dreamt of any separation between husband and wife, and parent and child. How had these promises been kept? The House had also been told that the Chief Commissioners were to have only 1,000*l.* a-year, whereas they received double that sum. The Assistant-Commissioners were to be only eight or ten in number, with 800*l.* a-year; there are now twenty-two of them, with 1,500*l.* a-year. Ought not the cause of these costly charges to be examined into? The Commissioners had increased their own salaries; but had they made a corresponding increase to the pitiful allowance of the poor? At that moment he had in his pocket a copy

of a humble petition from a Board of Guardians to the mighty Commissioners, praying to be allowed to give the aged poor an additional allowance of two ounces of bread per day. They had already once had a refusal. This was the last thing he should have expected from a Ministry which was pledged to diminish patronage, not to originate fresh fountains of it; which was bound to confer privileges on the people, not to diminish the few and little necessities of the most helpless part of them, and to consign them to strangers. On the subject of improvident marriages, on which so much had been said, and which had been so strongly deprecated as the source of evils in this country, he hoped the House would allow him to read part of a letter from a personage whose name must be familiar to many in that House; he meant the Styrian friend and correspondent of Captain Basil Hall, and who had many opportunities of observing the consequences resulting from the prohibition of any other than what were called prudential marriages among the poor. This personage, a lady, too, of Scottish extraction, thus wrote:—

“ We have no poor (that is, in the province of Styria), which, owing to the question in England respecting the Poor-laws, is deserving of being noticed. No man is allowed to marry till he can prove he is able to maintain a wife and children: and this, with the law of celibacy of the clergy, and the security required by a pecuniary deposit of the military before they can marry—almost an act of celibacy—are checks on population, which would make the hearts of Mr. Malthus and Miss Martineau burn in them for admiration. The result is, the entire demoralisation of the people. The mask of religion helps nothing. At the last grand jubilee in the next parish seventy-two pairs of single women adorned the procession, dressed in white, and covered with garlands and flowers. In eight months forty-four of them were in the family way. Madame Nature is not a political economist, and she does not let her laws be outraged with impunity.”

From every account that he had heard, he had reason to infer that a great increase of the crime of infanticide had taken place in consequence of the New Bastardy Law; and this result was foreseen and predicted by seventy-one members of the other House. He would content himself with reading one clause in the Leicester petition upon the subject.

“ We cannot omit, also, expressing our un-

state of poverty would the poor man submit, rather than go into it? With respect to these official reports, he had already shown the suspicion with which they ought to be received. Gentlemen might recollect the mention, the other night, by the noble Lord, in introducing his Irish Poor Bill, of a parish called Cholesbury. He adduced that parish as an example or warning, in legislating for the poor of Ireland, as he believed another noble Lord had formerly done for the poor of England. This parish also made the most prominent figure in the report of the Commissioners. But neither of the noble Lords, though they stated that all the farms in that parish had gone out of cultivation under the old system, added the important fact, that "all the farms" consisted of only two in number, of fifty acres each. The whole parish contained only 110 acres of arable and meadow land. But his objection to this law—and it was a fundamental objection—was, its total variance with the principles of every other law, and with the general maxims of the constitution. When he looked at the persons from whom it had sprung—his Majesty's present Ministers, he was lost in astonishment. Was it not their constant boast, and did they not celebrate it in all their toasts at political meetings, that the people were the source of all power? and now they invented a law, and would diffuse it over the whole realm, that they and their Commissioners were the source of all power, and the people its victims. The unconstitutional extent of the powers given to the Central Board, was well described, and justly reprobated, by a Gentleman well known to many Members of that House, and of the highest character—the Rev. Mr. Cookesley, who was a guardian of the Eaton Union. In an address to the rate-payers, he asked whether they desired their representatives (the guardians) to be mere servants:—

"To be a mere court to register the edicts of a superior Board of paid Government Commissioners. I must (says he) profess my astonishment, that the people of England should have submitted to the exercise of such powers as these Commissioners exercise. They are such powers as no body of men, since the days of the Star Chamber, have legally had in England, and such as no body of men ever ought to have had. Had the Boards of Guardians been open Courts, these powers could not have been put in operation; for public opinion would have compelled the

Board to act with independence, in resisting the outrageous authority at present enjoyed by the Poor-law Commissioners.

He goes on—

"The new Bill professes to be a Bill for the better provision for the poor; but I have yet to learn how this better provision can consist with a total violation of their feelings. The aged pauper who has spent his manhood in labour, thinks as much of his own arm-chair and his own fireside, and he loves the smile of his kindred and his friends, as much as richer men love their enjoyments. I know not how many hearts may be broken if this system of incarcerating the aged in workhouses is to be carried into general execution. Your Board of Guardians a few weeks since came to the resolution of letting the aged paupers out of their prison for a few hours during the day. But of this they were afraid of informing the Poor-law Commissioners, as they must prohibit any such infringement of their barbarous rules and regulations. Is it your pleasure (says he) that your aged poor—the creatures who flee to you for protection from famine—who trust to your benevolence and mercy—should be thus treated? Will you submit to these mandates of a savage relentless economy? The windows in your workhouses are built at the tops of the walls of the rooms. Why? Lest the poor should have the blessing of looking out of them—lest they should forget for a moment that they were in a gaol. Is this a wanton deliberate act of cruelty, or is it a benevolent instance of 'better provision for the poor?' Some time since the circumstance of a person having lived for some weeks upon workhouse diet was mentioned with pride in the House of Commons. Would this same man had fattened on it within the walls of a workhouse, shut out from the view of everything but the wretchedness of himself and fellow-sufferers. I am almost tempted to wish that the man who first hit upon this infernal scheme of shutting out the sight of our common earth from the view of the poor had been condemned to live in one of his own dungeons for life. One topic more, and I have done. There are about ten idiots in our workhouse. If I could fancy an aggravation of the miseries of incarcerated poverty, intense and tremendous, it would be this simple addition of idiotcy. Upon their companions falls the duty of attending them. . . . In our house, at this present minute, if a man is dying, his wife cannot see him, if he be an inmate."

Thus while the Ministers had been putting the country in commotion about establishing Municipal Corporations in Ireland, which they said were necessary upon the principles of self-government, they had been destroying self-government in every parish in England, and consigning the anything but self-government of those parishes to Commissioners sitting

complain of its working now that it is a law. The Commissioners are now trying to introduce this Act into Lancashire and Yorkshire, and I tell the noble Lord he may as well attempt to conquer the world, as attempt to effect that object. I have attended meetings of the people in those counties, preparatory to resist the introduction of this Act, and I will state to the House the reasons why I am prepared to act my part in that resistance. My own opinion is, that the motion of the hon. Member for Berkshire should have been for a total repeal of this Act. The noble Lord says, that the Bill is working well—it is not working well; but if it were so, why need there be any dread of that full inquiry which my hon. Friend asked for? Why, if it is working so well as the noble Lord says, need he oppose my hon. Friend's motion for a full inquiry? In page 6 of their report, the Commissioners state that the complaints made by the labouring people are not so much against the diet as against the imprisonment and the separation of man from wife, and parent from child that they endure in the union workhouses; and I put it to every Member of this House, whether that complaint is not a just one? And I put it to his Majesty's Attorney-General whether, according to the law of England, so severe a punishment can be inflicted where there is no other crime than poverty? I should like to hear his Majesty's Attorney-General justify this by any law that is recognised in England; I call upon him to state that law, if it is in existence; and I call upon the House to join us in demanding a full inquiry into the facts. I assure the House that the approach of the Poor-law Commissioners has created extreme dread in extensive districts of the north; I have myself received many petitions for this House upon that subject, both from Lancashire and Yorkshire, and a remonstrance from the town of Huddersfield, passed at a meeting attended by 20,000 persons. From one township I have received a copy of the resolutions passed at a meeting, which I will read to the House. The hon. Member read a series of resolutions, one of which was to the effect, that the object of the Poor-law Amendment Act was to grind the labouring people down to the level of our unfortunate brethren in Ireland. Another was for raising funds to protect those who may suffer from any resistance

they may offer to the Commissioners. Another was also for the purpose of raising funds, in order to carry on a system of passive resistance to them after the manner recommended by Lord Fitzwilliam and Lord Brougham—namely, “by buttoning up our breeches-pockets, and stopping the supplies.” The main object of this Act as it is announced to us by the Commissioners themselves in their own reports, is to cause all out-door relief to the able-bodied to cease. The able-bodied man, if destitute of the means of living, must go into a prison before he can demand assistance. If he possesses anything—furniture, goods of any description—he must sell that, before he can claim aid as a destitute man. My hon. Friend has put it well to the House in the words of Mr. Pitt, “How unjust and how cruel this is;” and I call upon the House to recollect, before it suffers this new system to proceed, that the labouring man has no control whatever over the price of his labour, and that this House has constantly refused, under an affectation of principle to regulate that price for him in such a manner that he may receive a due reward for the labour that he performs. When I first came into this House, knowing intimately the sufferings of an immense body of workmen, the handloom weavers, from an insufficiency of wages, I attempted to procure for them some interference from this House which should improve their condition. I procured a Committee to be appointed, before which I proved that those workmen labouring from morning until night could earn for themselves and their families not more than the pittance of two pence halfpenny per head per day. This House refused to act upon my suggestions to regulate the rate of wages they should receive; and now I put it to the House whether, if one of these hard working men, through sickness or accident, becomes incapable of labour, it is just to treat that man as a criminal in the mode of giving him relief? Is it just to make this man go into an Union workhouse and put on a prison dress, and submit to separation from his wife and children before you will aid him in his sufferings? I deny that it is; and as I have found that this House is unwilling to do that which is to keep the people from poverty, I will resist this Act, which punishes them for being poor. Now, Sir, as to the means which are put in force to thrust this Act

upon an unwilling people. In page 5 of the Poor-law Commissioners' second report, they state those means in these words:—

"Partial riots have occurred in different counties; but, by the aid of small parties of the Metropolitan Police, (who, by the provisions of a most useful Act of the last Session, can now be sworn in and paid as special constables in any county of England,) occasionally aided by the support of military force, these disturbances have been put down, without any considerable injury to property."

So that here is this well-working Act of the noble Lord, which satisfies the country, and yet which requires this new military force to carry it into execution. I want nothing more, Sir, than this to convince me that the Act is one which the country would never submit to without these unconstitutional means. But before I proceed further, Sir, a word as to this Act, for although I was a Member of Parliament, and attended pretty constantly to my duties last Session, I was not aware until I read these words in the Poor-law Commissioners' report that such an Act was upon our statute book. I have inquired of several Members, who all of them told me that they were as ignorant as myself—nay, one of them said, he would swear there was no such Act. It is, nevertheless, an Act, and it is one of the proofs of the mischiefs of that midnight legislation which we carry on within these walls. Consulting the votes of this House, I find that the Act was brought in after twelve o'clock at night by the hon. Fox Maule, the Under-Secretary to the noble Lord at the head of the Home Department. The object of the Act is clear enough; the Poor-law Commissioners hail it as useful, and it is doubtless useful to the Poor-law Commissioners. We have got, Sir, by stealth, and at midnight, that rural police which I trust we never could have had by the light of day. Already I see by the newspapers that this London police has been sent 220 miles down into the country to quell the Cornish miners, who were resisting the new Poor-law. I do not forget, Sir, the words of Sir James Scarlett with respect to the Poor-law, when it was passing through this House. I remember his saying of the Central Board of Commissioners, that it was an *imperium in imperio*, and that the people of England would be never made to submit to it. He little thought, per-

haps, that the noble Lord would, by his Under Secretary pass a law through this House at midnight which should establish an unconstitutional force so palpably for the express purpose of coercing the people into obedience to the dictates of this *imperium in imperio*. I say unconstitutional, because I have the authority of the noble Lord (Lord J. Russell) himself for calling it so. I hold in my hand an *Essay on the English Constitution*, written and put forth to the world by Lord John Russell, and in describing the sort of force that would be the destroyer of the English Constitution, he has held up to our eyes as a warning the picture of that very force which the Poor-law Commissioners describe to us as a "useful" reality. But, Sir, these are the words, and they are contained in p. 379 of his Lordship's book:—

"It is in this point of view that the increase of a standing army is really dangerous, and the encouragement of military habits most pernicious; and the reptile is the more to be guarded against, as it would approach without the rattle which gives warning of its vicinity, and serves as a preservative against its poison. A standing army which destroyed the freedom of England, would not march by beat of drum to Westminster and dismiss the House of Commons; it would not proscribe the House of Peers, and deluge the streets of London with the blood of her magistrates. It would appear in the shape of the guardian of order; it would support the authority of the two Houses of Parliament; it would be hostile to none but mobs and public meetings, and shed no blood but that of labourers and journeymen. It would establish the despotic power, not of a single king, or a single general, but of a host of corrupt senators and half a million of petty tyrants."

Now, what I anticipate is, that this new force will be sent down to the peaceful valley of Todmorden, where I have all my life lived, there to coerce me and my neighbours into subjection to these three Commissioners; but I, in my turn, warn the noble Lord against making us feel this abandonment of his own principles. I tell him, that it will be resisted, and moreover, I don't shrink from telling him to his face, that I myself will, if necessary, be a leader in the resistance. If it is come to this at last, that the sheriff's wand and constables staff are no longer effective in preserving the peace, and if this new law is to be the cause of that destruction of the constitution which the noble Lord himself has so well described, resistance has be-

come our duty, and I am prepared to perform my part. Quitting this, however, and coming back to the question of whether there should be a full or only a partial inquiry, I call on the hon. Members for Bath and Liskeard, who spoke so much and so ably the other night upon the necessity of allowing a system of self-government to operate in Ireland, to aid me and my hon. Friend in obtaining a full inquiry into the operation of this Act, which is destroying self-government in England. I remind them of the principles they promulgated only a few nights since; and in order to show them and the House that we are capable of managing our own affairs, I will show, by quoting the Poor-law Commissioners' acts on the one hand, and our acts on the other, that we are quite as capable as they, and want none of their assistance in the management of our poor. I hold in my hand a statement put forth by the guardians of the Bridge Union, in Kent, showing the receipts and expenditure for the quarter ending the 29th of September, 1836. The population of the Bridge Union is 10,636, or the 1-1,316th part of the whole population of England and Wales; and I find from this statement, that the total sum expended in that quarter, for in-door maintenance, and out-door relief, is 610*l.* 15*s.* 5*d.*; four times this would be 2,443*l.* 5*s.* 9*d.* for the whole year. Now, 1,316 times this is 3,214,988*l.*, the actual amount that would be expended for in-door maintenance and out-door relief in England and Wales, if every parish were similarly managed. But then we have to add the establishment charges—the cost of the machinery of management; that item, according to the same statement, amounts in the Bridge Union for the same quarter to 1,143*l.* 15*s.*; four times this makes it 4,575*l.* for the year, and 1,316 times this is 6,020,700*l.* for the whole of England and Wales, when it shall come under similar management to that of the parishes comprising the Union of Bridge. The sum actually spent on the poor in this Union for one year, and extended over England and Wales, would, according to this, amount to 3,214,988*l.*, and the establishment charges to 6,020,700*l.*, making together 9,235,688*l.*, a larger sum than ever has been collected in the name of the poor, even when it was customary to pay county-rates, and highway-rates, out of the sum collected as poor-rates. I

will now compare this expenditure with the actual expense of the poor in two townships, where the poor are relieved without having this expensive establishment. The township of Oldham, which I have the honour to represent, is one, and the township of Todmorden and Wallsden, where I was born, and lived all my life, is the other. For this purpose I have taken the year ending March, 1836, the last year that the accounts are made up to. The population of the township of Oldham, according to the census of 1831, is 32,381, or 1-432d part of the population of England and Wales. The sum disbursed to the poor was 2,194*l.* This, multiplied by 432, the proportion of population which Oldham bears to England and Wales, will be 947,808*l.*; so that, under the management that prevails at Oldham, the expenditure for the actual relief of the poor, if extended over England and Wales, would be 947,808*l.*, while, if all were conducted in proportion to the expenditure of the Bridge Union, the expenditure in actual relief for England and Wales would be 3,214,988*l.* and the establishment or machinery to bring it about would cost 6,020,700*l.*, making together 9,235,688*l.* Now, I will compare this with the expenditure of the township of Todmorden and Wallsden, where I served the office of overseer of the poor in the difficult year 1817. The population, according to the census, is upwards of 6,000, or 1-1,233d part of the population of England and Wales. The sum disbursed to the poor was, in the year ending March, 1836, 403*l.* This multiplied by 2,333, the proportion of the population which my township bears to all England and Wales, give 940,199*l.*; so that England, managed in the manner adopted at Todmorden and Wallsden, would pay in poor-rate 940,199*l.* The returns from Oldham and Todmorden I have had from the parish officers. They have been audited, and passed by the magistrates and rate-payers; but it is very singular, that they do not agree with the returns given by the Poor-law Commissioners to this House, printed on the 19th of August last, and now in the hands of hon. Members. I beg the attention of the House to this, for, I assert, that here is a paltering with the truth that demands inquiry. In the Commissioners' return I find, under the head of "Expended for the relief of the poor in the township of Oldham, in the year ending 25th of March, 1836," 2,516*l.* 14*s.*;

the abuses of the old Poor-law system were aggravated and notorious; and, finally, it might inquire whether it were expedient to carry the new law into effect in the north, in the counties of Westmoreland and Cumberland, or in the manufacturing districts to which the hon. Gentleman, the seconder of the motion, belonged. He asked the House, then, whether, when he proposed such an inquiry, it could be possibly stated, that he had it in view to screen the Commissioners. The hon. Member who made this motion, and who accused the Commissioners of wishing to hide their proceedings—of being persons well paid, and anxious to secure their salaries—was himself a sort of representative of an enormous union, and he had endeavoured to make out a case against the new law, which no doubt they would see admirably reported to-morrow, with a number of statements of facts, statements of evidence, which he must own he very indistinctly heard, and which, if he had heard, he must also own it would at that moment have been out of his power to reply to; and he would tell the House why. Whenever any complaints had been made either to him (Lord John Russell) or to the Poor-law Commissioners, he or they directed an immediate inquiry to be made, to ascertain the correctness of the representations made to them, and in every instance it was required that the guardians of the Union to which the complaint related, should return an immediate answer to the inquiries made of them. But when the Poor-law Commissioners saw that the hon. Member for Berkshire was about to bring forward a proposition in the House, they inquired of him whether he had any particular statements of fact to make, because if he had, they would be ready to institute an inquiry, for the purpose of ascertaining what the statements were on the other side. The hon. Member for Berkshire declined to give the Poor-law Commissioners any information upon the subject. The hon. Member said, it would prejudice his case if his statements were inquired into; and, he added, that he had no belief in the statements contained in the reports of the Poor-law Commissioners, and therefore he was unwilling that any statement of his should be sifted, before he brought forward his motion in the House. He hoped the House would be satisfied if he did not make an answer at that moment to many

of the complaints which the hon. Member for Berkshire had brought forward from clergymen and gentlemen living in different parts of the country, with many of which he was wholly unacquainted. It was for this reason, that it was quite impossible that he could be aware of the statements that the hon. Member intended to make; and also, from the reason he had already stated, quite impossible that the Poor-law Commissioners could be furnished with any answer, or any statement, with regard to the facts the hon. Member might choose to bring forward. Having stated thus much, with regard to the particulars that the hon. Member for Berkshire had gone into, he would advert a little to the general statement made by the hon. Member by whom the motion was seconded, and whom, he feared, he must lead from the peaceful valley, in which, like Rasselas, he had so long resided. He was obliged to state to the hon. Member, when he brought him out of that happy valley, that there was, before the Poor-law Amendment Act passed, a state of great poverty, misery, and crime, in many districts of the country, owing to the abuse of the old law, and he would read to him some passages from a petition presented to that House by a relative of his (Lord John Russell's) who at that time was one of the members for the county of Bedford. It was a petition from the magistrates and gentry of Redburnstoke, in the county of Bedford, complaining of the operation of the old Poor-law system, and stating at great length the evils that had resulted from it. The poor-rate, they stated, had been rapidly increasing for the last ten years, and amounted at that time to nine shillings an acre, whilst poverty and pauperism were daily becoming greater and more widely spread. Hence, evils of the worst complexion arose as well to the landholders as to the paupers; heavy rates were imposed upon the one—idleness, insubordination, and crime increased with the other. The petitioners concluded by observing, that the system, if allowed to continue, would affect the whole body of agricultural labourers, and produce a state of universal and inveterate idleness wholly incompatible with the due cultivation of the soil. That was the state of things that existed in 1829, and it was impossible not to see that if such a system were allowed to go on, those idlers who would not labour on farms, but were employed by

day on the roads, and at night resorted to poaching, would, in the end, establish a system of terror, by which the overseers and farmers would be prevented from checking their career, and thus, whilst the morals and industrious habits of the labouring classes were destroyed on the one hand, the value of the property of the country was impaired on the other. He confined his illustrations at that moment more particularly to the county of Bedford, because it happened that he was better acquainted with it than any other; and he had heard farmers in the county say, with regard to labourers out of employment, "We could very well give them employment; but they are men of such bad habits and character, that if we were to let them into our farmyards they would be sure to rob us." This was the state of the agricultural labourers in many parishes in England prior to the passing of the Poor-law Amendment Act—a state most unnatural in this country, because the disposition of English labourers was to work, and work hard, to earn an honest and independent livelihood. It was nothing but the vicious system which the hon. Member for Oldham wished to restore that had induced the naturally industrious labourers of England to abandon their former course of good husbandry, and to adopt the idle and profligate habits which had latterly disgraced so large a portion of them. If he wanted proofs of that fact, he was abundantly supplied with them in all the reports of the Poor-law Commissioners, and in all their experience of the last three or four years during which, the Act, contrary to what might have been expected from the difficulties that stood in the way, had in many parts of the country been carried into full operation. It was found, indeed, that the difficulty of carrying the Act into operation was almost everywhere much less than could have been anticipated; and what was the reason? It was this—that the former system was bad in itself, and wholly inconsistent with the industrious habits of the people. Therefore, the new law being more in unison with the natural bent of the people the adoption of it became easy, and that which they had been told could not be carried into effect for many years, nor without great resistance, had, in many parts of the country, been carried into full effect, and with a degree of resistance only which hitherto had certainly not been very

formidable; and he sincerely hoped that the resistance which the hon. Member for Oldham threatened them with in his happy valley would turn out to be of a no more formidable character than that which they had already encountered. With respect to the union which comprehended the very district of which he had just read an account, there was a report of the Poor-law Commissioners not yet published, but which would soon be delivered, showing the condition of that district at the commencement of the present year. He begged to quote a passage from it:—

"The board of guardians of the Ampthill union represent to us, that a reduction in the poor-rates has been effected to the extent of forty-five per cent; and this not by depriving the aged and infirm or helpless widow of any comfort, but rather, as can readily be proved, by conferring upon them many important benefits, and in truth increased allowances; while on the other hand the habitual starchy, able-bodied paupers' habits of idleness have been put to the test by the offer of a well-regulated workhouse, where a comfortable maintenance is provided."

He was ready, as he had already stated, to submit to any inquiry on the subject, he was ready to appoint a Select Committee, to investigate the matter; but he must, at the same time, declare his own conviction that there never was a greater blessing conferred upon the great mass of the people of any country than that change of an old and abused system, which change, reducing very considerably expenses on the one hand, enabled the farmers and cultivators of the soil to employ more money in productive labour; whilst on the other it enabled the labourer to return to his ancient habits of independent industry, and induced him to look at present and for the future to his character, as the source of his profitable employment and well-being, and deterred him from continuing to be the degraded dependent on parish labour and parish pay. Although the hon. Member for Berkshire had undertaken to bring the subject of the Poor-law Amendment Act under the consideration of the House, it was, nevertheless, obvious that he had hardly paid that attention to its operation, even in his own district, which a Gentleman incredulous of the well-working of the Bill ought, above all others, to have paid. There were, nevertheless, instances of gentlemen whose impressions or prejudices against the Bill had vanished when they came to acquaint

themselves with the mode in which it operated. In the last report of the Poor-law Commissioners there was a particular instance of this. A gentleman named Grant, who had been of opinion that this act was of a most oppressive and tyrannical character, and that under its provisions, the sick, the aged, and the infirm would be severely ill-treated, happened by accident to be elected a guardian, and thus to have a full opportunity of seeing what the operation of the Act really was. Accordingly, having been some time in his office of guardian, he wrote a very long letter of detail to the commissioners, stating that he had carefully watched the operation of the act; that he was convinced of its beneficial effects; and that, so far from acting with severity or hardship upon the aged, infirm, or rich, it placed them in a situation infinitely better than any that they had ever previously enjoyed. He did not mean to say, that the hon. Member for Berkshire would have been convinced in the same manner, but it would, at all events, have been quite as becoming in him if, previous to bringing forward a motion of this description—a motion the real object of which was, repeal the new Poor-law system—he had attended with something like interest or care to the working of that new system in his own neighbourhood. The union to which the hon. Member belonged, and of which he was one of the guardians, had sent a report to the Board of Commissioners praising and recommending the operation of the Act, and pointing out the improvement it had wrought in the character and condition of the labouring class. But it appeared from the minute-book of the union that the guardians had held seventy-nine meetings, of which Mr. Walter was present only at ten. The report states,—

“He attended nine times between the sixth and sixteenth meetings, while the general arrangements were under discussion; he was present again at the forty-third meeting, but, with that single exception, he has kept away from the board during the whole period in which the real business of the union has been transacted, namely,—the relief of the paupers.”

Was it possible that a Gentleman who set himself up as an opponent to the new Poor-law system—who set himself up as the great advocate of the poor—could see persons in his own district, within a few miles of his own residence, transacting

business relating to the poor, blindly persuaded that they were relieving and doing good to the poor—was it possible that he could see them pursuing this mistaken course, and not attend the meetings—not to declaim against the Act as a vicious Act,—not to give himself the airs of a great legislator, but to interpose on the part of the poor, and to prevent their being treated in the manner the hon. Member had described? As he had already stated, he could not, on that occasion, attempt to follow the hon. Member through all the various cases he has brought forward. He would, however, read a few extracts from some of the many addresses he had received upon the subject.—[Here the noble Lord read passages from two reports made from the Biggleswade union, the Wickham union, the Royston union, and several others, in which it was stated, that the poor-rates had been reduced from forty to fifty per cent., whilst the moral and physical condition of the poor was materially and strikingly improved.] He need not, he thought, quote any more extracts from these addresses. Indeed, the only difficulty in the case, if he felt at all justified in detaining the House at as great length as the hon. Member for Berkshire, or the hon. Gentleman who seconded the motion, would be to compress within any moderate compass the voluminous mass of evidence with which he was furnished, from persons of all classes—persons of the highest rank filling the situation of chairman to these unions, and persons of the humblest rank, labourers, aware of the benefits they derived from the operation, and clergymen acting officially on the boards of many of the unions, all tending in the strongest manner to show the great advantages that had resulted from the measure. Not pretending to go at any length into the details with which he had been supplied, he would just state generally, what appeared to have been the decrease in the poor-rates within the last two or three years. In 1834 it appeared that the total amount expended for the relief of the poor was 6,300,000*l.*; in 1835 it was 5,500,000*l.*; in 1836 it was 4,700,000*l.* The total expenditure for the three years, therefore, was 16,500,000*l.* Had the expenditure continued the same as in 1834, the total expense would have been 18,900,000*l.*, so that the total saving up to March, 1836, would be 2,400,000*l.*

The Commissioners added, that although the amount expended for the year ending March, 1837, could not yet be ascertained, it was, nevertheless, certain, that a further diminution had taken place. On comparing the expenditure of fifty-nine unions for the quarters ending Christmas, 1835, and Christmas, 1836, it was found that for the first of these periods the expenditure amounted to 88,949*l.*, whilst for the last; it amounted only to 74,058*l.*; showing a diminution of seventeen per cent. It might, therefore, not unreasonably be expected that the expenditure for the relief of the poor would not exceed 4,000,000*l.* for the year ending March, 1837, instead of 6,300,000*l.*, its amount in 1834. One remarkable test of the beneficial operation of the new system had been lately afforded. During the prevalence of the influenza, which unfortunately had occasioned so many deaths in all parts of the kingdom, it was generally found in the workhouses that the care taken of the poor, and the medical relief afforded to them, had made the mortality considerably less than could have been expected. Colonel A'Court stated, with respect to the medical relief given in Hampshire and Wiltshire,—

"Since the prevalence of the influenza in my district, I have used every exertion personally to visit the several unions in it, and I have already attended two-thirds of the boards of guardians. I am, therefore, enabled from authority to assure you, that in no single instance have I heard of the slightest complaint, or neglect, or insufficiency of attendance on the poor on the part of the medical gentlemen, who, though worn down with fatigue, appear to me to have performed their arduous duties in the most praiseworthy and exemplary manner."

As a further test of the management of the poor in the workhouses, they sent a circular letter to the twelve unions in East Kent, the workhouses of which together contained 2,200 inmates, one half being aged and infirm, the other half principally children, inquiring what had been the mortality from the influenza. The return made to that circular letter showed that only seven paupers had died of that malady. He must say a few words with respect to the treatment in the workhouses so far as regarded the able-bodied. It seemed to be imagined by those who complained of the operation of the Poor-law Bill that there ought to be provided in every workhouse the means by which every working

man with his wife and family might be supported with the same comfort as a man in full employment. He thought this opinion was formed upon a false notion of the nature of the relief that ought to be given. It was not pretended by the authors of that Bill that when men who were able to work were found in the workhouses, they were to be treated in exactly the same manner as they would enjoy themselves in their own separate cottages; or (as it was assumed) that they were to be kept upon better diet, be better sheltered, and better clad, and enjoy more comforts and more liberty than the independent labourer. This would be holding forth to the independent industrious labourer a motive to be idle. It would be saying to him—"If you labour you will live hardly, and your wife and family will be ill supported by your earnings; but if you choose to be idle and to come into the work-house, you shall there be better fed, sheltered, clothed, and provided for." The intention of the Legislature in establishing the workhouse system could only be to say to the able-bodied labourer, "It is your duty, it is your interest, to seek for work if it is to be found; and if work is not to be found, then, so far as saving you from destitution, so far as furnishing you with sufficient food and medical attendance goes, we will provide for you; but we do not pretend to make your existence in the same degree comfortable as the existence of an independent workman." The tendency of the system adopted by the Legislature was not, he imagined, to have a vast number of able-bodied labourers kept idle in the work-houses or in the "bastiles," as the hon. Member called them. The object of the system he conceived to be to make all men seek for work. Formerly it was a great advantage to the poor man to have a wife and family, because it gave him an additional claim on the parish; but now if a man wished to support a wife and family, in order to do so with comfort he must seek for work and not go into the workhouse. That, in fact, had been the result of the new system; for in one of the most pauperised districts where the Poor-law Commissioners had carried the law most completely into effect, he meant East Kent, the result showed this to be the case. In East Kent out of 160,000 inhabitants, fifty-five had been the maximum of able-bodied labourers in the workhouses at the same time.

But it was said that it was cruel to force the disabled and infirm into the workhouse. This, he admitted, was a matter into which a committee might very properly inquire: that was to say, they might make inquiry with regard to the conduct which the Commissioners had pursued. He, however, believed that if any such inquiry were made, it would be found that the conduct of the Commissioners had been eminently prudent and cautious upon this point. To those who said that the effect of the new law had been to send all the disabled and infirm into the workhouse he had a most complete answer to give. He could refer to returns which had been received from eighty-eight unions, showing that the number of in-door paupers was 8,850, while the number of out-door paupers was 54,417. In these eighty-eight unions nine-tenths of the disabled and infirm received out-door relief. This was the working of that cruel system which was represented as making every person who was disabled and infirm, whatever might be his age, go into the workhouse. He was willing to confess his belief to be, that when the new system should be brought into full effect, out-door relief would be entirely abolished, except in cases of sickness and other special cases where it might be proper and wise to continue that mode of relief. Out-door relief ought not to constitute part of a permanent and general system. But while entertaining this opinion he still contended that in introducing the new system the Poor-law Commissioners had not proceeded imprudently, rashly, or with harshness, but had with due caution and consideration endeavoured to effect the practical abolition of a system which had been so inveterate in all kinds of abuse. A question had been raised with regard to the kind of relief afforded in the workhouse. Upon this point he had several testimonies which he would mention to the House. In the return from the Eastry Union it was stated that the amount of annual payments by the twenty-six parishes in the union for the year ending Christmas 1836 for illegitimate children was fully 300*l*; whereas there was not now a single instance of payment of illegitimate children. The amount of poor-rates collected in the same twenty-six parishes, for the year ending 25th March, 1835 was 16,960*l*. The amount collected in the same twenty-six parishes in the year

ending 25th of December, 1836, was 8,965 :

"The poor in the union workhouse the report continued, are amply provided for: their diet is wholesome, substantial, at the same time fully sufficient. Their cleanliness is a matter of great consideration; they receive the utmost attention, when needing it, from the very able medical Gentleman who superintends the medical department. Their clothing is suitable; their moral and religious improvement duly attended to; and their general comforts most indubitably exceed by far what they could possibly enjoy elsewhere. The children of both sexes are reared and trained in a manner far surpassing those of independent labourers, generally being well attended to, having both schoolmaster and schoolmistress, and are properly instructed, both morally and religiously so: thus imbibing habits the reverse of what would most probably have possessed them, had they been at large."

And now with respect to another point, namely, the savings of the labourer. Under the old system, it was not the interest of the labourer to save money. If he did so, he was generally told that he could not receive relief from the parish. The consequence was, that he spent his money, and then he entitled himself to out-door relief, which out-door relief was a great object of desire with him. Since the passing of the new Poor-law Act, however, a much greater disposition of saving had been manifested among the labourers. He would take the liberty of reading an extract from a letter which had been received from a gentleman with whose name Members were well acquainted, and whose authority, he considered, was of more weight than that of the hon. Member for Berkshire. It was from a letter written by the well-known Poor-law reformer, Mr. Whateley, of Cookham. He said:—

"At Cookham they have called for a rate of 3*d*. in the pound, instead of one, as it used to be, at 2*s*. 6*d*.; and when the snow was five and six feet deep, I contrived to walk to the savings' bank at Maidenhead (though I was more than three hours in performing the journey of three miles), being the bearer of 10*l*. 13*s*. to deposit there against the exigencies of the next winter. This sum was contributed by the poorest of the poor, and collected in pence. Had it been suggested to any one of these depositors a few years ago, that they might contrive to save a penny, the suggestion would have been considered an insult; now it would be equally insulting to suspect that their contributions could at all inconvenience them—such is the change of feeling."

adrift. Thus, matters were gone into by the board with practical sense and practical judgment. The consequence was, that a kind of local government was established, acting certainly under such general rules and general directions as the intelligence and experience of the Poor-law Commissioners had prescribed, but with respect to details, acting according to the judgment of the magistrates, the country gentlemen, the farmers, and the rate-payers connected with the district. This, in his opinion, was a good, a wholesome, and a rational system. This was a mode of local government by which he hoped that those abuses which formerly prevailed would never again occur. For his part he hoped he should never see the day when this House would countenance a motion such as the hon. Member for Oldham, at the close of his speech, had hinted at—a motion for repealing the Poor-law Amendment Act. He was ready to admit that there were questions into which a Committee could very properly inquire. They could inquire whether the Commissioners had acted to the best of their judgment. In this he was inclined to agree with the hon. Member who had brought forward the motion. With respect to one thing of which the hon. Member for Finsbury spoke last year, namely, with respect to the mode of medical tenders, and the pay for the attendance of medical officers, he would make one observation. The intention of the Commissioners was (and it was a very right intention), that the Boards of Guardians should not show any favouritism by appointing particular persons, or by giving larger salaries than were necessary. He, therefore, considered the best way of acting was, that the boards should determine that tenders should be made for medical attendance, at the same time it should never be a rule that the lowest tender should be accepted. It would, however, afford a means of forming a notion of what tender might be accepted, having regard to the qualification of the person. But he owned that he doubted whether it would not be better for the guardians to determine (if upon inquiry it were practicable) what degree of medical relief should be given, and then to appoint a person to give that amount of medical relief. This was a point, however, upon which the Poor-law Commissioners might be right, they having investigated this subject from day to day,

and from week to week, with unceasing industry. They were persons whose names were well known and deservedly respected—Mr. Frankland Lewis, Mr. Lefevre, and Mr. Nicholls; they were persons known for their knowledge, for their intelligence, and, he must say, for their humanity. He, therefore, should hesitate very much before he thought that any opinion which men not so intelligent, and not so qualified for the task, might form on this subject, was superior or even equal to the opinion of those who had for a long time devoted their entire attention to it. At the same time there were matters (as he had before said) fit for inquiry before the Committee which he should have the honour of proposing, and where he hoped the reasons, the opinions, and the authority of such men as Dr. Kennedy, Colonel A'Court, and others, would be listened to with every attention. He was perfectly ready, for one, and he was sure that they were perfectly ready on their parts, to have such an inquiry. His conviction was, that the more this system was looked into, the more it would be confirmed and strengthened in the opinion of the Parliament and of the country. He foresaw that it would be so confirmed; and he should always consider it a matter of pride and satisfaction that he had a part in proposing such a measure. He begged to move, as an amendment, "that a Select Committee be appointed to inquire into the administration of the relief of the poor under the orders and regulations issued by the Commissioners appointed under the provisions of the Poor-law Amendment Act."

Colonel Wood said, that he should certainly not vote for this inquiry with the intention to effect a repeal of the present law. If he might venture to say it without giving offence, he would observe, in reference to the speech of the hon. Member for Oldham, "save me from my friends," for that speech had done more to damage the motion of the hon. Member for Berkshire than anything else. He believed the hon. Member for Oldham had conscientiously uttered his opinions. He could not think that the words of the amendment proposed by the noble Lord would give so extensive a range to inquiry as he thought it ought, and entertaining the same opinion as the hon. Member for Berkshire, and wishing to give that inquiry as free a range as possible, he

to those who were to be the recipients of parochial relief? If it should turn out, on subsequent inquiry, that while property had been aggrandised in value, and a large deduction effected in the amount of the poor-rates, a corresponding advantage had accrued to the people at large, by reducing the income of the poor thirty-three per cent., which had been taken away from the aged and infirm, and helpless for the most part, then, he should say, that no one would hail with more satisfaction the result of such inquiry. But every one in the House ought readily to sanction a motion for that purpose, because such was not the opinion of those who were the best judges of the measure, those who had witnessed its operation, and who were prepared to prove the correctness of their opinion. He had stated that he had that day presented a petition from an important portion of his constituents—not important from their numerical strength, but from the influence of their station, they being the guardians of the poor of one of the largest and most populous parishes in the metropolis—St. George's, Southwark. They consisted of eighteen persons, who constituted the Board of Guardians of that parish, and who, as it must be known to every gentleman by whom the public papers were perused, had been among the most strenuous opposers to this measure, and had remonstrated against the introduction of the Act into that parish, and still further against the character of those laws which they were compelled to administer; and, without travelling into detail, or exposing himself and those whose cause he advocated, to being charged with raising a pitiful and senseless cry against this measure, he would state to the House the reasons of the petitioners for the hostility they entertained towards it. The noble Lord had taken an advantage which displayed the dexterity of the pleader, rather than the candour of the statesman; he had assumed that, because the hon. Member for Oldham had seconded the motion for an inquiry, that therefore, as a necessary consequence, he was seeking to obtain the repeal of the Poor-law Act. What was that but acknowledging that a free and full inquiry would produce that effect? But was it not a boast of the noble Lord, that instead of such a result, it would have the effect of soothing hostility, and creating a general impression

that the law was for the benefit of all? What consistency, then, did the noble Lord display in offering any opposition to the motion of the hon. Member for Berkshire? Because the hon. Member had said, that an inquiry would lead to the disclosure of certain facts, which might probably bring about a repeal of the law, therefore the noble Lord had assumed at once, that the object in view was a repeal of the law, and nothing less. He must repeat, that such an argument partook rather of the dexterity of the pleader, than that of the candour of the statesman. But the petition which he had presented from the guardians of St. George's, Southwark, had prayed for the object submitted to the House—the appointment of a Committee to inquire into the operation of this measure, and the chief reason for preferring such a prayer to the House was, their experience of the bad effects of its administration. When hon. Gentlemen said they had given this Bill their sanction, they should recollect they hardly knew what they did sanction, because that Bill was hurried through the House with singular and unaccountable rapidity, undergoing little or no discussion. He ventured to repeat, that there never was a measure so sweeping in its object, and affecting so many millions of the subjects of these realms, passed with so much precipitancy, and so little discussion. But, be that as it might, hon. Gentlemen who had given that measure, if they pleased, their most disinterested support, their most deliberate consideration, with no other anxiety than to better the condition of the poor, never contemplated that the result would be the saving of 2,000,000*l.* in 6,000,000*l.*, and doubling the value of their estates, never suffering such pitiful feelings to cross their minds, but being wholly influenced by a desire to improve the condition of the poor, and labouring men could now with the most perfect consistence, if they thought proper to do so, discover abundant reason to suspect the accuracy and propriety of the various rules and regulations which had been promulgated from the Board of Commissioners, under the authority of that Bill. It was the first time that ever such enormous powers as those Commissioners exercised, were deputed to any three other men. They might merit even more than the high dignity which had been conferred on

take up their abode in those mansions which had been prepared for their comfort and rest. Was not that a fit subject for inquiry? Did they not feel themselves bound to investigate into the effects of a law so unworthy of a Christian country, and of any Government that presided over it? But the noble Lord, in his anxiety to tell them what had been saved, had committed an error. Allow him to say that the noble Lord had overstated the mark, because the whole quota of the poor-rates was but 6,000,000*l.*, and it had been reduced to something more than 4,000,000*l.*, and the noble Lord had led the House to imagine that the whole saving had arisen under the administration of the new system; but it was quite the reverse, because it would be found on inquiry that very extensive savings had been effected by judicious improvements in parishes which belonged to no unions, and in which the new system had not been introduced. Here, then, was a fundamental error which required correction. The noble Lord had presumed that every opponent of the Poor-law Bill must necessarily contend that there were no defects under the administration of the old law. That was quite a mistake; there were many defects; but they were not the offspring of the law itself, but of a system which had become lax in its operation in the progress of time. But the evils of that system were never declaimed against by those who supported the new one, so long as everything went on agreeably to their own feelings with a kind of false success. During the period when the returns laid on the table of that House stated the Poor-rates to be upwards of 8,000,000*l.*, while their rents were paid, and their corn fetched a high price, and they basked in the sunshine of prosperity, who ever heard anything said about promoting the comforts of the poor? But as soon as they found by numerical experience and financial testimony that something must be done to protect their own interest—when they were told by their tenants that on going over their accounts they found rent to be the largest item, tithe to be a great item, and poor-rates an increasing item, where did they, the country gentlemen and landed aristocracy he meant, look for relief? Nothing was done, no committee of inquiry was called for to investigate into the state of rents or the depression of tithes—no, but they

turned round and found a ready relief in the arms of the helpless poor, and found succour among those who had not power sufficient to make themselves feared, and had no representatives in that House. It was not his wish to throw unjustifiable blame upon any set of men, but he could not help saying that all the evils of the present Bill which the poor endured were the result of their conduct towards those unwilling and helpless victims of it. He would lay down as an axiom, as firm as nature, and as ample as heaven, that every man that lives had a right to live on the soil. If, by their conventional arrangements, such a thing was rendered impracticable, but they were reaping the advantage of it, they were bound to indemnify the poor, and protect them from every evil entailed upon them by a system to which they were not a party, and which was not intended for the benefit of any but those who made it. Were they, then, to be told that this provision of nature, which runs through all the lines of a bountiful Creator, was to be turned into a spirit of persecution, and that those who happened to be poor were to be the objects of punishment and degradation—for punishment the present system undoubtedly was? What were the punishments at the present moment? That delinquents should be sent to prison for seven, fourteen, or twenty-one days; when the crime was of a deep character, that they should be placed in solitude, and that they should have bread and water for their provision, in the hope that their correction might lead to their moral improvement. But how did they serve the poor, the aged, the patriarchs of the land? Their orders, for he had read them, declared that no relief should be administered out of the workhouse. It was nothing to say, that there were relaxations; that arose only from a want of sufficiency of accommodation. But the decrees had gone forth, and as fast as they could carry them into effect, workhouses were to arise in every part of the kingdom—workhouses, prisons substantially, houses of correction were not more so, and the discipline was to be of the same character as that which distinguished the penal code. Let the House look at some of the provisions which this fourth estate of the realm, the Poor-law Commissioners had promulgated, and which were binding as any statute which had received the sanction of the three

estates. Those rules or laws positively enacted that there should be no relief but under circumstances of the extremest emergency; that no relief under such circumstances should be administered out of the walls of the prison; and that it should be of such a nature that it was impossible to make it less or of a worse character, if we were dispensing it to the criminal. The gallant colonel referred to a resolution which had received the sanction of the noble Secretary for the Home Department. It was there laid down, in answer to the application and remonstrance of a Board of Guardians, that they were to give no relief within the walls of a workhouse, which should have any reference to the merit, the delinquency, or even the vices of the parties. They were to give to the most vicious all that they could mete out to the most meritorious. In short, they were confounding all the great distinctions of moral propriety and vicious habits; and yet the noble Lord presumed to contend that all this was popular, acceptable to the people, and likely to establish a feeling of independence. The people of this country would deserve to be called anything but independent if they should submit tamely to such a system. There might be a feeling at present of tacit acquiescence arising from circumstances of passing prosperity, but when they had introduced the system to act on great masses, and brought it into play in all its contemplated severity, the noble Lord would find that not only in the peaceful vale, but on the mountain top, and in all the manufacturing districts—in fact, wherever humanity had a heart to bleed, the principle of such a measure would be universally repudiated. Now was the time when inquiry should be made in the most searching and scrutinising spirit. He hardly knew what the noble Lord meant when he said that his amendment invited the most searching inquiry. The amendment which he moved and the speech he uttered were certainly at variance with each other. As he read the words of the motion, they seemed only to point to an inquiry into the administration of the funds by the Commissioners—that was to say, the rules, the orders, the laws, were to be taken as incontrovertible, and the inquiry was only to extend into the mode and manner of the distribution of the funds. There was no

need for such an inquiry. They all knew how that part of the system had been administered—with the most barbarous and heartless severity. He only wished that some of those hon. Gentlemen whom some accident had thrown into that House, and who supported such a resolution as this, might be thrown for a season into one of those buildings, which would perhaps moderate them into decency, and render them fit representatives for that, if not for any other place. For his own part, he believed if the House occupied seven days and seven nights with this discussion, they would not bestow upon it a consideration at all out of proportion to its merits and importance. Upwards of 2,000,000 of their fellow subjects were deeply and personally interested in it; it affected their feelings, it involved their interests. It was due to them—it was due to their petitions—it was due to their prejudices—it was due to their ignorance, if they pleased so to call it, that the amplest and most searching inquiry should take place. It was important the House should know what the noble Lord precisely meant by his amendment. He was quite satisfied if the noble Lord admitted that it would be competent to inquire into the appropriateness of the different resolutions and orders which had been made and carried into effect—if they were permitted to hear evidence from intelligent guardians how the system had worked, and how it influenced their own minds and those around them, the investigation would be at once honest and useful. But, if into the Committee which the noble Lord might nominate, no one should be allowed to enter who presumed to have any unbecoming disinclination to the present system, however they might be looked up to by the people, and representing howsoever large constituencies deeply interested in the question—if the Committee were to be a packed Committee, the terms of the inquiry being restricted, it would only be adding insult to the injury the measure had already inflicted. But he was not so inclined to receive the noble Lord's speech; he looked at his speech more than to the resolution itself. Before sitting down he was anxious to state, that when the Poor-law Bill was under the consideration of the House, although he had not given the subject that attention which its importance now appeared to deserve, he did vote for the measure; accompanying,

however, that vote with this expression, as its reason—that he supported it under the conviction that they could not maintain the Poor-law Amendment Bill and the Corn Laws conjointly. An why did he say so? By and by, when they came to balance the 2,000,000*l.* stated to have been saved as the result of the measure, he was much inclined to think, they would find it on the other side. Because, if they once said to an industrious man, youthful in years, vigorous in health, in inclination willing of all things to work, and only desiring to be compensated for his labour—if they said to such a man when he was not in a condition to find employment, “You can have no relief but by going to the workhouse—the rival of the county gaol, where you will find the same diet assigned to the criminal as to yourself; where, if you are married, you must go with your family—and when you get there you will not even have the poor comfort of intercourse—where, finding yourselves the participators of the same inconveniences, you may become reconciled by common sympathy—the father to take up his bed with the sturdy beggar, the wife torn from the tenderest ties and placed in a separate apartment, and the children, if upwards of seven years of age, the forced inmates of another prison-house;”—if they once said this to a man capable and willing to work, that such must be his lot when disease or absence of employment overtake him, had he not a right to say, “If you throw me back on my labour, which is my property, at all events you have no right to pass a law which shall diminish its value when converted into produce?” The labouring man is obliged to expend 6*s.* out of his 10*s.* for a lump of bread, which but for their laws he would get for 3*s.* and 6*d.* How hardly, then, did their unequal and arbitrary taxation bear on this class of the people! He hoped the hon. Member for Berkshire would not be deterred from pressing his inquiry, of all others the most important, and which, in his opinion, was intimately connected with the Poor-law. He did not know, in altered circumstances, what trammels might be thrown around him, but it was his duty to show to the House and to the country, how, after having plundered the man of his means of support by means of the Poor-law, they should at the same time rob him of one half of his property. Industry was as

much property as acres. It was that which gave permanence, stability, and increase to all other property. Upon the article of tea alone, he saw from official returns the amount of duty was upwards of 4,000,000*l.*, and that upon malt of 5,000,000*l.*, making 9,000,000*l.*, more than one-third of the interest of the national debt, thrown on the labour of the working community. Now, could it be said, as of the duty on tobacco and spirits, that those articles were demoralizing—for tea to women and beer to men were as innocent as essential articles of general consumption? Of this he was assured, that they could not maintain the present system of arbitrary and unequal taxation, the Poor-law and the Corn-law Bill co-existing at the same time. He could not sit down without thanking the House for the exemplary and honourable attention which throughout the discussion had been paid to this subject.

Mr. Sergeant Goulburn: However reluctant at all times to obtrude himself upon the attention of the House, could not content himself with giving a silent vote upon this question. It appeared to him a subject of very vital importance, in which the feelings of all classes of the community, and he could speak particularly with regard to his own constituents, were deeply interested. He had the honour of presenting a petition that night, signed by 2,600, comprising almost all the respectability of the town, which he represented, coinciding with him in politics; and the hon. Member for Surrey (Major Beauclerk) a few nights since had presented another petition from that town, subscribed by a large number of those who differed from him in political opinions; and he was sure he was speaking their sentiments, in common with very many persons in this country, when he said there were many parts of this subject with respect to which there ought to be a full, fair, and most searching inquiry. It struck him as a remarkable fact, that whereas the amendment of the noble Lord fell far short of his speech, undoubtedly the hon. Member for Oldham and the hon. Member for Southwark greatly went beyond the purport of the motion of the hon. Member for Berkshire, of which they were the supporters. It seemed to him that it would be very advisable if some middle course could possibly be devised. As he understood the terms of the noble

Lord's proposition, the Committee would be restricted from going into any inquiry as to the principle of any part of the measure whatever; and that was a limitation in which he, for one, could not bring himself to submit. He wanted a full, fair, searching inquiry into very many points of the principle of this measure. He wished to know how it bore upon the aged, the infirm, and particularly the sick. He wished to inquire into the working of those clauses, commonly called the bastardy clauses, with respect to which the noble Lord had not stated anything; and he, for one, was anxious to hear whether the Committee would be debarred from inquiring into and considering the propriety of their continuance. He agreed with the noble Lord in the commendation he had bestowed upon that part of the Bill which related to the able-bodied labourer compelling him to work, at all events not to be idle at the expense of others; but it did not follow that he approved equally or at all of that part of the system which placed the aged, the infirm, and, above all, the sick, so frequently in circumstances of extremest hardship. With regard to medical treatment alone, the noble Lord said, he did not see why a man who could not maintain himself should receive better medical attendance than he could have at home. But with great deference, he ventured to think that a man reduced by poverty, without any fault it might be of his own, and when sickness and infirmity assailed him, was entitled to the best medical assistance that could be procured. The rule, however, was precisely the reverse under the present system. In the petition which he presented it was stated that the office being farmed out to the lowest bidder, one of two things invariably happened, either it was given to some individual of nominal eminence, who devolved on some inferior person the care of the poor, or a young practitioner required it, who frequently learned his profession at the expense of the poor. In that state of things, he asked, were they to be at liberty to inquire into the principles of the Bill, or were the principles at all events to be upheld, and were they only to be allowed to inquire into the practical administration of the law by the Commissioners? If that was all they had to do, he saw no necessity whatever for the inquiry. He knew the Commissioners to be gentlemen of the highest honour and

most humane feelings. But that was not the question. The real question was without was the law—what were the principles on which it proceeded, and how it should be applied in all cases? He should vote for the motion of the hon. Member for Berkshire, although he did not altogether subscribe to all the sentiments of those who had supported it, because if the Committee were granted a full, fair, and satisfactory inquiry must be the result; whereas, looking at the words of the noble Lord's motion rather than his speech, the investigation might be stopped on the most important points.

Mr. Hume had been anxious to speak after the hon. Member for Southwark, because it appeared to him that the hon. Member was mixing up with his speech matters entirely foreign to the subject, and likely to lead the House from the matter before them. If the hon. Member at a fitting time would bring before the House the subjects either of the operation of the Corn-laws on the industry of the country, or of the unequal manner in which taxation pressed on the poorer classes, he would find no man more anxious than he to support the propriety of reviewing the whole of these questions. But the impression which the hon. Member appeared desirous to convey was, that the new Poor-law had the same effect in bearing on the industry of the country which Corn-laws and unequal taxation had. It appeared to him that such was in no respect the case, and that the epithets which the hon. Member had used in designating the measure—epithets which it had been much better to have withheld—were altogether apart from the real merits of the case. He (Mr. Hume) had voted for that measure because he found that the poorer classes of the community—those who lived by their industry—were, in consequence of the abuses which had existed under the former working, rapidly sinking in the scale of society. The system of indiscriminate relief had worked great evil. He thought the hon. Gentleman and his hon. Friend had not done fairly in quoting the acts of cruelty that had taken place. It was notorious that acts of cruelty in the administration of the Poor-laws before this measure passed might have been selected from every week in the year. He repeated, then, that it was not fair to select evils now as evidence of the bad working of the Act when before it passed

evils existed, and to a much greater extent. The question was, whether the principles of the measure were correct, and whether they had been properly carried out by the Commissioners. The powers they had vested in the Commissioners were undoubtedly of an extraordinary character, but the evils to be remedied were equally extensive and alarming; and they were now in a condition to inquire into the manner in which they had exercised them. If he thought the inquiry was to be limited in any way, so as not to include the principle of the Bill, and the application of that principle, he, for one, would not support it. He was for the fullest and most complete inquiry. [Major Beauclerk: Then, why support an amendment?] He should support the amendment of the noble Lord, because the original motion was moved and seconded by Gentlemen who declared themselves hostile to the Bill. The hon. Gentleman, the Member for Berkshire, had done everything in his power, for the last three years, to damage the Bill, and resist its operation. He had declared himself hostile to the principle of the Bill again and again. In a Committee of which he had the management, they could not expect a fair inquiry into the principle or working of the Bill; everything would be done to overturn it at once. His seconder, too (the hon. Member for Oldham), had opposed the Bill originally; he was one of the twenty who voted against it. He believed the hon. Member was strictly honest in his views; but when he stated, that he had advised the Act should be resisted, that he had called upon those over whom he had any influence to use force against force, and not to carry its provisions into effect; and that, happen what would, they should never be introduced into his happy valley, was it possible for those who approved of the principle of the Bill to consent to go into a Committee, leaving the direction of it in the hands of such uncompromising opponents of the Bill in every shape and form? But he understood the noble Lord to pledge himself, by his speech, to admit every inquiry that should not go to repeal the Bill. His hon. Friend complained, that destitution had been laid down as the principle on which relief should be given. He always understood that it was the principle of the 43rd of Elizabeth, which was acted on at the present day; and was it possible that his hon. Friend could attack

a principle so well founded? His hon. Friend said he had presented a respectable petition, complaining of the operation of the Act, from the vestry of St. George's, Southwark. He recollected only last year this same vestry finding fault with the Commissioners for having enforced certain regulations they had passed respecting the sale of bread. What was their complaint against the Bill? They complained not of the quantity of the bread, nor of the quality, but they were dissatisfied because it was supplied by contract. Bread was furnished by contract at a cheaper rate, and equally good in quality. Fivepence per quartern was, he believed, the contract price; but the bakers of the parish used to obtain 7d. for it. If this single act was an evidence of their general proceedings, their petition was worthy of very little attention. He said very little, because all petitions were worthy some; but the weight of petitions and the weight of evidence on the other side was worthy of, at least, an equal degree of consideration. He did not deny that there might be great improvements suggested in the present system by the proposed inquiry, but that inquiry ought to be conducted with a view not to overthrow, but to amend; not to destroy, but to improve. His hon. Friend said, that two millions of persons formerly received out-of-door relief, and he (Mr. Hume) believed that the gin-shop and the beer-shop used to obtain the larger portion of the funds so disposed, instead of the poor families that ought to have received it. The Act deprived the gin-shops not only of the tax which the poorer rate-payers paid, but put an effectual stop to the accompanying idleness and dissipation. If the testimony could be believed which was afforded by the different unions in favour of the Bill, it appeared that instead of the reduction which had taken place in the pecuniary allowances having been attended with that general distress which was attributed to it, a very great improvement had taken place, both in the physical and moral condition of the poor. He thought that his hon. Friend had not acted with candour in designating the Act as an Act which grouch the poor man. He believed it as much calculated to benefit the poor man as the rich; he believed that it would improve the moral condition of the poor, and encourage industrious habits; and he hoped his hon. Friend did not mean to abolish the distinction which ought always

to be preserved between industry and idleness. He believed the Act had worked most beneficially for the great majority of those who received relief. Were they not bound to protect those who occupied a station in society just above that of the poor man, from paying money for the support of the dissolute and the idle? In the Poor-law Administration Act, this principle was decidedly laid down—the principle that destitution, he should rather say want, alone ought to entitle to relief. He complained, therefore, that his hon. Friend had not taken that view of the subject which he ought to have done, and had put the case in an unfair light. If he recollected right, the discussion which this measure received had been most bitterly pounced upon by certain public journals; the alarm had been sounded by *The Times* a month before the Bill passed into a law; and it had continued, day by day, attempting to terrify the people into opposing it. He was surprised that a man of his hon. Friend's discernment could be misled by its alarmist cry. He considered the passing of the Act as a great triumph over the attempts which the journals made to render it an object of hatred and loathing to the public. Those journals had attempted to write down the measure; they had prophesied they would be able to write it down; and up to this moment they had carried on their rancorous opposition to it, retailing every story that could injure it, however improbable, and no doubt inventing some. He had himself seen stories, which had been contradicted from authority, repeated again and again. He had no doubt that, on examining the volume which the hon. mover had read to the House that evening, if name, time, and place were given, it would be found to consist of the rakings of *The Times* for the last twelvemonth. If the Commissioners had not properly exercised the powers intrusted to them by the Act, the Committee proposed by the noble Lord would point out in what respects they had failed to do so, and it would be the duty of the House to correct their errors. Notwithstanding all the opposition to the Act in particular quarters, he was happy to say that it was generally popular in the country. He would be the last to treat the sick or the aged with severity, and when the Bill was passing through that House, he had said that a change of such immense importance could not be carried into effect

without great suffering to individuals; but he had maintained at the same time, that the Commissioners and the guardians must be left to the exercise of the discretion with which they were vested, in order to make that hardship as light as possible. The hon. Gentleman who seconded the motion, had asked him, how he could support the hon. Members for Bath and Liskeard in their opinion of the advantages of local administration, while he sanctioned this measure? Now, he contended that the Act established a system of local administration, and the only drawback to it was, that the accumulative votes given to the rate-payers rendered its operation uncertain. He admitted the existence of *ex officio* guardians to be an evil; he believed they, in some cases, outnumbered the regular guardians; and it would be a question for the consideration of the Committee, how far the power vested with them had interfered with the due exercise of those which were lodged in the Commissioners and guardians. The administration by guardians, appointed by the ratepayer to protect his interest, was essentially local; and as to centralization, he looked upon it as a mode of superintendence necessary to insure uniformity in the operation of the system. He had seen men intrusted with the administration of the rates in country parishes, afraid to refuse demands which were made, in consequence of the outcry which was raised, and every person who wished honestly to discharge his duty in the application of the rates, must be pleased to be controlled in the exercise of it, in order to be enabled to carry into effect the intentions of the Act itself. In this respect, the Act had succeeded better than he could have conceived possible. He was satisfied they would effect an improvement in the condition of the working classes, in their moral character and in their happiness, which no man would have anticipated four years ago, and that those who paid rates, as well as those who received them, would be benefitted. Under these circumstances he should give his cordial support to the amendment of the noble Lord, believing that they should thereby secure the fullest and fairest inquiry.

Debate adjourned.

HOUSE OF LORDS, Monday, February 27, 1837.

MINUTES.] Petitions presented. By the Earl of CLARENDON, Lord KENTON, Lord WYNFORD, the Earl of SHAPTESBURY, the Earl of DEVON, Bishops of EXETER, WINCHESTER, and Lord ASHBURTON, from various places, against the Abolition of Church Rates.—By the Duke of CLEVELAND, Viscount MELBOURNE, and Lord BROUGHAM, from Ilchester, Maidstone, Durham, and other places, for the Abolition of Church Rates.—By Lord DUNCANNO, from Moylough, Anghart, Grange, and Grose, for the Abolition of Tithes (Ireland); and for Municipal Corporations (Ireland) Bill.—By Lords KENTON and REDFORD, from Macclesfield and Stow on the Wold, Union, Gloucestershire, against any Alteration of the Poor-law Amendment Act.

HOUSE OF COMMONS, Monday, February 27, 1837.

MINUTES.] Petitions presented. By Mr. CURTIS, from Cuckfield, against altering the New Poor-law.

BREACH OF PRIVILEGE.] Mr. Sergeant Jackson rose in the discharge of an exceedingly irksome, but which he felt an incumbent duty upon him, to call the attention of the House to a publication in the *Morning Chronicle* of last Friday, reflecting upon him in terms equally false and calumnious, in connexion with the vote which he felt it is duty to give upon a question which recently came before that House, on the motion of the hon. Baronet the Member for Cornwall (Sir W. Molesworth). He should without further preface, read to the House the paragraph of which he complained as a matter of grievous calumny; and which, he submitted, involved a gross breach of the privileges of the House, in assailing a Member with reference to the vote which he felt it his duty to give on a subject which was regularly brought under the consideration of the House. The hon. and learned Gentleman then read the following extract from the paper in question:—

“Some striking instances of Irish modesty are exhibited in the division on Sir William Molesworth's proposition for abolishing the property qualification. Mr. Shaw and Dr. Lefroy, who, as representatives of the University are themselves specially exempt from the operation of the existing absurd law; and Mr. Sergeant Jackson, who was a bankrupt, uncertificated until within three weeks of his return for Bandon, all voted against the hon. Baronet's motion &c.”

The paragraph was headed, “From our own correspondent.” Then came some ribaldry, reflecting on the hon. Member for Belfast, or rather on his father, who had been in his grave for the last twenty

years, and who had been always understood to be one of the most respectable merchants in the town of Belfast. Having read the paragraph to the House, he would say it involved a grievous imputation on his moral character as a Member of that House. As he had stated before, it was false as it was calumnious; and he implored the indulgence of the House for a few minutes, while he attempted very briefly to state a few facts and circumstances which the writer of the paragraph probably had in view at the time he wrote.—A very short time after he (Mr. Sergeant Jackson) had been called to the bar his father died, leaving a very large family, chiefly of young children. One brother was apprenticed in a manufacturing house of considerable respectability in Dublin, and a sister was married to a member of the firm. Through a pressure on the manufacturing trade in Ireland that House was under the necessity of vesting its affairs in the hands of trustees. The trustees endeavoured to get the engagements fulfilled, but in vain, and they were under the necessity of selling the establishments belonging to that firm. He was placed (he might say) *in loco parentis* with regard to the younger branches of his family. He recommended, therefore, that a place in the establishment of Benjamin, Clarke, and Co., of Dublin, should be purchased for his younger brother, who was a minor. A gentleman came forward as a partner, bringing in both capital and skill. He (Sergeant Jackson) gave his name as a trustee for his brother, and as a guarantee that all would be right. The business proceeded, as he understood, most prosperously, but after a short period he was given to understand from a confidential person that property had been abstracted from it to a considerable extent by the gentleman who had become the partner of his brother. The books were fabricated, and false entries made. What was his conduct on the occasion? He trusted the House would be of opinion that it was the conduct of an upright and honourable man. He was a young man at the time, and had not been long a Barrister. He called on two of the most respectable merchants in the city of Dublin, and asked their advice as to the course he ought to adopt. Those gentlemen were still living, and were respectable members of the mercantile world. The circumstances being so urgent they recommended him to resort to a sum-

mary proceeding, and to invite those who consulted his interests in the firm to issue a commission of bankruptcy against it. He himself had never possessed any interest in the firm, and had acted throughout merely as trustee for his brother. He stated to the gentlemen whom he consulted that he invited proceedings to be taken against the house—and that he wished only to save the property for those who had intrusted the firm on the faith of his credit. He convened a meeting of the principle creditors, stating that he desired to forego all the advantages that he might claim for himself in the matter—he recommended them to strike the docket of bankruptcy. The course so advised was followed, and they succeeded in recovering a considerable portion of the property, so that a large dividend was paid to the creditors. He had inherited a small patrimonial property, which was brought to sale, and the proceeds applied to the same purpose—and he even insisted on their taking his library, and converting it into money, and applying it as far as it could go. The property certainly had been purchased by a friend, but its full value was given, and the amount applied as he had stated. Several gentlemen, many of them Members of his own profession, offered their assistance—one came into his house the next morning, and laid upon his table the sum of 1,000*l.*, desiring that he should make what use he pleased of it. Of course he did not condescend to accept another person's money to apply it to his own purposes. He loved his profession, and he trusted that his efforts to attain eminence in it would not prove unsuccessful. He formed the resolution never to suffer a single shilling to be lost by any individual who had trusted that Firm, and he could now produce receipts in full from every human being. He was sorry to trouble the House with a matter so purely personal, but he never saw it denied to any man who was unjustly stigmatised and accused, an opportunity of defending himself. The matter did not confine itself to the character of an individual; the House had a deep interest in the character of the individuals who composed it, and the country at large had a deep interest in the moral character and conduct of its representatives. He was happy to see the Chancellor of the Exchequer in his place, for the right hon. Gentleman would be able to state that the persons whom he had consulted on the occa-

sion referred to were of the most respectable character. One of them was *Mr.* Samuel Bewley, a most eminent merchant, still alive; the other, too, was also yet living, and in business; as also the agent to the commission, and the clerk in the firm, whose affairs were involved in difficulty, as well as some of the assignees who had been appointed. All these persons were, therefore, capable of refuting him if he stated anything that was untrue. He hoped he had sufficiently made out a case in answer to the slander that he “was a bankrupt, uncertificated until within three weeks before he was made a Member;” when the fact was, that the whole body of creditors had signed the certificate. These transactions had taken place so far back as 1818, and yet that audacious paragraph had asserted that he was an uncertificated bankrupt until within three weeks before he was returned to that House. He was not anxious to press heavily upon those who had an arduous and important public duty to perform, well knowing that every newspaper must be at the mercy of those who communicated facts from the other side of the water; but he must say that it was the incumbent duty of an editor to have seen that he had a respectable and faithful correspondent—and to have ascertained the correctness of the facts he was about to state, reflecting so grievously on private character, before he held up to the British public an individual who, however humble, had never forfeited the character of an honourable and upright man. He was willing to make every allowance for the press, and did not bring this matter forward with any vindictive feeling. He would throw himself entirely on the feeling of the House, and take any course which it thought fit to recommend. He was quite satisfied that what had been intended to injure his character would have the effect of raising it in the estimation of hon. Gentlemen on the other side of the House.

Dr. Lefroy claimed the indulgence of the House for a few moments. He should not have felt it necessary to do so, if the character of his hon. and learned Friend was as well known in this country, as it was in that from whence the calumny had emanated, and as fully appreciated by the Members of the House as by the profession to which he belonged. He rose merely for the purpose of making this statement, as a member of that profession to which they

both belonged, to every member of whom the circumstances detailed by his learned Friend were known at the time. The whole of these circumstances came under their cognizance, and he would venture to say, that his hon. and learned Friend did not lose in the estimation of the profession, any more than he did in the estimation of his friends, an atom of the high character he had always held. Although the circumstances had been dragged forward now, with the malicious view of hurting his feelings, and injuring his character in a strange country, he would venture to say, that they were remembered in Ireland, and spoken of only to his honour and credit. It was perfectly true, that the members of the profession to which he belonged were anxious to give him every assistance to extricate him from difficulty, but his hon. and learned Friend, from a sense of what was due to his character, which had been always disinterested, noble—he would almost say, chivalrous—had declined the proposed assistance, and had resolved to rely on his own talents to extricate himself, and, he was happy to say, he had done so by the exercise of his profession, to which there did not exist a greater ornament. He was satisfied that the circumstances that attended the transaction, had been such as to raise his character in his own profession, and would have the same effect on the House, now that they were fully informed of the true circumstances of the case. He would not speak more on the subject. He was anxious to give his testimony to the House, as his hon. and learned Friend's character might not be so well known in this country as amongst the members of his profession in his own.

The *Chancellor of the Exchequer* said, that he was not at all aware, until the circumstance had been brought forward, that any paragraph of the kind alluded to, had been inserted in any paper. He concurred entirely in the condemnation that had been given to such proceedings. He thought that personal attacks upon private character, for the purpose of influencing politics, were unmanly and ungenerous—because the party attacked must either labour under the charges made against him, or do that which might be extremely hurtful to his feelings, and come forward for the purpose of vindicating his character. The attack that had been made on the learned Gentleman opposite, throwing

entirely out of question the speech that he made, was most unjustifiable. If, then, it could be considered unjustifiable, previous to the statement of the hon. Member, how much more so must it appear, after the explanations which had been given on the subject? When the hon. and learned Member had so entirely grappled with the case, the charge, which, even if true, would have been an improper one, became doubly unjustifiable, when it was shown to be entirely unfounded. If the hon. and learned Member had been longer in the House, he would perhaps have felt less warmly on the subject, because these charges were brought every day against individuals on both sides of the House. He was sure that there were very few persons on his side, and not many on the other, who had remained unattacked. The frequency of the practice was, he allowed, no excuse for the present attack; but still he thought that, under the whole of the circumstances, the hon. and learned Gentleman would find, that in the eyes of the House, after the explanation which he had given, and after stating facts and circumstances which could not be controverted, and after having completely refuted the statement which had been made, the case did not call for any further step. He could assure the hon. and learned Gentleman, that if he thought that anything further than his own statement was needed for his justification, he, for one, would not call upon the hon. and learned Member to stay where he was. But the hon. and learned Gentleman having fully satisfied the House, as he trusted he had—[Loud cheers attested the correctness of the remark]—that no imputation whatever rested on his character, he hoped that the hon. and learned Gentleman would feel, that he had discharged his duty adequately, and that it was not necessary to proceed further in the matter. If this opinion was correct, he would move the Order of the Day for renewing the adjourned debate.

Mr. Sergeant *Jackson* had put himself entirely in the hands of the House, as he did not think himself justified in passing over so false and calumnious a charge. He must be allowed to say still, that he felt it to be his duty to give the newspaper, or rather its informant, an opportunity of justifying the statement by commencing legal proceedings against it.

AMENDMENT.] The *Attorney-General* hoped that, before proceeding with the adjourned debate, the House would allow the third reading of the *Municipal Corporations Act Amendment Bill* to take place. It was of the greatest importance that there should be no further delay in the passing of this Bill, which was not at all a party measure. He begged to move the third reading of the Bill.

Bill read a third time.

Sir Edward Knatchbull then moved a clause, to the effect that every person voting at the election of town-councillors, or aldermen, should do so by delivering personally, at the meeting, to the mayor or chairman, a voting paper, containing the name and surname of the person for whom he votes, such paper, when read, to be delivered by the mayor to the town-clerk, and that every election of aldermen, made before the passing of the Act, should be valid, by whatever form made.

Clause agreed to.

The *Attorney-General* brought up a clause to this effect:—"That a person entitled to be admitted to the freedom of a borough, at the time of the passing of the Act, shall be entitled to be admitted on the same conditions as any person who shall have acquired his title after the passing of the Act."

Mr. Thornley said, that he should certainly oppose the clause, for its object was to extend the franchise to the freemen in a way that was never intended.

The *Attorney-General* said, the object of the clause was, not to extend the franchise, but to prevent litigation and expense in prosecuting appeals.

Mr. Thornley could not consider the clause in any other light, and he should therefore take the sense of the House upon its rejection.

The House divided on the clause:—
Ayes 218; Noes 14: Majority 204.

List of the AYES.

Alston, R.	Bentinck, Lord W.
Angerstein, John	Bernal, R.
Anson, hon. Colonel	Bethell, Richard
Arbuthnot, hon. H.	Bewes, T.
Bagot, hon. W.	Blackburne, I.
Bagshaw, John	Blackstone, W. S.
Baillie, H. D.	Boldero, H. G.
Ball, N.	Bonham, R. Francis
Barry, G. S.	Borthwick, Peter
Beaucherk, Major	Brady, D. C.
Beckett, rt. hon. Sir J.	Brotherton, J.

Browne, R. D.	Hardy, J.
Buller, Charles	Harland, W. Charles
Burdon, W. W.	Harvey, D. W.
Buxton, T. F.	Hastie, A.
Byng, rt. hon. G. S.	Hawkins, J. H.
Campbell, Sir J.	Hay, Sir A. L.
Canning, rt. hon. Sir S.	Heathecoat, J.
Cartwright, W. R.	Hector, C. J.
Cave, R. O.	Hinde, J. H.
Chandos, Marquess of	Hindley, C.
Chapman, A.	Hogg, James Weir
Chetwynd, Captain	Houldsworth, T.
Chichester, A.	Howard, P. H.
Clay, W.	Hume, J.
Clerk, Sir G.	Humphrey, J.
Colborne, N. W. R.	Hurst, R. H.
Cole, hon. A. H.	Hutt, W.
Collier, John	Jackson, Mr. Sergeant
Conolly, E. M.	Jephson, C. D. O.
Conyngham, Lord A.	Johnstone, Sir J.
Corry, rt. hon. H.	Johnstone, J. J. H.
Cowper, hon. W. F.	Jones, T.
Crawford, W. S.	Knight, H. G.
Cripps, J.	Knightley, Sir C.
Curteis, H. B.	Lambton, H.
Dalbiac, Sir C.	Lees, J. F.
Darlington, Earl of	Lefevre, Charles S.
Davenport, J.	Lefroy, right hon. T.
Denison, W. J.	Lennard, T. B.
D'Eyncourt, rt. hon.	Lennox, Lord G.
C. T.	Lincoln, Earl of
Donkin, Sir R.	Lister, E. C.
Duncombe, T.	Long, W.
Dundas, hon. T.	Lushington, Dr.
Eaton, R. J.	Lushington, Charles
Ebrington, Viscount	Lygon, hon. Gen.
Egerton, Lord Fran.	Macnamara, Major
Ellice, right hon. E.	Mactaggart, J.
Entwisle, J.	Marjoribanks, S.
Fazakerley, John N.	Martin, J.
Fector, John Minet	Methuen, P.
Ferguson, Sir R.	Miles, William
Fergusson, rt. hon. R. C.	Mordaunt, Sir J.
Fielden, J.	Moreton, hon. A. H.
Finch, G.	Morpeth, Viscount
Finn, W. F.	Mosley, Sir O.
Forbes, W.	Mostyn, hon. E.
Forester, hon. G.	Mullins, F. W.
Forster, C. S.	Musgrave, Sir R.
Freemantle, Sir T.	Norreys, Lord
Freshfield, J. W.	O'Connell, M. J.
Geary, Sir W.	O'Ferrall, R. M.
Gisborne, T.	Oliphant, Lawrence
Gladstone, T.	Paget, F.
Gladstone, W. E.	Palmer, R.
Gordon, R.	Palmer, Gen.
Gordon, hon. Capt.	Parker, M.
Goulburn, rt. hon. H.	Parker, J.
Graham, rt. hon. Sir J.	Parrott, Jasper
Grattan, J.	Parry, Sir L. P. J.
Grey, Sir George	Patten, John Wilson
Gully, John	Pattison, J.
Halford, H.	Pease, J.
Hall, B.	Peel, rt. hon. Sir R.
Hamilton, Lord C.	Pendarves, E. W. W.
Handley, H.	Perceval, Colonel
Hanmer, Sir J.	Pinney, W.

Plumpton, John P.	Trevor, hon. A.
Ponsonby, hon. J.	Troubridge, Sir E. T.
Power, J.	Vere, Sir C. B.
Price, Sir R.	Villiers, C. P.
Pringle, A.	Vivian, J. H.
Rice, right hon. T. S.	Vyvyan, Sir R.
Richards, R.	Walker, R.
Robarts, A. W.	Wallace, Robert
Robinson, G. R.	Walter, John
Roche, William	Wason, R.
Rolfe, Sir R. M.	Whalley, Sir S.
Ross, C.	Whitmore, T. C.
Rundle, J.	Wilbraham, G.
Rushbrooke, Colonel	Wilbraham, hon. B.
Russell, Lord C.	Wilkins, W.
Ryle, J.	Wilks, John
Scarlett, hon. R.	Williams, Robert
Scrope, G. P.	Williams, W.
Seymour, Lord	Williams, Sir J.
Sibthorp, Colonel	Williamson, Sir H.
Smith, R. V.	Wood, C.
Smyth, Sir H.	Worsley, Lord
Somerset, Lord G.	Wortley, hon. J. S.
Stanley, E.	Woulfe, Mr. Sergeant
Stanley, Lord	Wrightson, W. B.
Stanley, W. O.	Wrottesley, Sir J.
Stewart, John	Wynn, rt. hon. C. W.
Stormont, Viscount	Yorke, E. T.
Strickland, Sir G.	Young, G. F.
Stuart, Lord J.	Young, J.
Stuart, V.	TELLERS.
Thompson, Colonel	Baring, F.
Trelawney, Sir W.	Stanley, E. J.

List of the NOES.

Bodkin, J. J.	O'Connell, D.
Ewart, W.	O'Connell, Morgan
Fitzsimon, C.	Potter, R.
Gaskell, D.	Scholefield, Joshua
Grote, George	Warburton, H.
James, W.	
Leader, J. T.	TELLERS.
Marshall, William	Thornley, T.
Marsland, Henry	Wakley, T.

Clause to be added to the Bill.

Mr. Harvey had a clause to propose, which was of so much importance, that he must beg the attention of the House to it. He must say, that he never remembered a Bill of such importance as the present, passing through all its stages with so little observation. It had excited scarcely any attention whatever, or rather, it had gone through its different stages amidst a confusion, which rendered it impossible that even the most strained attention could ascertain what any one hon. Gentleman who addressed the House on the subject, was speaking about, or what the question was which they were required to decide. He thought the proposition which he had to make, was one which would be received by the House, but more particularly by

the hon. and learned Attorney-General, with a cordial assent, as its object was not only to render the laws pure, but the administration of public justice impartial. He begged leave, therefore, to propose the following clause:—"No person holding the office of Recorder, Deputy Recorder, or Assistant Barrister, in any City or Borough in England or Ireland, shall be eligible to serve in Parliament, or to be an Alderman, Councillor, or Police Magistrate, in such City or Borough." His object was, that the same rule that applied to the judges should be applied to all other persons holding judicial offices involving similar duties.

Clause read a first time. On the question that it be read a second time,

The *Attorney-General* said, if he had been aware that his motion would have led to a protracted discussion of this kind, he should not have ventured to postpone the adjourned debate on the Poor-law Amendment Act. He was willing to admit that the clause proposed by the hon. Member for Southwark, was an important one—so important, indeed, that he should wish to see it made the subject of a separate Bill. It went, however, beyond the scope of the present measure, which was confined to England, while the hon. Gentleman intended his clause to extend to Ireland. He was not prepared to say that recorders should be excluded from seats in that House, nor could he think that there was any analogy between their case, and that of the judges. The recorders were seldom occupied in the exercise of their judicial functions more than four days in the year; and, therefore, as their duties in no way interfered with their discharging the duties of Members of that House, he must give the proposition of the hon. Member for Southwark his decided opposition.

Mr. O'Connell remarked, that the clause was already in operation in Ireland, as the assistant-barristers were precluded from having a seat in Parliament. He considered the clause of so much importance, that if the hon. Member for Southwark divided the House, he would go out with him. Persons in a judicial capacity ought to be excluded from having a seat in that House. If such persons acted erroneously in their offices, there was no other tribunal but Parliament to correct them. In that House, they were all aware that party spirit prevailed, and they ought to be most

careful, that no man brought to the bench the slightest tinge of party spirit.

The *Solicitor-General* opposed the clause, and said that, as a remuneration of recorders did not amount to more than perhaps 20*l.* a-year, it was absurd to suppose that they were highly paid. For the most part, the office was merely honorary.

Mr. *Grote* was in favour of the clause, and thought, that those who held judicial offices, should be obliged to devote their whole time to the business of those offices. He was an advocate for local Courts.

Mr. *Scarlett* denied that the nominal salaries attached to these really honorary offices could influence the votes of the parties holding them in that House.

Mr. *Harvey* said, that if he thought the law-officers of the Crown were sincere, he would not press his motion. He did not, however, think so—and, consequently, he must persevere. It was said, that the recorders were not highly paid. Why, had not the recorder of London 2,500*l.* a-year, and were not the duties of that hon. and learned Gentleman considered so onerous, that there was some intention of giving him another 1,000*l.*? There was another recorder, who, if he were not mistaken, was also well paid, and had considerable business connected with his office to attend to. Let them see how the system worked at present under this Bill. Any corporate town might have a judge, and the government of the time being would have the appointment of all those judges at disposal. He had had it for some time in contemplation, to move for a return of the gentlemen of the bar, with a statement of any place or office held by each individual; and he certainly thought it would be difficult to find, throughout the entire list of the bar, the name of any man of five years' standing, who was not either in possession of a place, or in expectation of some appointment or other. He was well aware, that their superior moral habits, and stricter education, enabled the gentlemen of the bar to make a stronger struggle against this system of seduction than other men, but his object was, to protect them from that system of seduction altogether, and to preserve them in a state of intense purity. If he thought that the law-officers of the Crown were sincere in the recommendation that they had given, and that they would promise to support him in bringing forward a Bill

for this purpose, he would willingly do so; but unless he got an assurance of their support, he would persevere in pursuing his motion to a division.

The House then divided:—*Ayes* 52, *Noes* 108: Majority 56.

List of the AYES.

Angerstein, J.	Marsland, H.
Beaucherk, Major	Mingrove, Sir R.
Bewes, T.	O'Brien, W. Smith
Blake, M. J.	O'Connell, D.
Bodkin, J. J.	Paget, F.
Brady, D. C.	Pease, J.
Bridgman, Hewitt	Porter, Richard
Brotherton, J.	Power, James
Bulwer, H. L.	Roeback, John A.
Burton, H.	Rundell, John
Collier, J.	Rutherford, K.
Crawford, W. S.	Stanley, W. O.
Demison, W. J.	Strickland, Sir G.
Duncombe, T.	Stuart, Lord J.
Fitzsimon, C.	Thompson, Colonel
Grattan, J.	Tulk, C. A.
Grote, George	Wakley, T.
Hall, B.	Wallace, R.
Hawes, B.	Watson, R.
Heathcote, J.	Whalley, Sir S.
Hector, C. J.	Wilks, J.
Hindley, C.	Williams, W.
Humphrey, John	Williams, Sir J.
Lawson, A.	Young, G. F.
Lister, Ellis Cunliffe	
Macnamara, Major	
Maher, J.	
Marjoribanks, S.	

List of the NOES.

Aulton, Rowland	Finch, G.
Anson, Hon. Colonel	Forbes, W.
Bailey, J.	Forster, C. S.
Baillie, H. D.	Fort, John
Barnard, E. G.	Gaskell, J. M.
Barneby, J.	Gladstone, W. E.
Benett, J.	Gordon, R.
Blackstone, W. S.	Grauburn, rt. hon. H.
Bulders, H. G.	Graham, rt. hon. Sir J.
Bonham, R. F.	Halford, H.
Borthwick, P.	Hamilton, G. A.
Buller, E.	Hindley, H.
Byng, rt. hon. G. S.	Hinry, J.
Campbell, Sir J.	Hobbs, A.
Canning, rt. hon. Sir S.	Hodges, John H.
Chichester, A.	Hodges, T. L.
Clark, Sir G.	Hogg, J. W.
Curtis, H. B.	Huskinsworth, T.
Dalbous, Sir C.	Howard, P. H.
Darlington, Earl of	Harwick, Viscount
Daveport, J.	Hurst, R. H.
Deakin, Sir H.	Jephson, C. D. O.
Eden, Richard J.	Johnston, J. J. H.
Erington, Viscount	Jones, T.
Exeter, Lord E.	Knight, H. G.
Finch, J. B.	Laird, rt. hon. T.
Fitzsimon, J.	Lemon, Sir C.
Fector, J. M.	Lemon, Lord G.
Felsham, W.	Lung, W.

Longfield, R.
 Lushington, Dr.
 Lygon, Hon. General
 Mackenzie, S.
 Marshall, W.
 Miles, W.
 Moreton, Hon. A.
 Morpeth, Viscount
 Mosley, Sir O.
 Mostyn, hon. E.
 Palmer, R.
 Palmer, G.
 Parker, John
 Parry, Sir L. P. J.
 Pinney, W.
 Plumptre, J. P.
 Rice, rt. hon. T. S.
 Richards, J.
 Richards, R.
 Rolfe, Sir R. M.
 Ross, Charles
 Rushbrooke, Col.
 Sandon, Viscount
 Scarlett, hon. R.
 Scott, Sir E. D.
 Scrope, G. P.
 Seymour, Lord
 Sibthorp, Colonel

Smyth, Sir H.
 Somerset, Lord G.
 Stanley, E. J.
 Stanley, E.
 Stanley, Lord
 Stewart, J.
 Stormont, Viscount
 Strangways, hon. J.
 Stuart, V.
 Troubridge, Sir E. T.
 Vere, Sir C. B.
 Verney, Sir H.
 Vernon, G. H.
 Vesey, hon. T.
 Vivian, J. E.
 Walter, J.
 Wilbraham, G.
 Williams, W. A.
 Wilson, H.
 Wood, C.
 Wood, Colonel T.
 Worsley, Lord
 Wortley, hon. J. S.
 Wrightson, W. B.

TELLERS.

Grey, Sir G.
 Pryme, G.

Clause rejected.

Bill passed.

POOR LAW AMENDMENT ACT—ADJOURNED DEBATE.] The Order of the Day for the Adjourned Debate on the Poor-law Amendment Act having been read,

Mr. Brotherton was anxious to offer a few observations on the question before the House. He trusted that they would enter upon the discussion free from any party spirit, and with a desire to ascertain what they could adopt which would be best for the country, and be compatible with a just consideration for the condition of the working classes. When this measure was originally before the House he had voted against many of its provisions. He considered the powers given to the Commissioners far too extensive, and a violation of the power of local self-government. In the borough which he represented a meeting had lately been held, at which resolutions were passed condemnatory of many parts of this Act, and particularly of the extensive and arbitrary powers conferred on the Commissioners. Having read some extracts from the resolutions referred to, the hon. Member proceeded to say that he thought that a discretionary power should be left in the hands of the guardians as to the administration of relief in particular cases. The powers of the Commissioners ought

not to supersede those of the guardians. The general supervision of the Commissioners would no doubt be useful, but that was all that would be necessary, for the Board of Guardians ought to have the discretionary power of deciding with respect to relief. He had always objected to this change of system, as particularly unnecessary and inapplicable in the manufacturing districts. In those districts, owing to the continual fluctuations in trade, the poor rates had constantly varied in amount, at some periods rising to double what the amount was at other periods. The rule that there should be no out-door relief was an oppressive and arbitrary rule, and was accompanied with a severity which ought not to be inflicted on the industrious artisan who was reduced to distress by no fault of his own. The State was supported by the labour of the people, and, in a manufacturing and commercial country like this where, owing to the fluctuations of trade, the labouring classes were liable to be put out of employment, and where the State provided relief for the destitute, he thought that such a provision ought to be administered in a manner that would not reduce those for whom it was intended to a level with criminals. They were commanded by a sacred authority that they should not harden their hearts against the poor; and they were assured that the greatest blessings would await that country where the wants of the poor were attended to. The laws of England declared that every man in this country had a right to support, but the Poor-law Amendment Act was a departure from the spirit of those laws. The professed object of that Act was to reduce the poor-rate, and to bring about an improvement in the state and habits of the labouring population. He admitted that, to some extent, it had had the effect of reducing the rates, but he objected to the means by which that result had been accomplished. There was the total denial of all out-door relief, the constant confinement in the workhouse, and the separation of the husband from the wife, and of the parent from the child. To keep up the semblance of local authority the guardians were elected; but at these elections every landholder was entitled to vote by proxy. It was said that these means were adopted in order to throw the people on their own resources. This perhaps might be a just principle in some cases; but not generally applied. If men

in the dealing with so difficult a matter, yet he believed, that in general, the carrying of this measure into execution had not been, so far as he knew, attended with any cruelty or hardship. Therefore, desirous as he was, that a Committee should be appointed, yet he could not but think that the noble Lord had, by his amendment, given latitude enough to find out every defect in the Act, to have all things corrected which required correction, and to make it, as he did not doubt it would be made, as complete as any measure that ever yet passed the Legislature.

Colonel *Sibthorp*: Notwithstanding the almost prescriptive right which the hon. Member for Salford had acquired, as to obtaining an adjournment of the House at a certain hour, he had on Friday night last moved the adjournment, even though the noble Lord, the Secretary for the Home Department, was so anxious that the debate should then terminate. He had insisted upon that adjournment, and he stated then what he now repeated—namely, that he considered the present motion to be one of vital importance, and though but a few evenings before, a debate had been adjourned for three successive nights, on the Irish Municipal Corporations Bill, still he conceived, that on a law affecting so great a portion of the population of this country, as the Poor-law Amendment Act, it was not too much to require the noble Lord to assent to the adjournment, in order that full and complete consideration should be given to this important subject. He had not persisted in that course having the vanity, to think that anything which fell from him would have the effect of changing or influencing a single vote; but as he knew that several hon. Gentlemen, well acquainted with the subject, were prepared to address the House upon it, and to enter into a full discussion of its merits, he was fully borne out and warranted in requiring that they should have an opportunity of doing so. He had listened with great attention to the observations which had fallen from his hon. Friend who had just sat down, and he assured him, that for him he entertained the highest possible respect, though he differed from him on the present occasion. What had been his hon. Friend's statements with regard to this Bill? Why, in the first place, he remarked, that the statements which had

gone forth in the public prints were highly coloured, and but little to be relied on. He begged to ask why, if that were so, the numerous statements, such as that made by a Gentleman of the name of Bull, and published in the public papers yesterday, were not answered? They remained, however, unanswered, still less were they contradicted; and he therefore had a right to assume that they were facts. If they were not founded on fact, it was the duty of the Government to have given their immediate and particular attention to them. The fact, however, was, that the public papers were teeming daily with statements of great cruelty, oppression, and hardship, under the operation of the new law. The hon. Member had said, that the statements made to the House were highly coloured by those hon. Members who were prejudiced with regard to the Poor-law Amendment Act, but the hon. Member had not attempted to show that any of them were incorrect. Another argument was, that the new Act had effected a great saving to the country, and it was therefore contended, that the measure ought to be the object of general admiration. This he denied, and on the contrary he deprecated the measure as one which no saving could justify. The poor people could not resist the measure, for, to use a homely phrase, "it was not likely that they would quarrel with their bread and butter," and though the hon. Member for Oldham had said he would recommend resistance, he (Colonel *Sibthorp*), as a magistrate and a citizen, would not ask the people to oppose that which was the law of the land. The hon. Member for Cirencester stated, that this excellent and humane law" could not by possibility work well, if left to the management of individuals in the country, and that the assistance of a Board of Commissioners, and Assistant-commissioners was essentially necessary. But he forgot to mention, that the omnipotency of the Commissioners was such, that the Board of Guardians could not give anything more to the paupers of their district, than was in conformity with the orders and regulations of the Commissioners, who were also empowered to decrease the allowance granted by the guardians, and few unions could be carried on without voluntary contributions. This appeared to be the case, even in the union over which the hon. Member himself presided, but the

rates were now reduced to 2s., the landlord could step in and say to the tenant, "You can now afford to pay me more rent for my land." How, then could the farmers assist the poor? On the whole, he objected to this principle. There was another case which he had only received that day. It was that of a person named James Cock, a cripple, forty years of age, who for himself and wife had been allowed 1s. per week and seven pound of bread, worth about 14d.; but this poor man had, without any reason assigned, been struck off. So also had a poor widow with four children, who had been allowed only 3s. per week and fourteen pound of bread. The last he would mention was that of a man, who was paralysed, and seventy years of age, his wife nearly the same age, and their daughter. Their allowance had been 3s. per week and seven pound of bread. Now these were the cases showing the amount of relief afforded—an amount which, if increased by the Board of Guardians, would be disallowed by the Commissioners. When such cases as these were allowed to exist, the strictest inquiry was necessary, not only as to the principle, but as to the working of the Poor-laws, and determined as he was to support the motion of the hon. Member for Berkshire, the House would, he hoped, consent to it, for otherwise the question would be blinked, and the poor would find that they pleaded in vain to that House, the only tribunal from which they could hope for justice.

Mr. *Alston* hoped the hon. Member for Berkshire (who was about to leave his place) would give him his attention for a few moments, while he stated to him the results which had been effected by the New Poor-law Amendment Act in the county of Hertford. Since the Act had come into operation, he had taken an active part in the proceedings under it, and whether he looked to the comfort, the contentment and the character of the poor in all relations, father, mother, and children, he was confident that the Poor-law to them had been the source of the greatest improvement that ever benefitted the lower classes of the community. The county of Hertford was one which would well show the result of the operation of the measure, for its population was amongst the most dense of the kingdom. He had endeavoured within the last few days, and since the present motion was

announced, to procure every information as to the result of the formation of unions, and the operation in other respects of the entire measure; and that he might make no mistake in the figures or anything else he was about to communicate to the House, he would take leave to read some of those results. He should first begin with the union of the town of Hertford, and the total saving or decrease in the poor-rates effected there since the Act came in force. The annual average expense previous to the new Bill was 8,202*l.*, out of which there had been reduced no less a sum than 3,054*l.* 3s. 4½*d.*, and he had been informed by a letter he had received from the chairman of the Board of Guardians, Sir Culling Smith, that amongst the immense and dense population of the town and neighbourhood of Hertford, which formerly nobody could approach without seeing a mass of destitute, unemployed, and unfed beings, there was now scarcely to be seen a single individual in that condition. Now, as to the Union of Hatfield; that Union, though with one exception, the smallest in the county, was distinguished for its admirable management, and the following had been furnished him by one of the Board of Guardians as the result of the operation of the new Bill. From this, it appeared, that the expense under the Poorlaw previous to the Union was 3,117*l.*; the expenses now were 1,729*l.*; showing a reduction by the operation of the Poor-law Amendment Act of 1,444*l.* per annum. The total annual decrease in the expenses for the poor for the entire county of Hertford was 31,713*l.*, being a decrease on the total rates of 37½ per cent. It was, perhaps proper to mention, that the Union of Hatfield was under the greatest possible obligation to a noble Lord resident there, whose exertions in the cause of humanity were above all praise; and he would undertake to say that a better behaved body of the poorer class could not be found anywhere. To show the improved condition of the labouring population, he need only mention one fact communicated to him by Sir Culling Smith, as having occurred in that gentleman's own parish. He had directed the surveyor to repair some parts of the roads, which was promised, but on going past some time afterwards, he found it was still unrepaired, and on applying to the surveyor to know the cause, he was informed, that

Member for Cirencester, and other hon. Members, who spoke with such confidence of the benefits of the Poor-law Amendment Act, could, for one moment, contend for a limited and not a full inquiry; for every one of their arguments, and all the extraordinary effects attributed to that Bill, were but so many additional reasons why a full, fair, and impartial investigation should take place. What had the Government to fear from any inquiry, however general, if the Bill had really produced the results which had been stated? He had been one of those who had opposed the Bill, when in progress, through Committee; he did so, not from a conviction that a change was unnecessary, not that the mal-administration of the former law had arrived at such a state as to render a change imperative, not that he thought the Government who had undertaken the Herculean task were censurable, but rather deserved the thanks of the country for grappling with a question which no former Government would venture to undertake, but he objected in Committee to the restrictions imposed on granting relief. Since, however, the passing of the Bill, he had never felt it to be consistent with his duty to hold it up to disrepute. Such conduct he held to be highly inconsistent with the duty they all owed to the State and to the Legislature of which they were Members. But while he was willing to admit, because it was utterly impossible to deny it, that a large saving had taken place in the rates, and even a great improvement in the condition of the labouring population, it remained to be made out, for it was not a necessary consequence, that all these effects were fairly attributable to the operation of this Bill. Surely, no man would deny that these effects were chiefly owing to peculiarly favourable circumstances, among which were three successively abundant harvests, the cheapness of provisions unknown in this country for many years, together with an unexampled demand for labour; so that, even if the Poor-law Bill had never passed, a great portion of the good effects spoken of would have followed, from circumstances with which they had no connexion. It appeared that there was not much difference of opinion in the House on matters of fact; that they were pretty well agreed upon them; but that was a reason which would induce him to vote for the motion of the

hon. Member for Berkshire, rather than for that of the noble Lord, because he considered that on this question it was very desirable, not only that there should be a total absence of everything like party feeling, which he was happy to say had been the case in a great degree, but that the inquiry should be entered upon in a manner and spirit, and with such an extensive range, that the enemies and opponents of the Bill should not have a pretext for saying it was more a delusive inquiry than one calculated to arrive fully at the truth. He held in his hand a statement that was taken before the Agricultural Committee of last year, from which it would appear how much the Poor-rates had been reduced before the passing of the New Poor-law Bill, and there were many districts in which, by an improved administration of the old system of Poor-laws, very considerable savings were effected in the rates without the aid of the new system. Mr. John Ellis stated, in answer to questions put to him with respect to the reduction of rates in the parish of Anstye, where he himself had lived, that prior to the year 1818 the Poor-rates were 1,440*l.*; in 1820, they were reduced to 1,281*l.*; in 1830, to 976*l.*; in 1834, to 641*l.*; and in 1835, to as low a sum as 516*l.* There was a reduction of nearly two-thirds in the course of ten or twelve years under the old Poor-laws, yet the noble Lord would attribute all the savings, amounting to 2,464,000*l.*, or upwards, entirely to the magical effect of the working of the new system. He could not agree in the noble Lord's statement. It was perfectly true that the rates had been reduced, but that reduction ought by no means to be solely attributed to the new Poor-law Bill. The hon. Member for Cirencester, who was entitled to great credit for the attention which he had paid to the subject, and the time he had devoted to the interests of the Union to which he belonged, had admitted that if the Poor-law Bill, as it had been enacted, were rigorously acted on it could not be beneficial. He did not mean to say, that the Bill might not produce great good, but he believed the truth concerning it would be found to lie between the extremes of the two parties who had debated its principles and operations, one of which attributed extraordinary and almost supernatural benefits to it, and the other characterised it as excessively cruel,

calculated not only to do no good, but pregnant with every species of mischief. But there was ground for apprehension, that however this Bill might be calculated to effect good prospectively, it never would work well under adverse circumstances. He believed, with the hon. Member for Salford, that to attempt to carry this Bill into effect in large manufacturing districts in times of scarcity of employment, and dearness of provision, would be attended with consequences that were frightful to contemplate; but upon whom would the blame of such consequences be thrown? Upon the Government of the day, to be sure. It was a great misfortune, in his view of this question, that the noble Lord should declare that substantially there was no difference between him and the hon. Member for Berkshire, and yet that he should oppose his motion. If there really was no difference between the noble Lord's intention, as he (Mr. Robinson) had gathered from his speech, and the hon. Member for Berkshire, why not make the reference of this important question to the Committee unaccompanied by any asperity or display of feeling calculated to prejudice the inquiry? He had never joined in any clamour against the Bill; he entertained a strong feeling upon the question certainly, but he deprecated any division whatever upon it. What was the reason that the noble Lord would not agree to the motion of the hon. Member for Berkshire? He confessed that he did not think it a very satisfactory, or statesmanlike reason. It appeared that there had been imputed to the hon. Member for Berkshire, and to a newspaper with which he was supposed to be either now, or had been formerly, connected, some statements with respect to the Poor-law Bill that were calculated to produce a strong feeling of disapprobation in the minds of the noble Lord and his Colleagues; but was that a reason, because the hon. Member for Berkshire, or *The Times* newspaper, had been guilty of some indiscretions in treating of the New Poor-law question, therefore he would not agree to refer the question wholly to a Committee, while it was acknowledged in the same breath that really there was no material difference of opinion between the noble Lord and the hon. Member for Berkshire? But it seemed that the noble Lord had also another reason, founded on what was said by the hon. Member for

Oldham. He must say that if the sentiments of any hon. Member could justify the course pursued by the noble Lord, they must be such as those delivered by the hon. Member for Oldham; for it was rather too much for a Gentleman who had been returned to that House, and he begged to be understood as speaking of that hon. Gentleman with the greatest possible respect, having heard much good of him, but he thought it too much for a Gentleman who had been returned as a Member of the Legislature to declare in that House that he had availed himself of opportunities to excite opposition out of doors to this measure. He did not know whether, in the absence of the noble Lord, there would be any objection to comply with the suggestion which he had ventured to throw out. He thought it quite easy for the noble Lord to meet the view of the hon. Member for Berkshire. The noble Lord had said he was willing to allow an inquiry, but he would not allow the principle of the Bill to be touched. He would remind those hon. Gentlemen who cheered that remark, that if one half of the statements which had been made that night were true, no hon. Gentleman would ever induce Parliament to repeal that Bill. But he maintained that it would be just as objectionable to appoint a Committee with the limitations implied by the noble Lord as it would be to appoint a Committee with a view to seek the repeal of the Bill. The Committee ought not to be fettered; they ought to inquire minutely into the effect of every part of the Bill. The country would be satisfied with nothing less. He was convinced, if the Committee was appointed in accordance with the noble Lord's motion, while he gave that noble Lord credit for sincerity of intention, it would not satisfy the country, but it would be the means of bringing the report of that Committee into disrepute, and to produce dissatisfaction in the country, and he would rather see no Committee appointed at all than such an one. What did they want with a Committee? Why have a Committee at all if the Poor-law Bill was working as it was said to work by some hon. Gentlemen opposite? But then the noble Lord had said he did not want a Committee, but as there was so much clamour out of doors, and the hon. Member for Berkshire had insisted on pressing his motion, he was willing to grant one, but it must be under

certain restrictions. That might be denied, but according to the noble Lord's speech, he maintained that he wished to have the functions of the Committee limited barely to matters of detail and to the rules and regulations of the Commissioners; and that it would be competent for any Member of that Committee who might entertain opinions favourable to the Bill to interpose an objection on a question being put to a witness, tending to show that the operation of the Bill was not so good as had been represented. He did not find fault with his Majesty's Government for declaring their intention to adhere to the Bill, and only to admit such modifications as time and circumstances might render necessary; but at the same time he maintained that there was no reason why the House should not institute a large and full inquiry into the question. He did not believe that there was a disposition in the country to call for the repeal of this Bill. He believed there was a very strong feeling existing in the country that this Bill, if attempted to be carried into effect with rigour, would inflict such hardships on the poor in particular cases and under peculiar circumstances, that it was not desirable the Bill should be so acted upon. He did not attempt to bring any accusation against the Commissioners. He knew one of them at least, and he knew the characters of the other two; and he believed that men more fitted for the difficult task they had to perform could not have been selected. But the real question was, were the guardians in the different unions to have a discretionary power? The hon. Member for Cirencester had stated that he had taken upon himself the exercise of a discretionary power; but if that course were adopted in times of difficulty by the guardians of the different unions, it would involve all the evil consequences which were said to have arisen under the whole system. He begged most distinctly to express his disapprobation of some parts of the Bill. He protested against the compulsory confinement of persons in the workhouse in seasons of temporary difficulty, when a little assistance out of doors, united with the support they might derive from their friends and relations, might enable them to return to the means of obtaining a livelihood. He protested also against much of the discipline of the workhouse system—the separation of hus-

band and wife under any circumstances, and of the parents from their children; the necessity of those persons attending religious worship within the walls of the workhouses, and their being restricted from attending other places of worship, were all of them matters of severe discipline which were exceedingly repugnant to his feelings. There was another part of the Bill, the bastardy clause, which excited a sense of horror and disgust in his mind; and when they talked about a repeal of the Bill with respect to other parts of it, he declared to God he should not think it of much use to go into any Committee which might not be at liberty to inquire into the operation of a provision which imposed on one party, who was guilty in common with the other, but who was the weakest and generally not the most guilty, all the burthens and evil consequences of the guilt of both. He would not join in the cry against this Bill, which had been got up out of doors: but he hoped that hon. Members on both sides of the House would find some means of coming to terms on this question, so as to preclude the necessity of a division, especially after the House had been told that there was really no difference of opinion between the noble Lord and the hon. Member for Berkshire, but that the noble Lord rested his opposition to the motion on some alleged indiscretions of either the Mover or the Seconder.

Mr. *Edward Buller* having derived considerable information respecting the operation of the Poor-law Bill from persons on whose authority he could rely, felt it his duty, considering the importance of the subject, to relate some of the facts which had come to his knowledge to the House, by way of illustrating how far the Bill had been found beneficial to the labouring classes in the places of which he should speak. The first place to which he wished to direct attention, was Stoke-upon-Trent, the population of which was 45,000, who were chiefly engaged in the earthenware manufacture. The parochial affairs had been ill-conducted for years; so bad had the state of things become, that the parochial officers continued to hold their situations after they had been guilty of peculation to a large amount. The parish was governed under Sturges Bourne's Act, and had a select vestry. All the officers, as they were under that Act, were appointed at a general meeting

spite of all the clamour of a daily press—in spite of the power of journalism, which had been so industriously brought to bear against it.

Major *Beauclerk* was unwilling to trespass on the attention of the House, but he could not reconcile it with his public duty to omit the present opportunity of urging his Majesty's Government, with those who had preceded him, to enter upon this inquiry fully and fairly, and go into the whole bearings and operation of the Poor-law Amendment Act. He did not maintain that the old law was good in practice; it was quite the reverse, it was abominable, and Government deserved well of the country for having devised and introduced any practicable amendment. But whilst he was ready to adopt this Bill as far as related to its provisions for the prevention of idleness and profligacy, there were undoubtedly other parts of it harrowing to the feelings of humanity, and tending essentially to defeat the safe and efficacious working of the whole system. The principle of the old law was, that assistance should be given to the destitute—to those who were unable to work, or, being able to work, could not procure employment; poverty being regarded, not as a crime or a disgrace, but as a misfortune. He voted for the Committee on this principle, that he wished to see this Bill so amended as to allow assistance to be given where assistance was deserved or was absolutely necessary. He would vest that discretion in the Board of Guardians which they ought to have for discriminating characters, to give to the honest and industrious, but not to the idle and profligate. He was aware that many who called themselves political economists might differ from him, and maintain that the workhouse system promised to work out some great beneficial change in the character and condition of the labouring poor, which he should be most glad to see. But while human nature was human nature, poverty and improvidence would, he feared, still be found to prevail; and although they should punish idleness and profligacy, they never would be able to pass a law which would prevent young men from contracting improvident marriages, or preclude the possibility of a temporary suspension of employment, so that poverty and misery should not require assistance. He did not mean to go into individual cases

but there was one remarkable circumstance which struck him so forcibly that he could not omit noticing it, and which should lead them to look narrowly to what the Commissioners said, as proceeding in some degree from an interested party. The Commissioners "augured well of the success of the Leicester union from the temper which persons of all parties had shown towards the measure." "The guardians have met and proceeded cheerfully to the dispatch of business, feeling themselves not compelled to be the unwilling instruments of establishing a system of which they disapprove," &c. And yet what was the fact? Only three days ago he himself had presented a petition signed by 8,500 individuals connected with that borough, the majority of the guardians themselves expressing their abhorrence of some portions of the Bill, and their determination not to carry them into effect; while the hon. Member for the borough also presented a petition from 3,400 persons on the other side of politics to the same effect. He did not wish to make any attack on the Commissioners, but he could not help expressing his belief that they would never be able beneficially to carry out the principle of the Bill if relief were restricted to the workhouse system, and nothing but the workhouse. The hon. Member for Berkshire could have no motive in reference to this subject but to secure a full and fair investigation into all the bearings of the question. It was therefore his duty to stand by that hon. Member; party feeling had nothing whatever to do with the matter; Whig, Tory, and Radical should have one unanimous feeling, to do all they could to advance the comfort, happiness, and prosperity of their fellow-countrymen.

Sir *Stratford Canning* did not intend to enter at all into the details of this question. He was not in Parliament at the time it was carried through the House; but, although he could not appeal to his own experience, he was unwilling to believe that what had been stated by the hon. Member for Southwark could rest upon any solid foundation. Although it had been said that the poor had no friends, and, in one sense, no representatives in that House, he maintained that their interests were always advocated and most feelingly responded to. This was not the time for discussing the merits of the Poor-law Amendment

save expense to the rate-payers. He attached very little importance to the results as derived from that measure affecting merely the question of the diminution of a pecuniary charge. It was stated, that 2,000,000*l.* or 3,000,000*l.* had been saved by the Bill; he did not undervalue the amount of the saving, particularly in this respect, that they could make no reduction in unwise expenditure without improving the condition of the lower classes. In that respect he attached much importance to the saving which had been effected; but the principle advantage to be derived from the measure was to elevate the moral condition of the poor, promoting their independence and raising them in the social scale—holding out to them the hope that when industry was combined with good moral character there was a certainty of providing for their own subsistence and that of their families. Having given to this measure, when first introduced, his cordial support, he must say he had yet heard no facts which could induce him to regret the course he had then taken, or incline him to prejudice the operation of the Bill. He did not believe it was possible to make a great change in the old administration of the Poor-law, and contend with a system of abuse so rooted and so extensive, without provoking great opposition. There was a great deal of interested opposition to contend with—there was also a great deal of opposition springing from the most honourable and laudable feelings of real commiseration for the poor—a commiseration directing itself rather to individual and personal suffering than taking a comprehensive view of the condition of the poor, and laying a foundation in hope of permanently bettering their condition. But, far from saying one word reflecting on those who looked merely at individual suffering, and most anxious to apply an immediate and practical remedy, still knowing that there was great opposition to contend with, and fearing, if those parties intrusted with the application of this law had reason to believe that the support of one branch of the Legislature was taken away from them, whatever difficulties now existed in the way of the operation of the system would be aggravated to a tenfold degree, if the slightest suspicion were excited that they were themselves doubtful of the efficacy of the principle, and meditating its infraction, it was most desirable to avoid any step which

might appear to throw doubt on the permanency of the law. He believed that, in the application of this system it had been almost impossible to avoid many cases of individual hardship, and being desirous of ascertaining those cases and providing without delay a remedy for them, but being perfectly determined to adhere to and support the principle of the Bill, while he ascertained how he might best mitigate the severity of its operation he would vote against the original motion. He gave the highest credit to his hon. Friend, the Member for Berkshire, who introduced the subject, from a sincere desire to benefit the condition of those who were entitled to the sympathy and most indulgent consideration of that House, yet differing entirely from him as to the impression which would be made on the public mind, he felt bound to say, as some unpopularity might attach to the avowal of a frank opinion—and being quite unconverted from his original opinion in favour of the principle of the measure, he was most anxious that it should have a fair trial. He believed, that its ultimate result would be to rescue the country from an evil which was progressive, and which, if not impeded in its progress, was fraught with most awful consequences not only to property, but to the independence and moral condition of the poor. He should not hesitate to give his vote in favour of the amendment of the noble Lord, which appeared best calculated to maintain the principle of the Bill, and yet at the same time, by admitting extensive inquiry, would enable them to devise the most practicable remedies for mitigating its pressure.

Mr. Roebuck wished to avail himself of the present opportunity of expressing an opinion on this question, because he believed that the interests of the labouring classes were deeply involved in it; and the expression of an opinion of his on the subject might have some weight with those classes, as regarded whom he was willing to take his full share of any odium that might fall on him for advocating the Bill. He was one of the early supporters of the measure; and he begged to assure the hon. Member for Southwark that he voted for it with a perfect knowledge of what he was doing. He adhered to the principle then laid down; and had heard no argument or evidence adduced in this House or elsewhere, which was calculated to make him now shrink from the principle which

he recognised and openly avowed at the time when the Bill was originally introduced. Many hon. Gentlemen who professed a great regard for the labouring classes had regarded this Bill as a cruel and inhuman Bill. He should give it his support—not because it had diminished the parochial expenditure—but for reasons which he considered of much greater importance. There were two classes of persons who were included under the name of the labouring classes: these were the mass of the poor, and the poor who were not industrious. Now he believed that the success of the industrious poor were deeply interested in this Bill, and it was in a friend of the industrious poor that he would vote for the maintenance of the principle of the Bill. He made these remarks in consequence of the extraordinary language of his hon. Friend the Member for Southwark. He had been addressed personally and called on to explain how he could consistently support the principle of self-government and at the same time the principle of centralisation as he found it in the measure under discussion. He would reply that nothing was easier. He divided the Bill into two parts—first, there were the regulations which it provided, and next there was the machinery by which they were to be carried into effect. He was prepared to support the principle of what the regulations were intended. There were two difficulties before them. There was the impossibility of any man being allowed to suffer from want, and then was the great difficulty of making such a provision against want as would not have the effect of destroying the industry of the population. He wished to prevent want and at doing so to avoid generating the pauper. He thought, now, enough to go to the root of the matter, and he said it was a very good idea to provide that it should be the duty of the State to provide for the poor a system of self-government, quite apart from centralisation. If it was not to be a system of self-government, the classes suffering from it. There were the two main questions, one the maintenance of the law, and the other the prevention of the pauper. Now, he had no personal knowledge of the fact that he had mentioned, and he said that he had no personal knowledge of the fact that he had mentioned, and he said that he had no personal knowledge of the fact that he had mentioned.

their neighbourhood, a large body of the old and impotent poor were maintained out of the house. He believed that to be the principle of the Bill. An hon. Gentleman shook his head, but he asserted it to be the principle of the Bill. And the magistrates who formerly had the power, and who called on the House now to give it to them, they might compel the giving of relief to the old and impotent poor out of the workhouse. He hoped that the poor never would be taken into the workhouse indiscriminately; but he conceived it to be quite necessary that the able-bodied poor should receive their relief in the workhouse. He made this assertion, willing to incur any odium that the expression of such an opinion was calculated to bring upon him. He had now a few words to say with respect to the machinery of the Bill. Some of the hon. Gentlemen who had spoken on this subject would make them believe that the question of relief was one which solely interested those persons in the parish who gave relief to the poor belonging to that parish. He, for one, would resist this view. He would say that the poor belonged to the nation. The provision for them was a national concern, and it ought not to be left to any locality to say whether they would relieve the poor or not. It was a principle of the State that none should die of want, and he would not yield that to any locality whatever. He therefore thought the Legislature had done wisely in creating a set of Commissioners, who would exercise the necessary control to enforce certain fixed principles, while they left to the locality to decide with respect to the particular persons who should receive relief. Certain rules were laid down by the Commissioners, and persons were appointed local guardians whose duty it was to act in conformity with those rules in their particular district. Thus they combined self-government with the principle of centralisation. They gave to the central body what belonged to the whole State and then referred to the locality that which was of a peculiar local character. In conclusion, the hon. and learned Mr. Stansfeld said, he would oppose the amendment moved by the hon. Member for Southwark and seconded by the hon. Member for London, believing that the case of the poor was greatly improved by the Bill as the labouring poor by obtaining a better mode which would not do a thing to increase and increase

from any man, not even from the State. He had formerly expressed it as his opinion that such would be the effect of the Bill, and that opinion he would unflinchingly maintain.

Sir James Graham, having taken an anxious part in the original discussions on this measure, were it ten times more unpopular than he believed it to be, should be ashamed of himself, if, on the present occasion, he shrunk from taking his full share of any odium that might attach to its supporters. He had stated his opinion as to the general policy and the particular enactments of the Bill, and the result of his experience was, that he not only approved of the general policy, but he considered the particular enactments indispensable. He did not think this a fit opportunity for discussing the policy of the Bill. The question before the House lay in the narrowest compass, and he was ready to adopt the opinions of his right hon. Friend (Sir Robert Peel), who observed, that there were only two questions before the House: one was, should there be an inquiry? and the other was, what should the nature of that inquiry be? As to the first question, whether there should be an inquiry, there was hardly a difference of opinion throughout the House. He would say that, in the abstract, the terms of the reference should be as wide as possible, saving the principle; but if they carried the motion of the hon. Member for Berkshire, seconded by the hon. Member for Oldham, a moral feeling would get abroad which would render it impossible to continue to work the measure as heretofore. The inquiry as proposed by the noble Lord, the Secretary for the Home Department, appeared to him to be perfectly satisfactory. An idea prevailed in the county he represented, that no good would result from an extension of the measure to his district. He differed from his constituents in that respect, and he was convinced that by an inquiry into the subject—but it must be a full inquiry—he was convinced, he said, that if they went into an investigation of the peculiar circumstances of his county, his constituents would be satisfied that the measure would be found most salutary there, as well as in other places. Looking, however, to the terms of the reference, he should be of opinion that, if they abided by them strictly, the peculiar circumstances of his district would scarcely come within the limits of

the inquiry; but if the right hon. Gentleman, the Chancellor of the Exchequer, could assure him, in the absence of the noble Lord, that it was the noble Lord's intention the inquiry should be full and complete, that it should include such matter as he had adverted to, stopping short only of the principle of the Bill, he should give his most cordial, instead of his reluctant support to the amendment of the noble Lord.

The Chancellor of the Exchequer should not have occupied the attention of the House but for the question which had been put to him by the right hon. Baronet, and on the answer he should give he thought the votes of many hon. Gentlemen would depend. He would further say, that if his reply should induce hon. Gentlemen to feel, that consistently with their principles, they would support the measure, if he should be able to satisfy the Mover himself of the original motion that he could consistently consent to withdraw his motion, hon. Gentlemen would see that he should obtain an object of considerable importance, by the disposal of this question by an unanimous, rather than by a qualified, expression of opinion. He should be ready on the part of his noble Friend, feeling the immense importance of an unanimous opinion, to adopt the suggestions thrown out, if he did not feel that, for the purpose of purchasing that unanimity, he was endangering the principle itself, if not within the House, most assuredly outside its walls. If the House were to show itself ready to inquire not only into the details but into the principle, it would be thought out of the House that there existed a disposition to retract as regarded the principle, that they doubted the policy of it, and that they were going into an inquiry which, more or less, would have a tendency to the retracing of their steps, and the adoption of the old system. He considered that danger to be much lessened by the course which they proposed to take. His noble Friend, when he originally introduced the measure, took his stand with perfect reliance on its justice, its policy, and expediency. He was supported then, as he had been on the present occasion, by the hon. Member for Middlesex, by the right hon. Baronet the Member for Tamworth, and by the right hon. Baronet who sat below him, as well as by the hon. and learned Member for Bath, Gentlemen whom he named because they all represented various classes, and the

House obtained from one and all of them an admission that they were friendly to the principle of the Bill, and were determined to maintain it. He believed that the point which remained for consideration was, whether they were disposed to go into a full and fair, and just inquiry into the operation of the Bill. With regard to this part of the subject he begged to say it was not the mission of his noble Friend, in moving the amendment, to exclude from the inquiry any one question that was directly opposed to the principle of the Bill. He would try the case by the question put by the right hon. Baronet (Sir J. Graham). He said it was a question whether this Bill ought to be applied to the northern parts of England, and he wished to know whether that was a matter which might be considered and discussed in this Committee. His reply was, that that was really within the fair scope and object of the Committee of his noble Friend, and so far from seeking to exclude such an inquiry, he believed that the result would be as favourable as the result of the whole inquiry would be favourable to the principle of the Bill; and that instead of shaking the confidence of the people in the administration of the poor-laws, it would increase their confidence and confirm the measure in their good opinion. It was stated in Friday night by the hon. and learned Member for Southwark that he had presented a petition, not important perhaps, on account of its numerical strength, but entitled to great weight, inasmuch as it was signed by Gentlemen of great influence, the guardians of the poor in the large parishes of St. George, Southwark. The hon. Member said, that these guardians, comprising eighteen persons, at the head of their district, had remonstrated against the introduction of the Act into their parish, and objected to being compelled to administer its provisions, and their objection was presented by the hon. Gentleman as against the Poor Law Amendment Act. Now, how does the fact? It was true that there was a letter of Guardians in that parish. But the petition was given and being denied to move with reference to the question had been given. I have given you a clear object of inquiry, and I have given you a clear object of inquiry, and I have given you a clear object of inquiry.

seven voted in favour of the petition. Yet that petition, signed by five persons out of the eighteen, and agreed to at eleven o'clock at night, was presented to this House by the hon. Member for Southwark as the petition of eighteen guardians of the poor; and on such grounds as these were the people of England to be called on to oppose the Act? He should not go further in the question, nor would he presume to urge the hon. Gentleman who made the motion to withdraw it; but he thought it would be much better, both with reference to the inquiry itself and to the public interest, that the amendment should be carried unanimously by the House of Commons, than that there should appear any difference of opinion as to the principle.

Mr. Robert Palmer had come down to the House that evening fully prepared to support the motion of his hon. Friend and Colleague, and though before a Committee of five inquiry some of the statements might be found exaggerated, he felt sure that by nothing but a full and fair inquiry would the country be satisfied. He had certainly thought the terms of the noble Lord's amendment were not sufficient to warrant the expectation that it would be sufficiently so, but when the right hon. Gentleman the Chancellor of the Exchequer had in such strong terms stated the views of Government as to what extent that amendment would allow of, it appeared to him to go as far as possible, and as was consistent with maintaining the leading principles of the measure. His hon. Friend, the Member for Berkshire, had run himself great credit in bringing the subject under the consideration of the House, and he thought he might congratulate him on the turn the debate had taken, and the explicit declaration of the Chancellor, from which he would perceive that he had forced Government into the concession he sought. He hoped that under all the circumstances of the case, he would abstain from pressing his motion, and would adopt the advice of the right hon. Members for Plymouth and Cocker-mouth, more particularly as he would have the opportunity of bringing the points he had advanced under the consideration of the Committee.

Mr. George A. Young had moved with the hon. Member for Berkshire in giving his reasons for his amendment, and opposition to the Bill. He had stated it was before

the House, and he would now support the hon. Gentleman's motion for inquiry into its operation. He had ever considered that that Act violated the inalienable right of every Englishman—namely, the right to receive support from the soil on which he lived. He regarded it as a measure repugnant to every law and feeling of human nature. He denied that by granting the fullest inquiry, they would do any thing contrary to or in violation of the principle of the Bill. The noble Lord proposed that the inquiry should only extend into the operation of the rules and regulations of the Commissioners, and not to the extent called for by the hon. Member for Berkshire, and which the voice of the country demanded. He did not rely upon the mere figure statement made by the noble Lord, that the poor-rates had been reduced from 6,000,000*l.* to 4,300,000*l.*; all such statements he looked upon with suspicion, for nothing was easier than to make out a case by such means. If they looked to the returns for three years before the Bill passed, they would find that there had been a progressive diminution of the outlay. He thought that it was unfair to impute the reduction merely to the operation of the law, which resulted from the sympathetic operation of various other causes.

Mr. *Wakley* hoped that the House would permit him to urge the importance of making one part of the subject with respect to which he had given notice, an important part of the inquiry, namely, the medical branch of the subject. If an inquiry took place it was a matter of importance that it should be a free and full inquiry, and pursued without any feelings of excitement. He hoped that the hon. Member for Berkshire would withdraw his motion, as he thought that it was of great importance that the House should be unanimous. The hon. Gentleman had been requested by many hon. Members who were favourable to the Bill to withdraw his motion, and now he (Mr. *Wakley*), who was as hostile to the Bill as the hon. Member himself, requested him to do so. If the inquiry as proposed by the noble Lord should prove that the working of the Bill was bad, he trusted that the hon. Member would at once move for the repeal of it. In conclusion he trusted that hon. Gentlemen would go into the inquiry with unprejudiced minds, and that the only object that they would have in view would be to elicit the truth.

Mr. *Hardy* assured the House he would not detain it two minutes, but having previously to the present discussion put a question to the noble Lord opposite, he was anxious to put the same question again to the right hon. Gentleman, the Chancellor of the Exchequer, and his vote on the question before the House, would depend on the answer he might receive. The noble Lord proposed that an inquiry should be entered into with respect to the regulations promulgated by the Poor-law Commissioners; but something more than that was, he thought, necessary, and something more seemed also to have been indicated by the right hon. Gentleman himself. [Cries of "*Divide*."] He was determined to be heard if he should remain there till morning.—["*Oh! Oh!*"]

The *Speaker* begged hon. Members to preserve order, and allow the hon. Member to be heard.

Mr. *Hardy*: The noble Lord opposite made no allusion in the course of his speech to the operation of the bastardy clauses; and as no instructions had been issued with regard to them by the Commissioners, he was afraid that the noble Lord's proposition would exclude the operation of those clauses from the consideration of the Committee. He therefore wished to know whether the right hon. Gentleman, the Chancellor of the Exchequer, proposed to allow an inquiry to be gone into with regard to the manner in which those clauses had operated? If such was the intention of the right hon. Gentleman, he would vote in favour of the amendment proposed by the Government; but if it was meant to prevent any consideration of the operation of those clauses, he should feel bound to vote for the original motion.

The *Chancellor of the Exchequer* trusted the House would allow him to answer the question put by the hon. Gentleman. He had no hesitation in saying that he should consider the inquiry about to be instituted incomplete if the operation of the bastardy clauses were excluded from it. He begged to add, that he anticipated in that branch of the inquiry the same result as in every branch.

Captain *Boldero* as he lived near the residence of his hon. Friend (Mr. *Walter*) in Berkshire, was enabled to state (and he felt the more bound to do so after the taunts which had been thrown out about the non-attendance of that hon. Gentle-

month of September last year he had been engaged, like themselves, in the performance of his parliamentary duties; and for two months afterwards he was engaged in visiting his constituents. There were only two occasions on which he recollected having attended the meetings of that Board. On one of those occasions he had entreated the Board of Guardians not to erect the large workhouse for the union near the roadside, in the vicinity of the town of Wokingham. He had been successful in the application which he had made to them, and he believed that they were now very glad that they had taken his advice. On the other occasion he had urged his objections to that part of the regulations which went to separate husband and wife, parent and child. In that opposition he had been unsuccessful. He also discovered very soon, that the Board of Guardians could not act independently. The Board of Guardians determined to give the two medical officers of the union—there ought, from the size of the union, to be three or four—100*l.* a-year each, and half-a-guinea on every midwifery case. The Central Board intervened and recommended that the medical officers should have no more than 80*l.* a-year in future, and no more than 7*s.* 6*d.* in midwifery cases. It was extraordinarily discouraging to have to attend a board whose resolutions were liable to be superseded by a set of outlandish Commissioners. The noble Lord had informed the House that the Wokingham Board of Guardians had expressed a favourable opinion of the operation of the Poor-law Amendment Act. He admitted the eulogium; but, with the usual fairness which characterised these proceedings, he had omitted certain points in it, which he would now give. The Board of Guardians observed that “in their opinion the Guardians might safely be invested with somewhat of a more discretionary power in certain instances than they now possessed, particularly as respected the dietary for the aged and infirm in the workhouse.” The Board were also “strongly” of opinion that some discretion might be given them in extreme cases to relax the rule which forbids relief to all able-bodied paupers, except in the workhouse.” They also directed their clerk to “write to the Poor-law Commissioners to enquire from them that the Guardians might be permitted to raise the allowance to

their aged and infirm poor up to the level of another union, which gave twenty-four ounces of bread per week more than themselves;” and this very Board, so vaunted of by the noble Lord, as approving of the operation of his Poor-law, were anxious to be informed (these were their words not a fortnight ago) “upon what principle it was that the aged and infirm paupers in the Wokingham union workhouse were to be deprived of those proper and essential necessaries allowed by the Commissioners to the poor of the Bradfield Union, and to express their hope and earnest wish that the Poor-law Commissioners would, upon reflection, and upon the broad basis of equal justice, remedy the apparent hardship.” He was happy to inform the House that he had reason to believe that the announcement of this discussion had had the effect of producing for the aged and infirm paupers that additional allowance. As he intimated at the commencement of his observations, he did not intend to press his motion to a division. He hoped, however, that the House would watch with jealousy the names of the committee, and that it would not give to them its unreserved confidence.

The *Chancellor of the Exchequer* observed, that as the hon. Member seemed to fancy that the time of the House would have been saved had the same intimation been made to the House by Ministers on Friday night as had been made to them just now, he must only recall to the minds of hon. Members the fact that his noble Friend had on Friday evening made the very same declaration which he had himself made that evening.

Motion withdrawn, amendment carried, and committee appointed.

STAMP DUTIES ON FREEDOM CERTIFICATES.] Mr. *William Williams* moved for leave to bring in a Bill to repeal the stamp duty on admission to the freedom of cities and boroughs in England and Wales. He considered it a very great hardship that individuals should be called on, either to advance a sum which, at the period of their existence, when they would in nearly all cases apply for their freedom, must be considered a great sacrifice, or to forego that privilege which the policy of the country had deemed it expedient to confer on them. He approved most highly of that scheme of policy which held out privileges, no matter whether

municipal or electoral, or both, to the apprentice who, by honest and industrious servitude for the space of seven years had proved himself a valuable member of society. He also did not think that any objections on the score of financial loss ought to be started against the Bill which he wished to introduce. The loss, if any, ought to be disregarded, and could easily be repaired.

The *Chancellor of the Exchequer* did not object to this motion on financial grounds, although he might be of opinion that a tax of 1*l.*, and the only tax, let it be observed, was not any thing so very serious. The sum of 1*l.* was paid for registering the freeman, and, considering the equivalent returned, he could not very well understand where the grievance lay. But though he did not object on financial, he certainly did on Parliamentary grounds, for it would extend the suffrage among freemen; and the records of Parliament had shown, that freemen were not remarkable for purity, or deserving of exemption of any kind. On this ground he was reluctant to grant that concession, or rather boon, to freemen, which the hon. Member for Coventry asked for; but he would, according to the sense of the House, as the hour was late, either oppose it directly now, or at a future stage.

Mr. *Rigby Wason* rose to give his cordial support to the measure, and would state one fact, which in his judgment ought to convince the House that the measure proposed was necessary. This fact occurred in the borough which he had the honour to represent. There were from forty to fifty persons capable of becoming freemen, but without the means of paying the tax of 1*l.*; now, a candidate paid the necessary sum for each of these, they voted for him that time out of gratitude, and they would vote for him every other time, because they felt bound in honour to do so.

Mr. *Forbes* would support the measure, because he thought that anything by which any class of voters could be protected from corruption, ought to be adopted. He disliked a system which he saw prevailing, of hon. Gentlemen who could not take away the right of electors trying to take away their characters; and he thought the House had done itself honour by resisting the attempt lately made to wrest from the electors of Stafford their fran-

chise. The remarks of the hon. Member for Ipswich were most uncalled for; Members of Parliament should not permit to themselves the use of such language, nor make accusations against the portion of their constituents hostile to them, simply because the individuals composing that portion were not present.

Mr. *Phillip Howard* was very sorry that this measure did not meet with the approval of his Majesty's Government. The principle of rendering electors as independent as possible was a good one; and he thought that a seven years' apprenticeship was a sufficient guarantee for the judgment and propriety of those in whose favour that principle was, on the present occasion, sought to be enforced. He should be very sorry, if an indisposition was manifested by that House to assist the freemen, whom he considered the last remaining link between the poor man and the representatives of property merely. The gratitude consequent on the payment of the stamp by a candidate put the freemen in an unpleasant condition, and on an unfair footing with the other electors. The loss to the Exchequer would be very paltry, and would not, he trusted, stand in the way of what was expedient.

Mr. *H. Hinde* remarked, that there was a great difference between demanding the payment of 1*l.* from a freeman, and looking strictly into the performance of the conditions on which the Reform Bill conferred the franchise on 10*l.* householders. The one taxed a well and hard-earned privilege; the other insisted merely that just debts should be paid before the privilege should be exercised.

Colonel *Sibthorp* really thought that the hon. Member's motion might be aptly designated two words for himself and one for the freemen. Why should they not all exercise their liberality? He had no objection that other hon. Members should do so, and he hoped he might be allowed to do the same. There was a very great difference between bribery and niggardliness.

Mr. *Aglionby* would, at the pleasure of the House either oppose the present motion, or oppose the Bill when brought in at the most convenient of its stages. The title of the Bill was an incorrect one; it ought to have been entitled an Act to relieve candidates from expending large sums of money in the corruption of freemen. It would extend the franchise, but

not in the right way; and if the franchise were to be extended, let the proposition be brought forward plainly and frankly. If the stamp duty were reduced, that would be nothing but lowering the price of votes; if, on the other hand, they abolished it, they conferred a boon on the very men whom they declared to be most corrupt.

Colonel *Thompson* would in a few words lay the case before the House. Suppose he were again to stand for the borough which he now represented, and some twenty or thirty candidates for freedom said to him, "if you pay the stamp duty for us, we will vote for you; if you don't, Mr. A. the opposing candidate, will, and then we shall vote for him." Why, he should think that corruption; and therefore he should support the motion which prevented that corruption.

Mr. *Williams*, in reply, explained, that had the labours of the Committee by the recommendation of which he brought in this Bill been terminated sufficiently early to admit of his having mentioned the matter when the right hon. Gentleman (the Chancellor of the Exchequer) brought forward his measure last year for the consolidation of the stamp duties, he would have done so.

Leave given. Bill brought in and read a first time.

HOUSE OF LORDS,

Tuesday, February 28, 1837.

MINUTES.] Bills. Read a second time:—Charity Commissioners.

Petitions presented. By Lord *LYNDHURST*, from Poole, against all attempt to interfere with the Rights, Independences, and Privileges of the House, and for the protection of the Established Church.—By the Duke of *WELLINGTON*, from the Guardians of the Poor in the Isle of Thames, for the Amendment of the Poor-law Act.—By the Bishops of *LONDON*, *LINCOLN*, the Duke of *WELLINGTON*, the Earl of *SHAFTESBURY*, and the Marquess of *SALISBURY*, from Poole, and various other places, against the Abolition of Church Rates.—By Lords *BROUGHAM*, *STRAFFORD*, and the Earl of *ALBEMARLE*, from Birmingham and other places, for the Abolition of Church Rates.

EDUCATION IN IRELAND.] Viscount *Melbourne* rose and addressed the House to the following effect:—My Lords, in rising to submit to the House the motion of which I have given notice, I need not urge at any length on your Lordships the propriety of appointing a Select Committee which is its object. In proposing the appointment of a Select Committee to take into its consideration the plan of educa-

tion which has now for some years been established in Ireland, to inquire into the whole subject of its expenditure, into the whole mode and course of its proceedings, and into the effects which are expected to result from it. I apprehend it will not be necessary that I should go into any great length of detail or extent of argument, and I shall carefully abstain from all those topics of irritation, from all those litigated questions, from all those matters of eager and animated discussion which were introduced on a former occasion, and which indeed, constituted the greater part of the debates on this subject, both in this and in the other House of Parliament. As I trust that we are about to enter into a full, a fair, a calm, and dispassionate inquiry as to the operation of this system, I think it will be better on the present occasion to avoid anything likely to excite an eager debate, or to influence those passions which we have seen to be usually called forth on this question. As your Lordships are so well acquainted with the progress of this subject up to the present period, it is not necessary for me to go into any explanatory details. You are aware that in the commencement of the present century the attention of Parliament was called to the state of Ireland in general, and more particularly to the great expediency and desirableness, the absolute necessity, of extending to Ireland the benefits of education—of education, the source of all morality, all religion, all good order and peace, and the diffusion of which has produced much beneficial and blessed effects in the other parts of his Majesty's dominions. Your Lordships are also aware that a Committee sat to inquire into the subject, who strongly recommended what I am happy to find recommended in the petition just presented by the noble Earl opposite—a system of united education. You are aware, too, that in pursuance of the recommendation of that Committee the then existing Government, whether they were right or wrong in so doing I will not now determine, instituted the Kildare-street Society. You are acquainted with the progress of that society, the number of schools it established, and the number of children who attended these schools. You are also aware of the great discontent which grew out of that system; and I shall not, therefore, go into any detail upon the subject. It is sufficient for me to say that the state in which those schools were

tends dealing with this question in a country situated as that is. The great and high object to be obtained in the first place is the extending a plan of education to the inhabitants of that country, and that care shall be taken that the education so to be communicated is an education that would prove beneficial, wholesome, and salutary to the people. The noble Lord concluded by moving that a Select Committee be appointed to inquire into the system of national education in Ireland.

The Bishop of Exeter said, that he was unwilling at any time to trespass at length on their Lordships, and under ordinary circumstances he would not have done so at that time but in consequence of the peculiar situation in which he stood, he felt called upon to enter into the subject more fully than he otherwise should. The noble Lord at the head of the Government said, that he moved for the appointment of the Committee in consequence of the discussion which had originated last year, and it would seem from the statement of the noble Lord as if their Lordships, without any discussion, might at once go into the inquiry. At present the question was by no means so simple in its nature as it was when he moved for the Committee last year; much had happened since in connexion with this subject which deeply affected him as an individual, and the most serious charges had been brought against him; therefore, as an injured man, he wished to throw himself upon the indulgence of the House, while he defended himself not only with reference to the statements he had made with respect to this question of education, but also while he vindicated himself from charges which a noble and learned Lord had thought proper to bring against him. As an attack had been made on his honour and character, that he was sure would be a sufficient reason to allow him to justify himself. It would be in the recollection of the House that on the third report of the Commissioners of Education being laid on the table he said that he should, at the early part of this Session, take an opportunity of calling the attention of their Lordships to it, and that he would then prove the truth of the statements he had made on the subject of education, which had been questioned in the Report. On that occasion, instead of letting the notice of motion go off in the customary manner, the noble and learned Lord had the con-

fidence to say, "that notwithstanding the notice the rev. Prelate had given, he would not come forward with his motion." The noble and learned Lord went farther even than that. Forgetting those judicial habits which were familiar to him on the other side of the water—forgetting that he was a Lord Chancellor, and that he ought to possess full and complete evidence before he pronounced judgment, the noble and learned Lord thought it right to say, "that he never knew a case to which so complete an answer was given as the case which he (the Bishop of Exeter) had advanced against the Education Commissioners." The noble and learned Lord had said all this, and now he rose for the purpose of showing the noble and learned Lord, that he meant to keep his word; and he felt it to be his duty besides, to endeavour to prove to the noble and learned Lord, that he had perhaps mistaken the strength of the case to which he had alluded, and the weakness of the answer that had been given to it. He could assure their Lordships, that he meant to be as brief as he possibly could in stating this case, but certainly not so brief as to neglect what seemed to him to be necessary for his own defence and justification. He would go farther, and state, that he should not regret, if, in vindicating himself, he at the same time showed to the House and the public what the real character of that system was into which the Select Committee would have to inquire. He should now proceed to read the words of the Report which referred to him. Speaking of the schoolmasters to be formed under this system, the Commissioners said:—

"It is only through such persons we can hope to render the national schools successful in improving the general condition of the people. It is not, however, merely through the schools committed to their charge that the beneficial influence of their conduct would be felt. Living in friendly habits with the people, not greatly elevated above them, but so provided for as to be able to maintain a respectable station; trained to good habits, identified in interest with the State, and therefore anxious to promote a spirit of obedience to lawful authority, we are confident that they would prove a body of the utmost value and importance in promoting civilization and peace."

They then proceed to complain, that the notice which was taken of this passage, in a speech delivered by him in that House, contained a great perversion of

man contrived to give religious instruction for an hour or three quarters of an hour each day. There were at least 400 persons attending the model-school in Dublin. And how many of these who were meant to be schoolmasters attended to receive that religious instruction? It appeared, that only two, three, or four persons thought it worth their while to attend. He was not therefore incorrect in saying, that the religious instruction of the teachers was, to say the least of it, exceedingly defective. The Commissioners in answer to this said,

"What is our practice in the national model school of Dublin? It is this—the Ten Commandments are constantly hung up in it, so is the Christian lesson which our rules enjoin. A portion of the word of God is daily read from our Scripture extracts; and, at stated times, the Protestant and Roman Catholic parochial clergy attend and give religious instruction."

Now, he believed that the system pursued was not calculated to impart religious instruction, but led to great difference, which was embarrassing to young minds, and excited also hatred and ill-feeling. The Commissioners further observed, that in their Report it was set forth that

"Local patrons and committees of schools are expected to select suitable teachers and to superintend them; but the Commissioners will require to be satisfied of the fitness of the teachers, both in regard to moral character and to literary qualifications by testimonials, and also, if they see fit, by training in a model school and examination;"

and they complained that this was omitted in the speech or pamphlet. Now he would show, that some of those who were selected to preside over these schools were persons guilty of great moral depravity; and, with their Lordships' permission, he would cite an instance or two. He had been accused of getting up trumpery cases, and that the authority on which he rested was void of foundation. He should now proceed to point out some of the places at which circumstances to which he had adverted on a former occasion actually occurred. The first case to which he would allude occurred in a parish in the county of Londonderry, in the diocese of Armagh. His authority was a most respectable clergyman, the brother to a noble Lord. This gentleman stated that, when the census was to take place in 1831, under the Population Act, he was extremely anxious to ascertain the num-

ber of persons of different religions in his parish. In consequence of this he was brought in contact with the master of the national school in the parish, who he found, was avowedly an infidel. In consequence of this that gentleman did what was highly becoming of him; and above all, considering the situation which he held, he made a report of the circumstance to the inspector, and he thought that this person must have reported the case to the Commissioners, as he had expressed his astonishment and disapprobation. This reverend gentleman then thought that there was an end to the matter. After some time, however, this schoolmaster appeared at church, and therefore he presumed that this person had been admonished by the Commissioners. After some time this man wished to attend at the communion table, and the clergyman did what was the duty of every clergyman before he admitted any one to the sacrament, namely, to examine him as to his fitness. He did so with respect to this individual, and he found that his conduct was so immoral that he felt that he was bound to repel him from the altar. He now came to a case which he could not mention or allude to without a feeling of disgust. He held in his hand some papers relative to the conduct of a schoolmaster in another parish in Londonderry, the name of the clergyman of which was the Rev. Mr. Townsend. This gentleman went into the national school-room, and on going up to the desk of the schoolmaster he found that it had no lock. On looking into it he found that there were some papers, although not many, of such an indecent and disgusting character that he would not presume to describe them. It had been asserted by the master, that he saw these papers in the hands of some of his boys, and that he took them away and flogged the boys; but still they were left in an open desk in the school-room. He had also received that day some copy-books, which were written by the boys. They were regularly written from the top to the bottom of the page, and if the most rev. Prelate before him was anxious to satisfy himself, he would put these books on the table. Many of these copies are of a highly improper and indecent tendency, and they appeared to have been written in this school as a matter of course. He now came to the case of a school near Dublin. This

school had been built by the board of schools. Now this was not at such a distance from the board that they could not have something like a good superintendence over it. This school had been established only two months, but still the master had made himself most notorious by his conduct. He had received a letter from a gentleman who lived in its vicinity, who informed him that dancing was the only art or science taught in this school, and this was practised for some hours each day, and the lessons were attended by all the blackguards in the neighbourhood. He informs me that "the master of the Rishes National School had summoned a man named William Norton for a sum of money alleged to be due for the tuition of his children. The defendant proved that the school was a public nuisance, and that dancing was the only art or science taught in the school. He proved that two hours each day, before the school business terminated, all the idle and disorderly vagabonds in the neighbourhood congregated at the school, and that when dancing commenced, a scene of confusion and riot frequently followed. The schoolmaster, Thomas Lalor, acknowledged, on his oath, the fact of his being a fiddler, and that dancing was taught in the school during the hours of business; but he asserted that he acted in conformity with the instructions of Priest Hickey, the only visitor, and that his salary was paid by the National Board." He now came to another case of great importance: he alluded to the conduct of the master of the national school at Carlow. This place, he believed, was within a comparatively short distance of Dublin. It was a most notorious place, and whatever occurred there was sure to find its way into the newspapers. The schoolmaster of this place was one of the most remarkable agitators in the country, and was the agent and friend of the well-known priest, Father Maher. At the recent election in Carlow he acted as poll-clerk, but was turned out for his partiality; he abandoned the duties of his school to attend to the election. This schoolmaster, in the autumn of the year 1825, was proved to have joined with the priest Maher in one of the foulest conspiracies that had ever been concocted. It related to certain charges that had been brought against some soldiers who were accused of drinking party toasts. In consequence of this, a military investi-

gation into the matter was ordered, but Priest Maher did not approve of this mode of proceeding. Upon this, the Lord-Lieutenant, in the exercise of his discretion, chose to direct an investigation of another kind, and Colonel Ward and Mr. Mahony were ordered to inquire into the particulars of the case. The inquiry continued for thirteen days, and it appeared that during the whole of this time the schoolmaster left his school and attended to drilling the witnesses and teaching them what they were to swear. He (the Bishop of Exeter) was using strong language, but he was only using language which he should be able to prove. Every one of the witnesses examined admitted that he had been asked to attend by Priest Maher and Gorman the schoolmaster. One of the witnesses of the name of Patrick Nolan, of Carlow, after giving his evidence, was asked by M. Mahony, one of the gentlemen, "At whose instigation did you come here?—Father Maher sent for us, and ordered me to attend the court to prove against the military. Did any person tell you what you had to swear to?—They read out of a paper what he had to swear to. Can you read?—No. Who read the paper containing what you had to swear to?—(after great hesitation he replied) He could not tell; he did not know him. On your oath was it not Gorman, the chapel or national schoolmaster? After considerable hesitation, he said that it was Gorman. So Gorman read for you what you should swear to, and sent you here?—He did." He was sorry to trespass on their Lordships, but it was necessary that the next point to which he should advert, should be an attack which had been made upon himself. The fact was, that the report of the speech which he had delivered in that House upon this subject last year had since been published in the form of a pamphlet. The attention of the Board had evidently been directed to the pamphlet, for the report of the commissioners (the third report which had proceeded from them) was an answer in effect to the charges which that pamphlet contained. In the sixth page of that report the commissioners stated, that he had charged the board with positive falsehood, and in support of that statement they made the following quotation:—"They state, in particular, that no fewer than 140 clergymen of the established Church have been among the applicants

for their aid in the establishment of the new schools. Now I have taken the trouble to investigate this matter, and I find by the returns which have been laid before the House, that with respect to the 140 persons described as clergymen of the established Church, who have given in their adhesion to the plan of the commissioners, there are, in fact only eighty." Upon this the report stated, that the author here first misrepresented the report, and then, on his own misrepresentation, grounded a charge of positive falsehood against the commissioners. The report proceeded to say,—“We neither stated, nor professed to state, in the report, the number of clergymen who had applied to us for aid. What we did was this: having given a list of our schools, and having stated opposite to each the number of signatures to the application for it, we had the whole added up, and we noticed the fact in the body of the report thus:—“Of the signatures to the application made to us for aid, 140 are those of clergymen of the established Church,” Now, it was true, that in the passage of the second report to which reference was here made by the commissioners, it was not alleged that there were 140 “persons” who were applicants. But in another part of that report, which gives an abstract of the several persons, clerical and lay, who had applied to the board for aid, it was stated, under the head of “Clergymen of the established Church” that there were 117, and twenty-three persons of that communion who had applied, thus making the 140, and the commissioners there distinctly said, that there were 140 persons who had made application to the Board for aid. He should have been much more disposed to forgive these gentlemen if they had said that they had made a mistake in this respect, than he was now, when they came there and endeavoured to make it appear that he had gone the length of misrepresenting their statements. He should have been ready to say that it might have been a clerical error, or to have attributed it to any excusable motive, but the course which they had now taken did not leave him so confident as he could have wished to be, that the error originated in any mistake at all. In the third report, where the commissioners gave an abstract of the applications for aid, they took care to correct this error, and the head given was,—“The number of signatures of persons,

clerical and lay,” &c. Now, he complained of this, because it had the effect of deceiving persons. It did not deceive him (the Bishop of Exeter), but it did deceive the noble Marquis (Lansdowne), who, in his speech of last year, observed, that if the noble Earl, the Earl of Roden, would look at the report, he would find that in the province of Ulster, the most Protestant portion of Ireland, applications for the establishment of new schools had been signed by 260 Protestant clergymen, and that this showed that the system had been beneficial. He had moved for a return which would have rendered the matter tolerably clear, but the production of it had been continually delayed. It was laid on the table on the 8th of July, and he had moved for its production at the commencement of the Session. Now, all the information contained in it was contained in the report, and that had been signed and presented early in June, and therefore there could have been no difficulty in furnishing it at an earlier period. He must, therefore, say, that it was not good tact on the part of those who had the concoction of the report. The report gave the names of 116 clergymen of the Established Church who had signed a declaration in favour of this system, but it appeared that some of the names put down were gross forgeries. One of these clergymen, residing at Hollywood, Tipperary, had been for the last ten years absolutely incapable of performing any act whatever, and his wife said she did not believe he could have signed the application. However, he would suppose that this clergyman did sign the document, for it seemed to correspond with that unfortunate Gentleman's signature. But this poor Gentleman was in a state of absolute fatuity, and had been so for many years; it involved, therefore, in his opinion, the moral guilt of perjury in putting down his name as one of the applicants for these schools. The most reverend prelate was most especially charged by him of having been guilty of the most extraordinary inattention to a case which he should have thought would have fallen peculiarly under the notice of the most reverend prelate. It was stated, that to the application for a school in Dublin the name of a Rev. J. G. Robertson was subscribed. He had made some inquiry respecting this gentleman of a friend very high in the Church in Dublin; and the answer was, that he could not find any

such person. He ventured to state this in the speech he made last year. Upon this point the board said, "The author states that Mr. Robertson, who signed one of the Dublin applications, was not resident within the parish from which it came; neither did we state that he was." But he (the Bishop of Exeter) did more; he stated that no such clergymen could be found to have existed in Dublin at all. The board did not find it convenient to deal with that part of the charge. "It frequently happens that a school is attended by children of different parishes, and we should consider any clergyman residing in the immediate neighbourhood as a resident clergyman within the meaning of our rules." Now, if a clergyman were said to be living in a town, while he really resided in one of the small neighbouring villages, the expression would be less out of place; but let that pass. The report went on to say, "Mr. Robertson, we understand, died about two years ago, at his residence in Queen-street." It was admitted on all hands to be a very difficult thing to prove the non-existence of a person, that difficulty being, in the language of our northern fellow-subjects, to "condescend" upon time and place; but here the commissioners had been liberal enough to give their Lordships both. However, he thought he should be able to prove to their complete satisfaction not only that Mr. Robertson never died, but that he was never *in esse*. He found that Mr. Robertson's existence was unknown to the schoolmistress of the very school for which he was said to have applied for aid. The teacher of the school never heard of him, never saw him; there was no trace of him in any of the school books; and, in fine, no one connected with the school had the least knowledge of him. But the case did not rest there. The schoolmaster and parish-clerk in the street in which he was said to have resided, knew nothing about him. The clergyman of the parish in which Queen-street was, had never heard of him; the three church-wardens had never heard of him; the vestry-clerk knew nothing about him, and even the tax-gatherer was not aware of his existence. Now, if this did not prove nonentity, he did not know what would. The commissioners said, [that Mr. Robertson died two years ago in Queen-street. His (the Bishop of Exeter's) informants had taken the trouble—a trouble which he should never have thought of imposing on

them—to inspect the registers of St. Paul's parish, and all the other registers of the City of Dublin, and it turned out that he was neither born, married, nor buried in the parish of St. Paul, or anywhere else. There was only one source of information into which inspection was not made, and that was the diocesan books of the diocese of Dublin. He should suppose that the most reverend prelate (the Archbishop of Dublin) would, of course, have looked into his diocesan books. The commissioners indeed had not said so in the report, but doubtless, the most reverend prelate would tell their Lordships so now. There was a remarkable circumstance mentioned in his speech, to which he had not heard any contradiction given,—he meant that part of it in which he showed that there was a much larger proportion than there appeared of Roman Catholics receiving aid than of Protestants. That was answered in this way—that when any effective application was made by Protestants, the Protestants had a larger sum given to them. That statement he believed, as he really thought that the board would encourage Protestant applications, especially when they proceeded from Protestant clergymen; but, unfortunately, whoever it was who concocted that report, he did what very crafty men are sometimes apt to do—he proved too much, and he clearly proved that the number of Protestant clergymen of the Established Church corresponding with the board was extremely small. Thus, in the province of Leinster, including the metropolis, there was only one Protestant clergyman who corresponded with the board; in Connaught, also, only one; in Munster, but five; and in the province of Ulster, of the Established Church, twenty-three; making in all, thirty. On the other hand, the number of Roman Catholic clergymen who were correspondents of the board amounted to three hundred and seventeen, the Protestant clergy not being so much as one-twelfth part of the whole body which was to have any control over these schools. He need not say that this was a subject of great, of vast importance to the character of the society, in considering how far it was likely to promote peace and harmony among the members of different religious establishments. He considered that if these schools were under the immediate control of the Catholic priests, they were not likely to add to the

peace of Ireland, or increase morality, or indeed confer any of those blessings for which the system was established. He had looked into the lists of persons who corresponded with the board, and he had also taken the trouble of inspecting those records which they had in the reports of the other House of Parliament. He had been particularly struck with the evidence given on the subject of bribery and intimidation. It appeared that there were several individuals who had there exhibited their disposition to break the peace of society, to carry discord into families, and even to urge others to the commission of murder, who were among the correspondents of the board. He would trouble their Lordships with one instance of the conduct of one of these priests. He alluded to Father Tyrell, of the County of Carlow. He was a correspondent from the school of Timriddon (as we understood it). Father Tyrell attended Mr. O'Connell on that celebrated occasion, when Mr. O'Connell made a speech that would not easily be forgotten by any who heard it, or who heard of it. He would not have trespassed on their Lordships' attention with any words of Mr. O'Connell if they had not been connected with the conduct of the Roman Catholic priesthood intrusted with the management of the national education. What he was going to read was a speech by Mr. O'Connell, when this Father Tyrell was by his side as his great aider and supporter. Father Tyrell, therefore, was morally responsible for all which Mr. O'Connell said on that occasion. The words of Mr. O'Connell were:—

"Boys, the names I call your enemies do you call every friend of theirs you meet in the streets. Girls and women, when you meet the Bruenites spit on them, spit in their faces, particularly if they are Catholic Conservatives. Write traitor on their doors with chalk, and tell your friends at home to do the same. You who are wives of the Catholic electors, if your husbands do not vote for their religion, bless yourselves, and then swear on your prayer-books to separate from your husbands if they don't obey your commands; you who are their daughters, I tell you, if your fathers vote against you spit in their faces! and call them the names I taught the boys to call them."

But it did not rest there. He would read to their Lordships a speech which the priest Tyrell himself made on a more recent occasion. His informant heard the speech, and was ready to prove it on

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oath in any court of justice; he assured their Lordships that his informant was a gentleman of high character. The speech was made during the contest at the late election for the county of Carlow. After much prefatory matter, Father Tyrell proceeded at great length to show that the Catholic priests did not want ascendancy. "No, they want justice and equity, and they shall have both!" in other words, the Established Church in Ireland must fall. Father Tyrell then proceeded to say:—

"You persist in your votes. Your landlords have no more right to them than they would have to your wives and daughters. The landlords used to do so formerly, when you Catholics were in gaol, and I tell you they used to do so by laws of their own creation. Will you send to Parliament men who fasten these chains and renew the penal laws? Tell your landlords, that before you are exterminated you will make them feel your power. Let those who would re-enact the penal laws be hurled from the place of power; and don't forget we are eight millions."

So much for the schools in Ireland being under the auspices of the priests. The next thing he would observe upon was the answer contained in the report to what he had said relative to the schools in connexion with nunneries and monasteries. The Commissioners said,

"Upon this point we had a consultation with Lord Stanley, and he thought it desirable, as we did, that such schools should be brought under our superintendence, and therefore we granted aid to them."

Whether Lord Stanley's opinion was right or not he would not state; but there was one clause in the sentence of the report which showed that the conduct of the Commissioners by no means rested upon that noble Lord's opinion. It appeared that the noble Lord wished these schools to be placed under the superintendence of the board. Was that the case? The inspection of these and other schools was, on an average, once a year. Did their Lordships think it possible that an annual inspection of these schools, which, from the very nature of the case, must be constantly under the direction of persons who were bound by their religion to act in violation of those rules required by the board, could be effective? The difficulties which were thrown in the way of those who went to visit these schools were enormous. A clergyman, who had a right to inspect them, went within the gate of a

convent, and the porter told him he must go back, but the clergyman insisted on his right, and the man gave way. In consequence of what he then saw, he went shortly after again with his rector, but this time the porter positively refused to open the gate for them, and they were obliged to leave the school uninspected, in spite of the regulations of the board, that clergymen should be at liberty to inspect these schools. With respect to this description of schools, he would give their Lordships one sample of what they were. The name of the school was the Convent-school of Carrick-on-Suir, the national female school. A clergyman, than whom a more respectable man was not to be found, had written to him an account of what he had seen and heard there, which he would read to their Lordships. The writer of the letter visited the school on the 23rd of January last, and he wrote:—

“The school is altogether Popish, under the entire dominion of the nuns, who are represented, in all their correspondence with the Commissioner, by the Rev. — O'Connor, Roman Catholic Curate. There is no school-mistress, the nuns being the only teachers. Books were supplied gratuitously. There is no local subscription, and no payments by the scholars. Twenty pounds is received annually as a salary for the mistress, which, of course, goes to the support of the convent. In the registry of the school I found an order of business, of which the following are particulars:—

“9 o'clock—Morning prayer.

“9½ o'clock—Catechisms, lessons, and work.

“2½ o'clock—Catechism.

“3 o'clock—Lecture, and prayer.

“The children are required to be very punctual in their attendance at the opening of school, and one of the nuns concludes the day's business with a spiritual lecture and prayer. Religious instruction is the particular object of every day. Friday is nominally set apart for the purpose, being the only day on which the Scripture lessons are read.

“At one o'clock each day twelve of the nuns enter the school, and take their respective classes.

“One is always on duty two hours at a time keeping the required order in the room. The nun, my informant, told me also that twice in the year there is a very interesting spectacle exhibited in the school. The children appear in their best clothes, and the priests are present. An examination is held, and tickets are given to those who shall be admitted to confession and communion. On these occasions one of the priests erects an altar in the school-room. The confessions of the children are heard. Mass is celebrated, and they who are pronounced fit admitted to the Eucharist.

“Mr. — had inspected [I think] on the 11th of November. I inquired whether he had examined the children, and the nun replied, ‘That he was not very particular or curious—that he was a very nice person, and apologised for asking even the few questions that he did, on the ground that he was liable to be questioned himself. At the same time,’ she said, ‘she was not the sister who attended him.’

“During this conversation nuns went and came from the interior of the convent through a large door in the school-room, opening into the house. The convent joins the chapel, into which there is a passage for the nuns.”

He was really very reluctant, the Right Rev. Prelate continued, to trouble the House, but there was another case to which he was bound to call their Lordships' attention. It was the case of a school at Esker, in which he had last year stated that mass had been performed; and he was able to say now, as he did then, that a person had actually been present when some religious service was performed. Probably that person might be mistaken as to the nature of the service; but still, from the words of the report itself, it was admitted that Roman Catholic religious service had been performed every day for a considerable period of time, and that there had been an altar there, with the permission of the board. Upon that subject he had made strong remarks, and the board had been pleased in their strictures upon him to find fault with the source of his information, and to complain that he had no acquaintance with the Rector of the parish, but went to the Curate. Now the difference in the value of their testimony must greatly depend upon the extent to which each was worthy of confidence; and with respect to the character of the Rector, he did not wish to make any observations; but this he would say, that the Curate was a man of the very highest respectability, of an eminent family, the nephew of a gentleman of nearly the highest consideration in the parish; whilst, on the other hand, he thought it would be almost impossible to find an individual less qualified to afford information on the subject in question than the Rector. He had never but once entered the school; he performed none of the religious duties connected with the parish; they were wholly discharged by the curate. But the board said that they knew the rector. He was sorry that he must doubt the ex-

tent of their knowledge; he thought, if it had been extensive, they would not have boasted of it. This, however, was not all; they said that it was the duty of the curate to inform the rector of all the circumstances connected with the transaction. Why, so he did—that was the very first step which he took; but the rector took no notice. If then, they said, the rector refused to interfere, he ought to have applied to the diocesan or to them. He did apply to his diocesan; and he (the Bishop of Exeter) was sure that that rev. Prelate could not be the author of this report; for, had he been, the curate of this parish would not have been told, that he ought to have made an application to his rector or diocesan; but ought not to have appealed to a stranger in England. Now if the direction contained in that report was intended to represent as a violation of duty an application by any one to a Member of Parliament, in respect of an alleged grievance, he felt bound to say, that he did think that the Commissioners had not a notion of what that duty was, and that they were regardless of their own duty as Commissioners under the Crown in putting forth such a statement, for he would say that nothing could be in more direct defiance of the Constitution than to say, that a person, thinking himself aggrieved by a certain Board of Commissioners, ought not to go to any Member of Parliament for the purpose of having his statement laid before the Legislature; to make any such declaration was in his opinion little short of treason to the Constitution. The curate of the parish in question had gone to a Member of that House, who, however unworthy of that attention, would never shrink from the task of taking up the just cause of any injured person; and would never desert his duty in attempting to obtain the redress of any one of the grievances of that unfortunate and most persecuted class, the clergy of Ireland. The next case to which he would refer was the irruption of Dr. M'Hale into the parish of Achill. Upon one occasion, their Lordships would remember at a meeting there held, one of the Roman Catholic preachers, among other violent things, had said—"The Protestant religion began in hell, and would end in hell." Dr. M'Hale rose up towards the termination of the proceedings, and expressed his approbation of all that had been said that day by the Roman Catholic Ministers of religion from

their pulpits. With respect to this case, however, their Lordships were already possessed of a great body of evidence. He wished to call their Lordships' attention to some observations upon a clergyman with whose worth and excellence he (the Bishop of Exeter) was well acquainted, the Rev. Mr. Nangle. That rev. Gentleman had been exhibited in that report in language most unjust and prejudicial. (The right rev. Prelate then read an extract from the report, which in substance stated, that the clergyman before alluded to was Mr. Nangle, and that upon a certain occasion he had been in attendance at a police office.) Now, the natural construction of these words was disadvantageous to the character of that gentleman. They conveyed an intimation that his character had at least been called in question. What was the fact? That Mr. Nangle had to complain of a grievous outrage which had been committed upon him, which he proved in a court of law, and in reference to which the Lord-Lieutenant had been compelled to interfere. Such were the real circumstances of the case; but, notwithstanding that, the ordinary construction of the words used exhibited Mr. Nangle in an invidious and unfair light. The report further observed that—"He was neither the rector nor curate of the parish, nor ever connected with the district, except as being engaged on a mission to convert the Catholics." Now that, he confessed, did seem to him like a sneer upon the occupation in which the rev. Gentleman was engaged. And here, again, it was evident to him that the most rev. Prelate near him did not draw up this report, for he was not a man who would speak lightly of an individual who, being neither the rector nor the curate of an island, deserted and desolate, having no other means of spiritual instruction, went to show them the pure love of God: and, with a zeal which greatly exceeded that of almost any other man, with a zeal almost apostolic, devoted himself in the discharge of that office to the unceasing persecution of an excited priesthood. Let him do justice to that gentleman in these respects. He went to these islands several years ago, in a state of great indisposition and weakness, hoping that the mildness of the air might tend to his recovery. There he found that, whatever the famine of bread might be, the famine of the word of God was most disastrous, and was producing the most fear-

ful effects; and it pleased God to put into his heart the thought of effecting a reformation. He built there a little settlement; and, with the support and assistance of his diocesan, the Archbishop of Tuam, he had gone on in his good work, which it had pleased God to prosper; and there were now in that district many souls which, through God's blessing, he had been the means of preserving. To such a missionary he looked with feelings of the most unfeigned respect; and he would say that any one might be proud to hold as high a station as this despised missionary. There was another point in this case to which he must allude. It seemed, in his statement last year, he said that Mr. Nangle had stated to the board that one of the schoolmasters had been formerly dismissed from the coast service for using seditious language. What course had the board pursued with respect to that statement? Why actuated by a very ungracious feeling, it had directed legal proceedings to be instituted against the publisher of that report. After they had published their report Mr. Nangle sent letters to several individuals of the board upon the subject. A letter was sent in July last to the officer in the coast service, and in August that gentleman, Lieutenant Irwood, replied that he did recollect that a man of the name of O'Connell had been dismissed from the coast guard for using seditious language. The statement, then, which he had made in that House had almost been proved to be true—at least that statement, and the publication of it, had been entirely justified by facts within the knowledge of the Board. They were aware of the statement of the inspecting officer; there could be no doubt as to the identity of the man, for he himself admitted he had been dismissed, though he denied the cause. Under those circumstances, should the Board have persisted in such an action, supplying the prosecutor with funds, for the purposes of vexing and harassing a man who had published a speech which had been delivered in that House? Should they have told him to adopt such a course when no blame could be attached either to the individual who made, or the person who published, that speech? But they did direct him to adopt that course—they insisted upon its adoption—and they must have done that which, in a worthy cause, he would have applauded—they must have supplied him with money to defray the costs; for in the

most expensive court his Majesty's Attorney-General had been directed to apply for a criminal information against the publisher of the speech, and the schoolmaster had stated upon oath that the charge against him was false. The inspecting officer had declared positively that he did dismiss him for that which the man himself not only said that he did not do, but that he was not dismissed for doing. If Lieutenant Irwood had said that which was true how could that man be screened from the charge of perjury? But there was another party who were seriously implicated in this transaction—he meant the Board of Commissioners; for if that man had taken a false oath he had done so being urged and compelled to the act by the Commissioners, they at the time knowing it to be false. "My Lords," continued the rev. Prelate, "I declare that I would not have the responsibility which attaches to this act of the Commissioners for any consideration in the world." The next case respected the school with which the noble Marquess (Lansdowne) had been in some degree concerned. The noble Marquess had said on a former occasion that an investigation had taken place into that school in the Queen's county; that he had received an account from his agent, and that there was found to be little foundation for his (the Bishop of Exeter's) statement. Now he would frankly say, that the attestation of the noble Marquess weighed with him more than the reports of the Commissioners; and he, therefore, did at first imagine that he must have been misinformed. He had, however, since prosecuted his inquiries into the matter, and was now in a condition to summon the best testimony in his own favour. It was at least testimony with which the noble Marquess would not quarrel, being that of his own agent, and the curate of the parish; and he pledged himself to prove virtually and substantially in Committee, by the evidence of these Gentlemen, the Rev. Mr. Perrin and Mr. Price, the truth of that which he had said. Let it be understood that he said "substantially." There were other cases also which he would not now enter into but reserve them, together with the proofs he should bring forward to show that the Scripture extracts contained corruptions, tending to favour the peculiar doctrines of the Church of Rome, for the consideration of the Committee. He had said last

year that there were books used in the schools during the religious instruction of Roman Catholics, and "recommended by the Commissioners," which contained matter offensive to Protestants. There was a work called *The Catholic Christian Instructor*; and at page 90 would be found words which he thought their Lordships would deem offensive to Protestantism. The words were "God rejects the worship of an heretical or a schismatic congregation as sacrilegious and impious." At page 150 he found the following passage, "What a melancholy case it must be, that so many thousands of well-meaning souls (meaning Protestants) should be wretchedly deluded with the pretence of God's Holy Word, when, instead of this they have nothing put into their hands but corrupted translations, which present them with poison instead of the food of life." Now, the Commissioners flatly denied that they had recommended this book; that, in fact, it never had been recommended by them. Never "recommended" was the word: well, that might be true—they might not have employed the word "recommended," but they had employed another word, or perhaps words. About the 11th of July, 1832, they had published two lists of books; one of books and tracts, which were to be generally employed; the other, which was published with "the sanction and approbation" of the board, for the particular use of the Roman Catholics, and from the latter of these lists the work he had quoted was taken. So that it did appear that they had not "recommended" the book. Oh, no; they had merely "sanctioned and approved of it;" and he wished them joy most heartily of this refined distinction. For his own part, he had thought that sanction and approval were more weighty than recommendation merely; perhaps he was wrong; at all events, they had sanctioned the use of this book, and they had approved of its use. He had said that the part of the first chapter of St. Luke which the Commissioners had left out was one of the most important, if not the most important, passage in the gospel of that Evangelist; and that it was so in the estimation of the Established Church, because it gave more fully than elsewhere was given the account of the incarnation of our Lord. Now, it had been declared that this edition of the Gospel was a whole, it was shown as a whole, and yet

this important passage was left out. They seemed to think that if the sense were given, no harm was done; why then say it was the whole Gospel? He complained of the want of the pure Word of God; he complained that that pure word should be castigated and chastened down to meet the taste of any body. The variations with which they supplied the original were beyond the question. Had they said it contained the whole? and did it contain it? The Commissioners had had the assistance of the most rev. Prelate (the Archbishop of Dublin) certainly: but he could not readily believe that the most rev. Prelate had approved of this. He did not see how a new preface to the second edition could alter the case; he could not see that what was mutilated remained a whole; the distinction was one at which he could not guess. This, however, was not all; the Commissioners actually commenced their work of transmutation; and they said "an examination of the original verses will, we think, at once explain to any person accustomed to prepare Scriptural instruction for youth why we thought it best to give a summary of them in a work intended for school lessons." This he was sure did not come from the most rev. Prelate, who, he was certain, would not put the Gospel into an *index expurgatorius* to meet the pure eyes of youth. Did it, then, come from the Roman Catholic Prelates. That was more incredible, more marvellous still. If their Lordships had had the misfortune ever to have looked into the Roman Catholic tracts on confession, they would indeed consider it the most impious hypocrisy to demand the purification of the Gospel of St. Luke, and to publish the foul enormities of the "preparations for confession." He still adhered to the opinion that any version of the Scriptures was better than none, and that the Douay version without notes was preferable to mere extracts; and he could not understand how individuals would not consent to require the use of the Scriptures, even in a Douay version, and yet could consent to require that the observance of the Roman Catholic religion should be kept up one day in every week of the year. He could not understand why the mere Bible should be repudiated, and yet the whole Roman Catholic system let in. A few years ago he had been of opinion that no extracts would be used; he had thought it impossible, because he

had relied on the sworn testimony of Dr. Murray in the years 1824 to 1826. Dr. Murray had said, that to the mere exhibition of the extracts he should not object, but to exhibitions of them as extracts from Scripture he should object, unless they were taken from the Douay version. He found himself wrong, but he would not be wrong on that subject again, for he would not believe a Roman Catholic Bishop on oath in matters in which religion was concerned. If Dr. Murray had not so sworn he had grossly injured him; if he had a doubt on the subject, he should by such a declaration have been guilty of a calumny on him; if he had no doubt on the subject he might have been guilty of rashness; but now, after a lapse of time, and on the fullest and closest inspection, he re-affirmed the charge. Dr. Murray did swear what the report, not he, charged him with having sworn. He called on the most rev. Prelate to say, after having read the report, whether Dr. Murray had so sworn or no. He had made some extracts, and having introduced them for the purpose of proving his charge had been accused of unfair quotation. It was true that the extract given by him as a single answer to a single question, was made up of one answer and a part of a second. Now, at the request of the reporters, he had sent them his extract, marking by a line where the one answer ended, and the fragment of the other began. This line had escaped their attention, and the fault was attributed to him. But it booted very little to the question, whether or no the one sentence was appended to the other. Dr. Murray, it appeared, was favourable to a compilation from the Scriptures, into which the forms of the verses of neither version were admitted; but it must be borne in mind, that he had said that they could propose nothing to their own children as Scripture which was not from their own version. They had indeed been asked, why, as they admitted that the Douay and Protestant versions of Scripture were very much alike, they would not allow Catholic children to be taught from the pure Protestant version. To that Dr. Murray objected. There was, however, another letter, by Dr. Murray, subsequently to this, which removed every particle of doubt as to the meaning of the former letter. The right rev. Prelate proceeded to read as follows:—

“All the Prelates fully agree in the propriety of the objection urged by the Roman Catholic Archbishops, against putting into the hands of Catholic children as Scripture, any book which is not conformed to their own authorised translation.”

“To this principle, which seems to be common to Roman Catholics and Protestants, we feel it our reluctant duty to declare, that the work, &c., cannot, unless the plan on which it is constructed be wholly changed, obtain our sanction as a book of general instruction, to be used in schools wherein Catholic children receive their education. It purports to present to Catholic children the inspired Word of God, and yet it differs from the translation which those children are taught to consider authentic.”

“A work, however abstracted substantially from the Scripture, but not purporting to be the words of Holy Writ, would not be liable to the same objection.”

He thought he had now fully made out the case. In the remarks which he had made, he had only been actuated by a sense of duty; from the discharge of which, he trusted he should never be withheld by any fear of his conduct being misinterpreted. He had remarked that these circumstances had made him distrust the oath of a Roman Catholic Prelate in Ireland, when his religion was concerned; he did not shrink from the full responsibility of that declaration, and he would take the liberty of alluding to one or two recent instances, which were in some, though a slight degree, connected with the subject then under their Lordships' consideration. In the month of December last, the Committee of the Female National Schools, in Drogheda, thought fit to give a public dinner to Mr. O'Connell and the person whom they call the Primate of Ireland; and they gave that dinner in their character of the Committee of the Female National Schools. He regretted that it was necessary for his purpose to quote the words of Mr. O'Connell; but at that dinner, given to him and the Primate, he said:—

“I want to bring back the prosperity which will make Poor-laws unnecessary, and, if by no other means, by a domestic Legislature. But I am making an experiment to obtain justice from England without that alternative; and till it is fully worked out, I cannot think of falling back upon my favourite measure of relief. Let this experiment be one of five years duration, as well as the other. Two are already passed; and when the others have terminated, if we see that England does not

give us justice, we must take it for ourselves. I make the experiment fairly and honestly, and without any shade of chicanery. I will take the fullest means, and use my best efforts to make it successful; and if we get justice, it is all we seek; but if we fail in the experiment, then shall we demand the power of legislating for ourselves."

To their Lordships he need not say, what justice meant in Mr. O'Connell's vocabulary.

"I call upon the people to support the King's Ministers, who have promised us justice. We should be untiring in our efforts to enable them to fulfil that promise, or the fault of the failure will be ours. Lay aside your wishes for repeal, but do not lay aside your efforts for justice. Let the good men of England see that while you have assisted them, and all who sought justice, to obtain it, you will not consent to be deprived of it yourselves. Why do I—whose life has been spent as a disciple of peace, preaching that no alteration in Government can be good if brought about by force, and that one drop of human blood would be too dear a purchase for any victory—talk of physical power? Irishmen, because we have been insulted. I would rather see your river again red with Irish blood, than that we should be degraded and insulted. We might submit to the destruction of our property, and the danger of our lives—to the ferocity of the ruffian soldier, and the heartless camp-follower. In all these, and a thousand other shapes, injury was heaped upon us, and we bore it, and perhaps would again; but we will never consent to submit to insult. In this industrious and intelligent town it will be seen what is the opinion of the contumely thrown on our country. Ireland will rejoice in your sentiments, and the press will tell the whole British empire that it is not safe for England to be a party to the insult. Chains of adamant, and the force of the Russian empire, would not be sufficient to bind us under insult. It must, then, be wiped off; or else—"

Here the learned individual appeared to have paused, as if the sequitur were too dreadful for utterance. He repeated that he had not quoted these words on account of the individual by whom they were uttered, but on account of what followed. The chairman, at this dinner at Drogheda, stated that he had next to propose the health of the Primate of Ireland, the most Rev. Dr. Crolly, the friend of civil and religious liberty. Dr. Crolly, in returning thanks, said:—

"Liberty, civil and religious, is the birth-right of all bearing the image of the Creator, as well the black as the white; and no man should assume the right of the Deity, to force the opinions of his fellow man, and men who

venture to do so, have reason to fear that they will suffer for it here or hereafter. I am glad and exceedingly happy, that among you the principle is cherished. There was a period when Belfast stood pre-eminent as the friend of liberty, but that spirit is now nearly extinct—a dark cloud has passed over its horizon, and obscured the beauty in which it shone. But let this be a lesson to you, and as you rise in wealth and commerce, raise the flag of civil and religious liberty; and that you may bless and prosper under it will be the foremost wish of my heart. I feel complimented by the kindness and attention with which you have listened to me, particularly in the presence of the individual who has done more for the cause I spoke of, than any other person in ancient or modern times."

Such was the language used by Dr. Crolly at Drogheda, and having quoted it, he would leave their Lordships to form their own opinions, and to draw their own conclusions from it. But before he sat down, he would just quote a few more lines from one of the speeches made at a dinner lately given at Curlew to the Lord-Lieutenant of Ireland, and at which, Mr. O'Connell was reported to have said:—

"My friend, the Chairman, in alluding to the Conservative festival in this town on yesterday, talked of respectability. Respectability! What does my valued Friend mean by respectability? They may have the respectability of the hogget or the ox, that fatten on the land—they are as stupid as they are malignant, and as ugly as they are contemptible. Are they respectable for their virtues or acquirements? Are they respectable for those qualities which make man truly respectable—patriotism and humanity, or in a word, love of country, and of their fellow men? No; they are cruel, unrelenting, perfidious tyrants; their consolation is the widow's tear, shed amidst the ruin of desolated villages, and their music is the scream of the orphan, and the groans of the expiring victim, who dies beneath the withering blast of that oppression which forced him from his humble home, from the green fields where his fathers dwelt, and suffers him to perish by the wayside, a homeless and heartbroken wanderer. Like the ghouls of the Eastern tale, they live and delight to live upon sucking out the warm heart's blood while life is still in vigour, and reducing their victims to the grave, before the chill of years, or the course of natural events carry them away. They love the wail of famishing children, and the agony of ruined and agonised parents. Poor old Kavanagh."

Mr. O'Connell continued:—

"Alas! poor Kavanagh. If he had not made the fatal alliances he did, one would be glad that he would sink into his grave in the

peaceful obscurity in which, for his own sake, he ought to have remained, and not to have the dead cats and dogs of the neighbourhood thrown into it along with him.—After 'Lord Morpeth,' three times three and loud cheers. 'The right Rev. Dr. Nolan and the Catholic clergy of his diocese.'"

He would now give them the language which was adopted on the same occasion by a Roman Catholic bishop, Dr. Nolan, who, after hearing the language which had been adopted by Mr. O'Connell on his own health having been proposed, said,

"I beg leave to return my best thanks for the manner in which my name has been received. Mr. O'Connell has truly stated the reason why I thus appear in a political assembly, and I think the same feelings which actuate me belong to the rest of the clergy of Ireland. Mr. O'Connell has not, however, stated the reasons fully. We are compelled by the necessity of the times to appear amongst the people, and seek for justice for our own beloved country."

He (the Bishop of Exeter) would here state, that in the cry of "justice for Ireland" was meant the destruction of the Established Church in Ireland, and of all those institutions which we loved.

"We, however, attend on this particular occasion as much to give a hearty welcome to the man to whom we owe so much, as to testify our approbation of the principles upon which are based justice to Ireland and universal happiness to mankind. Mr. O'Connell, in speaking of himself, said, he was but a feather thrown up, which merely showed the way the wind blew; but I will venture to say that he is a man raised up by God to work out the regeneration of our country. It is for the people that he is working. We pray God to direct him, and bless his efforts, and continue that vigour of body and mind which are necessary to him in that arduous contest in which he is engaged. It is with great pleasure I appear amongst you this evening, to acknowledge that I am united with the people in the cause of Ireland, and to proclaim, that with the blessing of the Most High, we cannot be separated from the people."

Another toast given was—"The total abolition of tithes." The Rev. Mr. Cullen, another correspondent of the Board, and manager of its schools, being loudly called for, spoke to this toast in a very eloquent manner. This was the language used by a Roman Catholic Bishop in the presence of a large assemblage of the Roman Catholic clergy—those very clergy being in correspondence with the Board of Commissioners of Education. These Roman Catholic

clergy, too, be it recollected, held the most unqualified domination over their flocks, and had the religious and moral instruction of the rising generation of youth. Those, then, who looked closely at the working of this system, would see that it was utterly impossible that any modification of it could be introduced; and he, for one, would now declare, lest hereafter he should be considered as giving to it any degree of even modified sanction, that he never could concur in a system so fraught with temporal and spiritual evil.

The *Archbishop of Dublin* trusted that their Lordships would bear with him for a short time, and for a short time only, because it was his determination not to enter into discussions upon matters which were out of place, and would be premature, as they would be much better reserved for other occasions. He would not enter into criminations or recriminations against any individual. If any one were to bring a complaint to impeach him for high treason, he, as an individual, was ready to appear in a court of justice and to suffer punishment. As for the vague slanders and the multiplied rumours which had gone abroad, he would not notice them. Then with reference to the complaints which had been made against the Commissioners of the Board of Education in Ireland, against them as public officers, and their mode of discharging their duties, it appeared to him, and he believed that feeling extended to their Lordships generally, that, when the Committee should be appointed, that Committee was the place where the questions at issue might be calmly and satisfactorily investigated, where witnesses would be called to prove and verify facts, where distorted accounts were set right, and before which tribunal nothing was brought which was not strictly examined into and proved. He rose, then, not for the purpose of prematurely entering into a discussion which ought to be reserved for the Committee. He would say nothing of the Board of Education, or of the body of Commissioners; but with respect to the charges which had been made against himself, although he thought their Lordships were called upon to give him a hearing in his own vindication, yet he felt he should better consult propriety in not detaining their Lordships with matters relating to

individuals, as that was a legislative and a judicial assembly. The rules which had been established in the schools of education would be examined day after day before a Committee; and he trusted that on all points time would bring the truth to light. If some men's minds were so constituted as not to receive truth, he was sorry for it, and they were not the persons whose esteem he had any wish or anxiety to cultivate. Various measures had been suggested for the extension and improvement of the system of education, and, of course, they would require that the reasons for and against their adoption should be well and maturely considered; and this could be done in the committee alone. Supposing the system, in the main, were to be continued, it would be for the Committee to consider what modifications they would adopt to put it on an extensive footing, and bring it into greater operation. The committee was wished for by the Commissioners, with a view to save their Lordships' House from being involved in fruitless and unsatisfactory debates, and the public mind from being poisoned by vague irregular complaints which were brought forward, and which could not be stopped until a satisfactory inquiry was made. From time to time various complaints were brought forward, and if the Commissioners were present on these occasions it would be well; but they were not always present, and it was quite impossible that those who were connected with the system could carry all the particulars in their memories, seeing that there were 1,500 schools. If anything were complained of in these schools in this country or in Ireland, the Board immediately instituted an inquiry into those complaints. But these things were generally brought forward without first consulting the Commissioners as to the alleged misconduct of their servants. One complaint had been, that some little school-boy had scribbled this or that in his copy-book. Oh! nothing was too small or too great to be debated with the most eloquent declamation night after night. In many of these cases flying rumours came round to the board that some one had heard such and such a matter had taken place; and in all these instances he knew there was very great exaggeration, distortion, or even fabrication of facts; but still he supposed there were many persons who, being ignorant in many cases of the circumstances, did believe what they stated.

But there were many who came down to the court, and by their conduct raised some suspicion, if not of their veracity, certainly of the purity of their zeal. Their Lordships would never credit them when he said that they were too nugatory to be brought before the commissioners, but not so before the House of Lords. These facts oftentimes reminded him of the circumstance which he had read of in a favorite old comedy, where a newly-elected Member of Parliament, returning from some distant part (*Sir Francis Wronghead*), elated with his success, was run against by a rude carter, and his carriage was damaged. In great indignation the son suggested to his father, "Oh, father, bring him before the Parliament-house." Now, it seemed more honest to bring these matters before the legislature than before the court. If they sent to Ireland, an inquiry was made by the inspector, when the statement was found to be generally partly fabricated, and there was some distortion of facts in all these cases. He knew that when a week or ten days had expired, and when the attention of the House and the public had been directed to something else, and after erroneous statements had gone forth, no regret was ever expressed; not one word of apology was given; never anything like repentance was evinced by those who had originated the calumnies; no repentance was shown by those who accused the Commissioners of having struck out all about repentance from the gospel of St. Luke. No; but it appeared as if the supporters of St. Luke had struck out repentance from their own hearts, and thus the time of the House and of the public was taken up, and prejudices were raised, which a calm consideration of facts before the Committee must verify, and thus put an end to such irregular proceedings at once. In respect to this subject, there were two classes of questions which were very distinct, which ought to be kept apart, but which were perpetually confounded with each other; he meant the question relating to the system as originally laid down, and the question relating to the conduct of the Commissioners. He would appeal to their Lordships whether they were not mixed up together continually, not to say anything of speeches made at Conservative, Radical, and Repeal meetings. At one time they had a debate in reference to the various versions of the

Scriptures, to the different force of their Hebrew parties, and various manuscripts of the Old and New Testament. Those considerations were mixed up with the general reading of the copy-books of the schoolmaster. Then there were the questions raised whether the reading in these schools should be compulsory or voluntary; whether people should be permitted or forced to read; whether the school-houses were erected on the best sites, or whether they were not often too near the chapel-yard. Then they were appealed to in respect of the Dublin version of the Bible. Again, it had been made a matter of complaint to the Board that some schoolmaster had done something some years before his appointment. Thus they had to contend with this mixture of questions; and he would say, let them all be thoroughly examined into. The Committee to whom these matters would be referred would be very different from any other that ever was, if it did not classify the various needs of the subject, and leave the House to deliberate as passionately upon it. Now, as to the system of education in Ireland, the Commissioners were not responsible for it, except so far that they conscientiously acted upon it. If the Commissioners, however, and those who were the parties to work the plan, had conducted themselves unwisely, let them be examined before the committee, and if the system were hopeless let it be abandoned; if it were necessary to make an alteration, let the means of education be increased. If the Commissioners had been false to their duty, if they had harboured improper servants for the public service, let the system be tried under the direction of other parties. But let not this mixture of the questions be resorted to, saying that they were much more easily couched in an animated debate than they would be in a calm discussion before the Committee. He would give one or two specimens of the sort of accusations, which, he supposed, in nine out of ten cases of charge, would be made. He was not speaking of this in reference to individuals, but with respect to the conduct of the Commissioners, and the merits or demerits of the system. Supposing a witness examined with reference to the model school at Dublin, he would be asked,—‘and attended by Roman Catholics and Protestants’ and if so, in what proportion? He would answer so and so.

He would then be asked, Can you account for the proportions being such as they are; or do you apprehend that they are different in other cases? The answer would be, Certainly. Because, in the model school of Dublin, almost every parish had its school; the Protestant children were fed and partly clothed. The schools were under the guidance of Protestant clergymen. Then the witness would be asked, Do they receive instruction from their respective ministers on the same day? Now how came it that they received so little instruction? Why, most of them went to their own parish. Some come many miles to attend the model school every day, and when the instruction was not going on there they went to the respective schools of their parish, some of which were Presbyterians. Thus their Lordships would see how very different a turn the case might take under the investigation of a Committee, to that which it assumed in a debate in that House, conducted perhaps with all the skill, the eloquence, and powers of a practised debater. Then again, before a Committee, no one would be allowed to substitute premises, without foundation, for facts, by saying that he had been told on good authority so and so. The authority must be produced. It happened in most instances that these authorities were not known to him and to illustrate it, he would give another specimen of the sort of cases which occurred. A Mr. Perrin, in company with Mr. Price, visited the school where it was said a treasonable sentence was set as a copy by the master of the school. Mr. Perrin, it happened, had a living in his diocese, and he turned the character of the transaction entirely; and the report which had been spread, according to this Gentleman's account, was totally false. He had told him the Archbishop of Dublin, moreover, that seeing the false statement had appeared in *The Standard* newspaper, he thought it proper to put the matter right, and he accordingly assured the parties that they were mistaken. The notice which was taken of this communication was to the following effect:—‘We have received a letter stating some inaccuracies, &c. We have not time to insert this letter, but shall do so some time hence.’ This had occurred half a year ago; but the parties were still waiting for a convenient opportunity to bring this letter forward. He had told their Lordships that in some

instances he knew these statements were believed by persons whom they could not conceive would put them forward. A complaint had been very properly brought before him by the court, of a person in the neighbourhood of a small town in Ireland, who declared that the Protestant children could not in conscience attend the school, because there was no way to it but by going in at the gate of the Roman Catholic chapel-yard. Now he had said, that in some instances the schools had been erected on objectionable sites, but they were prevented in a variety of cases from selecting better sites. He therefore said he would see in this instance how far the site was really objectionable, and that he would go and see the place himself. With this view he accompanied the curate of the parish to the spot. They passed along the street, and saw a board up with the words "National School." He asked the Curate whether that were not the entrance to the school, but he assured him no, it was not, and that they must go through the chapel-yard. They went accordingly through the yard—went to the back of it, where there was no entrance—and went to the entrance from the street, which had been the entrance for many years. But the parties, nevertheless, who had made the complaint in the first instance, no doubt believed it, or they would have sent the case up for the consideration of the English Legislature; they would never have appealed to him who was on the spot. He immediately found that the grievance complained of was totally without foundation. The school in question had been under the management of the Board for two years; and he mentioned this circumstance as a specimen of the reports which were circulated. At the same time he was not going to enter into details, or into the justification of any one. The Commissioners were ready to defend the system of education in Ireland, though they were not there to undertake this task, but to refer its defence not to the present Government, but to the three or four last Governments. When the conduct, however, of the Commissioners was implicated, they were ready to defend it. In a Committee they would be enabled to ascertain distinctly, matters of fact connected with many cases, for the satisfaction of those who wished for the truth, and who were desirous of submitting the case to a Committee, and not to the heat and ardour of debate. Their Lord-

ships had heard of one petition which had been presented that evening from the clergy of the diocese of Derry and Raphoe. He had heard it read, and a petition from the clergy of another diocese and some laymen. The petition was virtually for the withdrawal of the grant for the united system of education, and in some instances it argued against the division of the grant amongst Roman Catholics, and the schools which were exclusive they proposed should have it all. The petition of the Bishop of Raphoe was informal, but that petition contained suggestions for several important alterations, which might be introduced with advantage. [The Earl of Wicklow: The resolutions upon which the petition was founded.] He begged pardon—the resolutions. He had answered the Bishop as an individual, that the Commissioners would be glad to receive any suggestions calculated to improve the system, upon the foundation that they themselves had laid down, that there should be no restriction and no coercion; and anything against that principle they would not consent to. Of anything like coercion he could not approve. As to the petitions which were presented on the opposite side, there were many things often stated which appeared to him to be very right from the premises; but those premises were not founded on facts. He knew it was strongly urged that these schools had failed for the purposes of united education; and this was equally strongly set forth as a ground for abandoning it. Persons of some importance in the North of Ireland had stated this as a reason for the division of the grant. One gentleman had assured him that in his own quarter no Protestant attended these schools; but he could assert to the contrary. These facts, however, must all come out before the Committee. He had ascertained, by examination, that in these schools, extending to between 300 and 400, in which it was said there were no Protestants, that about 22,000 Roman Catholic children, and 16,000 Protestants had been educated, and all these facts occurred under the eyes of the very person who made the statement, that there were no Protestant children in these schools. But the blindness of those who would not see, and the deafness of those who would not hear, was beyond all belief. There was another point on which he would not detain their Lordships long. It had been set-

forth, he could not say whether as a point of conviction or experience, that the Roman Catholics would be glad to accept the condition of using the authorised version of the Scriptures. When some persons were asked on what grounds they held this view, he was told that their meaning was, that the Roman Catholics would be glad to make use of the Scriptures, if it were not for the influence of the Roman Catholic priests. He certainly thought this rather a rash position, but he was not prepared to deny it. But how, he would ask, was this influence to be destroyed? By searching the Scriptures. That is, whenever the influence of the priests is to be destroyed, it was to be done by reading the Scriptures: and when reading the Scriptures is the point, that could not be done, because of the influence of the priests: this was indeed a most encouraging prospect. Or similar premises he could solve the great problem of squaring the circle; give him but a triangle of half the area, and he would construct the square; and if they wished to obtain that triangle, why it was half the area of the square. This was not a sort of argument that was satisfactory to the Commissioners; neither, he would tell their Lordships, would it be to the British Legislature. He would directly advert to one other point, which many well-meaning persons argued on rather unreasonably. It was unfortunate that this point was often urged in the heat of debate, and by arguments that were equally destructive to the views that themselves brought forward. It had been set forth with every form of expression that could add difficulty to the subject. He referred to the different versions of the Scriptures that were in use. It was stated that great and essential alterations had been made in them. But of these how could the unlearned judge? He meant those who were not Hebrew or Greek scholars. How could they compare the various translations with the Hebrew and Greek Scriptures? You tell them of mis-translations; they say you may be right, but we will take the word of our clergy as you do. The Roman Catholics employed the same argument that others did; they say there is danger in the principle of dissent. Their Lordships must know, that all who were not themselves scholars must depend for the meaning of words upon others, and how could one more than another tell that he was not deceived.

Amidst these contradictory directions, they would either abide by their own religion, or the result of these conflicting doctrines might bring religion itself into danger, and the people might conclude that there was no revelation at all. Who would deny the fact, that amid all the differences, there were the same great leading doctrines;—that all agreed in the main points, and that each, in its chief features, was the revelation contained in the Bible. There were many persons who had not been at Rome, or who, perhaps, had not seen the sea; but they depended on the relations and descriptions of others: for although those relations and descriptions might differ in some particulars, the difference was not so great as to impeach their general veracity—so they believed. It was the same with matters of religion. Nothing could be more pregnant with danger than to circulate among the people exaggerated notions of the differences between several versions of the Scriptures. Before he sat down, he begged to observe, that when he talked of the efforts which had been made to poison the public mind on this subject, and of the vague and irregular manner in which the various charges and imputations connected with it had been thrown out, he was by no means making any complaint on the part of the Commissioners. He was not authorised to do so. The Commissioners had undertaken a most laborious task, in the discharge of which they had undergone every form of vituperation and obloquy. Of all this they never complained, but went on doing what they conceived to be their duty. They were anxious, however, that the system itself should be properly appreciated. They were not at all anxious about their own characters; for, however deeply they might for a time suffer, they felt it could not be in a better cause than in endeavouring to enlighten the people of Ireland; and they knew that, in the long run, the slander which had been uttered against them would be mischievous only to their opponents. But they were anxious that the public mind should be disabused on this important subject, that a proper estimate should be formed respecting it, and that no petty bickerings should stand in the way of the general good. The House of Lords was a deliberative assembly, not a criminal court, and the Commissioners had no complaint to make in it. They had been abused by false reports of their conduct. They looked

with satisfaction to the appointment of the Committee proposed by the noble Viscount. If the result of the investigations of that Committee should be an opinion that the Commissioners had not fulfilled the duties intrusted to them, they would readily and cheerfully resign their offices to others; and, in so doing, would lose nothing, but would have a great deal of trouble and vexation. If their successors should improve upon their system, they would be the first to rejoice at the event. But the great question to be determined was, whether the people of Ireland, who could not be coerced into the adoption of any religion, should be left in darkness, or worse than darkness, or whether an attempt should be made by conciliatory means, to enlighten and improve them. Of this he was perfectly sure, that without some measure of that kind, all other measures, however important they might seem, for tranquillising and benefitting Ireland would utterly fail.

The Earl of Wicklow said, that under existing circumstances, he was surprised that the most rev. Prelate had perceived no grounds for the statements they had that evening heard from the most rev. Prelate opposite. The most rev. Prelate seemed to forget the peculiar circumstances under which the right rev. Prelate had addressed their Lordships. The right rev. Prelate had brought forward similar statements on a former occasion, when he had proposed a Committee such as the present; and the most rev. Prelate would remember that it was then refused; he had then made use of every argument to induce the Government to comply with his proposition, and, notwithstanding his plain and convincing statement, the right rev. Prelate was not able to prevail. But what did the most rev. Prelate, who had last spoken, then do? He thought proper, as the head of the National Board of Education, to publish an answer to the speech of the right rev. Prelate, in the shape of a report of that body, filled with the most vituperative attacks. That report, a public document which was to be circulated through the country, was filled with accusations, and the most unfounded attacks. Not content with this, the most rev. Prelate cast imputations on the author of the speech, which, under all circumstances, he did not think was fair to the right rev. Prelate. Neither did he look on it as

just, to accuse the right rev. Prelate of introducing irrelevant matter into his speech, and details not at all connected with the matter at issue. With respect to the report on their Lordships' table, he considered it a very discreditable document to those who framed it, and that it was beneath the dignity of the Commissioners to condescend to dedicate the whole of their report to a speech that had been made in their Lordships' House. He must, however, in some degree exonerate them, as he understood that it was in compliance with the directions of his Excellency the Lord-Lieutenant, that they had answered the speech of the right rev. Prelate. It appeared that this was done by his order, and not by the Commissioners own desire. He was in Ireland when the report was issued; but he had read it within the last two days, and he had found one paragraph to which he would call their Lordships' attention:—"The pamphlet," said the report, "objects to our giving aid to schools in connexion with monasteries, nunneries, and other religious establishments. Now, on this point we had a communication with Lord Stanley, and he thought it advisable that schools of this description should be brought under our direction, as well as all others." This stated, that they agreed with Lord Stanley, that aid should be granted to schools connected with nunneries and other religious establishments. He would venture to say, that Lord Stanley had sanctioned no such measure, and he would show that it was in violation of the rules laid down by him. One of those rules ran thus:—"It is the intention of the Government, that no aid shall be given to any schools, unless the Board shall be entitled to exercise a complete control over them." Could any one believe that this complete control could be exercised in nunneries? How was it possible that Lord Stanley should act in such injudicious and complete violation of his own rules? He had strenuously opposed the measure when it was first introduced, for he thought it would do incalculable harm. He had at the same time stated, that he should not object to see some system introduced better calculated to obtain the same ends. But how did the case now stand? The Kildare-street Society was totally ineffective as a system of general education since the withdrawal of the Parliamentary grant, while the present system had been in operation for some years. For this reason, he thought

it impossible now to recede, and his chief anxiety now was, to make the system available for useful purposes, and to conciliate, as much as possible, the people of all denominations. He had presented a petition to that effect from the clergy of the diocese of Derry and Raphoe; and he believed that if the suggestions of that petition were adopted, all the difficulties that stood in the way of the general utility of the measure would be obviated. The Roman Catholics objected to the use of Bibles in schools, and the Protestants objected to schools in which it was prohibited. The suggestion of the petition was conceived in the true spirit of peace; it said, "Let there be no coercion, no rejection." It was competent for the parents to say if their children were to use the Scriptures in those schools, and surely there could be no objection to this on the part of the Roman Catholics. He felt the greatest satisfaction in knowing, that the right rev. Prelate thought well of that system, and he hoped, that when the Protestant clergy saw, that no other plan could be adopted, with any prospect of success, and when they considered the great evils of the absence of a system of universal education, they would give this system a calm and dispassionate consideration, and that the suggestions of the petition would be eventually adopted by them; for it was totally impossible to prevent the abuses of any system, if the Protestant clergy did not lend their aid. The Committee was the fittest place for the investigation, and he hoped the petition he had presented would meet, in the Committee, with calm consideration.

Lord *Plunkett* said, that the philosophical, liberal, and enlightened speech of the most rev. Prelate had given the debate a complexion totally different from that which it had previously worn. In that most rev. Prelate's observations he entirely concurred. The sentiments of the most rev. Prelate were such as ought to belong to every Protestant and Christian divine; they were imbued with charitable feeling, and were calculated to do great good, and to remove exasperation in the minds of the Catholics, and of a great portion of the Protestants of Ireland. He would not run the risk of weakening the effect of the most rev. Prelate's enlightened remarks by any detailed observations; but he could not help strongly recommending to all who were anxious to

promote Christianity and harmony to dwell more on the points in which Catholics and Protestants agreed than on the points in which they differed. That was the true way to promote Christianity. Had the right rev. Prelate acted consistently with his argument, he ought to have concluded by voting against the committee; for he declared that he was in possession of facts which had enabled him to make up his mind to the necessity of a total departure from the present system. In the same breath the right rev. Prelate had accused him of having departed from his duty as a Member of that House, by prejudging the question before them. He had not prejudged the question. The right rev. Prelate having brought a charge against the Board of Commissioners, which charge they had refuted, he, as a kind of grand juror, had ignored the Bill which the right rev. Prelate had preferred. He was satisfied that there was no ground for the right reverend Prelate's charges. Let their Lordships look at the charge, and let them look at the answer in the Commissioners' third report, a report highly creditable to them, and which, notwithstanding the opinion of the noble Earl, he thought they were compelled to make in deference to their own character; and he was persuaded they would agree with him that the defence was satisfactory and complete in all points. But the defence of the Commissioners did not rest on their own statements. The present was a great experiment; the Commissioners had shown how far it had been successful. This was no hasty matter. The subject had been four or five-and-twenty years under consideration. Commissions had been appointed in 1812 and in 1822, from both of which several reports had been presented; those from the latter perfectly agreeing with those from the former. Those reports went the whole length of declaring that scripture extracts were proper, not (as the right rev. Prelate still maintained with extraordinary obstinacy) to supersede the Bible, but to steer clear of the difficulties attendant upon requiring the reading of the Bible. Well, after these two Commissions had made their report, a select committee of the House of Commons was appointed, which, after due consideration, recommended the present system of education, and one Parliament granted a sum of money for carrying it

into effect. After all this had been done, and after a Board of Commissioners was appointed on the recommendation of the legislature, he thought no person—and, above all, no legislator—had a right to show any bitterness, or any feelings of anger, that the board had prosecuted the plan intrusted to their management. He was, indeed, quite at a loss to discover the cause of the right rev. Prelate's violent indignation, or account, in any possible way, why he should denounce the system in the extraordinary manner he had done. That board was composed almost entirely of Members belonging to the right rev. Prelate's own church. The Acts they were carrying into effect were the Acts of the legislature; and what, he would ask, could be in their proceedings, or in the regulations which they had adopted, to kindle such a degree of excitement in his mind? The language of the right rev. Prelate was, that the present system of education was calculated to disturb the peace of the community, to produce immorality, to put an end to all religious feeling among the people, and cause dissensions between the teachers and pupils in these institutions. He was utterly at a loss to see any ground for such results as the right rev. Prelate thought the system calculated to produce. Could it be the lessons recommended by the board that were calculated to bring about a total absence of religious feeling? What were these lessons? The first lesson inculcated the duty of "living peaceably with all men, even with those who differed from them in religious persuasion." Another lesson was to the following effect—"Our Saviour Christ commanded his disciples to love one another—to bless those that cursed them, and to pray for their persecutors. He called on them to adhere to the truth, but not to act harshly towards those who were in error and believed not in the truth. He prohibited his disciples from fighting in his behalf, and commanded them not to return evil for evil, but to do unto others as they wished to be done unto, and show to all that they were followers of Christ, who, when reviled, reviled not again." Now, he would ask whether a right rev. Prelate or any other Christian ought, in the spirit of the Gospel, to make such charges against any class of Christians, and call the Catholic hierarchy of Ireland a rabid priesthood?

It was natural that Catholics should take offence at such violent statements made against their clergy, and it was natural that such charges against the Commissioners would tend to mar the effect of their labours. He was utterly at a loss to account for the conclusion to which the right rev. Prelate had come. He came to a conclusion directly the reverse; and so far from thinking that the system would produce a total want of religion and gross immorality, he was fully convinced that it was well calculated to prevent both. He had a published speech before him in the shape of a pamphlet. It purported to be the speech of the right rev. the Bishop of Exeter, but he did not know whether the statements were made by him, or whether it had been published under his authority; on examining the pamphlet, he found it was not exactly the speech spoken by the right rev. Prelate: he must say there had been some cookery, some dressing up, but the substance of it was the same. This pamphlet had an anonymous preface beginning in these words: "It has been deemed necessary (he did not know by whom) to publish the speech in a separate form, in consequence of a bill having passed since the speech was delivered to grant 50,000*l.* for the religious instruction of all classes, without distinction of religion." The pamphlet was published by Mr. Murray, a most respectable publisher; and as the right rev. Prelate had not put his name to it, he must treat it as anonymous. But assuming it to be the speech of the right rev. Prelate, he did not think the right rev. Prelate had followed a proper course in leading another person to answer for what would more properly have been answered by himself. He took up the pamphlet—he could not say written in a Christian spirit—to mark the passages which were incorrect, but he found it needless to do so, for in every page there were passages, not only incorrect, but totally unfounded. It was a pious vituperation from beginning to end. He would call their Lordships' attention to some of these passages. He should have expected that when the right rev. Prelate made statements and founded charges on them, that he would have taken pains to inform himself of the grounds on which he made them. The right rev. Prelate had stated nothing on his own knowledge—he did

not know the truth of the statements on which his own arguments were founded—and he therefore should have expected that the right rev. Prelate, under such circumstances, would have come with great reluctance to the conclusion that the system was incapable of succeeding, and that the hopes of the empire were to be disappointed. Before the right rev. Prelate made such strong assertions, would it not have been proper to have taken steps for ascertaining the truth or falsehood of the statements? Should he not have called the attention of the Commissioners to the subject, or employed some persons on the spot to ascertain how the system worked? and if there were such gross abuses, should he not have endeavoured, along with the assistance of the board to remedy them? If that had failed, then it was his duty to have addressed his complaints to the legislature for the purpose of providing a remedy. But if the object which the right rev. Prelate had in view was a remedy of the evil, the course which he had pursued was most inconsistent. The right rev. Prelate had censured him for a charge made against the right rev. Prelate on a former occasion. The charge was, that the right rev. Prelate said the system adopted by the Commissioners sanctioned the mutilation of the Bible (he understood that assertion had been avowed), and he then proceeded to justify himself. The right rev. Prelate admitted, that he did not consider it a mutilation of the Bible to use extracts; but he was satisfied such extracts as would be acceptable to all persons never would be agreed on. Now, what were the grounds on which the right rev. Prelate came to such a conclusion? He had availed himself of the evidence given by a Roman Catholic Bishop, who, he insinuated, had asserted that such extracts never could be agreed on: he stated these words had been given on oath before a Committee of the House, by Dr. Murray, that he had been led into error by evidence given on oath by a Roman Catholic bishop, but would never fall into such an error again; and would never give credit even to statements made on oath, of Dr. Murray or any Roman Catholic bishop. Now, such language never was used by Dr. Murray. He had explicitly denied it; and after this explicit and distinct denial had been made, the right rev. Prelate said Dr. Murray had given a different interpre-

tation to his words, and that therefore no Roman Catholic bishop was to be believed on his oath. Why was there ever such an unjustifiable, disgusting proposition to come, not only from a Christian bishop, but from any person of gentlemanly feelings? There was no charity in such an assertion; and the logic (as a noble Friend hinted to him) of the right rev. Prelate was merely palmed on the charity. The fact was, the words never were uttered. A conclusion had been drawn on the assumption that they had been uttered; and the right rev. Prelate considered himself justified, on such premises, to say that he would not believe a Roman Catholic bishop on his oath. He would ask if any charge could be made more galling, more inflaming, or more insulting, or any stronger language adopted for maligning the entire body of the Catholic hierarchy in Ireland? But the right rev. Prelate, not content with maligning the hierarchy attacked the inferior clergy. At a speech made by Mr. O'Connell at Drogheda it appeared Dr. Crolly was present, and because that gentleman was present he is to be made answerable for whatever Mr. O'Connell said. He could not admit such a principle, but at the same time he did not think, even if it were admitted, any blame could be incurred, for it was one of the best speeches Mr. O'Connell ever uttered. Respecting the repeal of the Union his opinions were well known. He had his own opinion, but he was not to be answerable for the opinions of others who might advocate such a measure. But what did Mr. O'Connell say? He said he did not want the repeal of the Union, but he wanted justice to Ireland. He did not see any great delinquency in a Roman Catholic priest being present at such a speech, or why he should on that account be involved in the sweeping anathema pronounced against the whole Catholic hierarchy of Ireland. But it would be a waste of words to dwell on such a subject. The charge against another Catholic priest was of a similar nature, though the speech made by Mr. O'Connell might not have been so free from censure. It was said—he did not know whether the story was got up—that Mr. O'Connell had used some expression implying that cats and dogs had been thrown into the grave of Mr. Kavanagh, and that Mr. Nolan was present on the occasion. The right rev. Prelate then alluded to M. Guizot, and quoted an ab-

abstract from his works, which he considered unfavourable to the Irish system of education. But it ought to be remembered that M. Guizot merely stated an abstract notion, and the case he put was very different from that under consideration—the system of education in Ireland, which contained plain and important truths, calculated, whether looking at natural or revealed religion, to produce the best moral effects. The right rev. Prelate said the report contained a falsehood (he did not say error)—it contained a falsehood respecting the number of clergymen who had made application for grants of money to establish schools in their districts. But he said more; and though he did not charge the bishops, he charged some others with having recourse to such a miserable artifice to deceive the public. But that subject had been already explained. The Commissioners had stated, that the applications from Protestants, Dissenters, and Roman Catholics, were all put down in the same way; that a return of the signatures was at first made, and afterwards the names; and the result was, that by the amended return it appeared there had been more applications from Protestants than were at first stated. He did not charge the right rev. Prelate with disingenuity, but it did appear to him extraordinary that before the right rev. Prelate complained to their Lordships of the conduct of the Commissioners, he had not taken more care to make himself acquainted with the real state of the case. Again, the right rev. Prelate had taken upon himself to charge the Commissioners with forging the names of several clergymen, and had instanced those of Messrs. Morrison and Cockburn; but the charge had been shown to be utterly without foundation, for both the parties named on being shown their signatures by the Commissioners fully acknowledged them. So much for the charge of forgery, and he trusted the House would fully appreciate the injustice, the gross impropriety of the right rev. Prelate coming forward with these vague, random charges, and endeavouring to create an impression on the public mind on the strength of allegations which, on the slightest investigation, turned out to be utterly devoid of foundation. While, however clearly these allegations were disproved, no sort of acknowledgment was made to the maligned parties, but, on the contrary, they were very strongly reprehended for their presumption

in vindicating themselves. As to the case of Mr. Robertson, the charge here was, not that his name was used without his authority, but that there was no such person as Mr. Robertson. And the Archbishop of Dublin was vituperated for not having looked over his books for the purpose of ascertaining Mr. Robertson's identity in his diocese. Now, in the first place, it was not stated that Mr. Robertson was in the diocese of Dublin; and if it had been so stated, it was no part of the duty or business of the Archbishop to look over his books for the name unless representations had been made that such a person was erroneously stated as being within his diocese. There was one remark on this point which he (Lord Plunkett) could not avoid making. The right rev. Prelate had not chosen to apply to his brother in Christ to learn from him what the real state of the case was. No, the right rev. Prelate stated, that the information that no such clergyman as Mr. Robertson was in the diocese of the Archbishop of Dublin came to him from the Archdeacon of Dublin. How came that about? He knew and highly respected the Archdeacon in question, and he was perfectly clear that he would never have written to the right rev. Prelate on the subject had he not done so in answer to an application to that effect from the right rev. Prelate. [The Bishop of Exeter: I admit having wrote to him.] Now, he would put it to their Lordships, whether such a proceeding on the part of the right rev. Prelate was worthy or becoming?—whether it was right or proper on the part of that right rev. Prelate to write to an Archdeacon for the purpose of endeavouring to extract out of him something on which to found an allegation against his Archbishop? This proceeding, however, was only of a piece with Mr. Cleaver's letter on which the Morrison portion of the right rev. Prelate's case was made out. Did the right rev. Prelate mean to say that Mr. Cleaver or any person on his behalf would have written to him on the subject had he not been written to by the right rev. Prelate? No; the right rev. Prelate had been furnishing his armoury with accusations by pumping the inferior dignitaries of Ireland; and he would again put it seriously to the House whether such a mode of proceeding was worthy or proper? It was monstrous that any Member of their Lordships' House should found upon rumours and assumptions of

this sort such heavy charges against persons who could not possibly be there to answer him. He would not delay the House by adverting at any length to the distribution of the funds in the hands of the Commissioners. It appeared by the report that while the Roman Catholics of Ireland constituted seven-eighths of the whole population, the proportion in which the money was distributed was, that the Protestant correspondents received 2,190*l.* per annum, and the Roman Catholic correspondents 8,721*l.* As to Mr. Nangle while he concurred with the right rev. Prelate in applauding the object of that gentleman in his mission to Achill—for doubtless it was a most disinterested one which could prompt him to go to that wretched part of the country in the desire of converting the Roman Catholics to Protestantism—he was not prepared to say that he admired that gentleman's discretion, or considered that he proceeded on his mission in a way at all calculated to promote peace in that part of the country. He denied, however, that the Commissioners had meant to throw any imputation on Mr. Nangle or to involve him in any way in a charge of creating a breach of the peace. No such thing: but here was another glaring instance of the manner in which all sorts of charges were made, without the slightest foundation, for the purpose of exciting the passions. The right rev. Prelate was wrong in another portion of his statement, Mr. Nangle's complaint on the subject of Mr. O'Donnel's attending a procession. He would add a few observations on the subject and the other charge, which the report alluded to as disproved in the following words:—

"The statement, however, now publicly made, 'that he had been dismissed from another employment for using treasonable, or at least, seditious language to the coast guards,' imposes upon him the duty of clearing his character by a proceeding at law against the author or publisher of the pamphlet; we have caused this to be intimated to him, and upon the issue will depend the course which we shall deem it our duty to pursue respecting him."

The whole case of O'Donnel, was about to be investigated by a jury in consequence of the action now pending against persons circulating the calumny, if calumny it were. An application had been made to the Court of King's Bench for a criminal information; but it was refused in consequence of its not being made within the limited

time required by the law after the offence was committed. The right rev. Prelate now asked that House to anticipate the verdict of a jury. The right rev. Prelate said, that the Commissioners must have furnished the individual with the means of taking the steps he had. He (Lord Plunkett) did not know whether that was the case, but he knew that the man ought to have been supplied with means. Was a man in his circumstances to submit to a gross slander, to lose his situation, and to have no remedy, but to be told "Go to law?" You might as well say to him "Go to the moon," or any other impossible place. The next branch of the right rev. Prelate's attack referred to the alleged falsification of the passage in St. Luke. Now what the Commissioners stated was perfectly clear and true, that any person looking at the extract from St. Luke, and the passage alluded to in the authorised version, would say there were reasons why that passage should not be given out to be read by young persons—by young females; that however proper the passage undoubtedly was in its place in the Scriptures, it was not one which the father of a family, the director of a school, would wish to present to the eyes of young girls. Indeed he was altogether astonished at the right rev. Prelate adopting such a course in reference to this passage. The Protestant Bishops and clergy of Ireland, when applied to in 1826, by the Commissioners then appointed, to furnish extracts from the Scriptures, in furnishing extracts from St. Luke carefully left out the passage which the present Commissioners, the heretical Commissioners, were so vituperated for omitting. There was another fact; the society for the discountenancing of vice a peculiarly Protestant Society, in making extracts from the Scriptures invariably left out this passage. And it was equally left out in the majority of instances by the regular officiating ministers of the Established Church. He had only one remark to address to their Lordships on the subject of the actual working of the system. It appeared from the returns that the number of Protestants in attendance upon these schools was 17,874 and the number of Catholics 96,514. This certainly was a greater proportion of Protestants than the proportions of the population warranted. And was it not satisfactory to the right rev. Prelate to see 17,800 Protestants living amicably with

their Catholic neighbours. It must be gratifying to every just mind to witness this state of things. Could it possibly be a disappointment to any one who wished well to the country? And under what circumstances had this state of things been brought about? Why under circumstances that, were the proportion of Protestants less by one-half, such a result could be easily explained. Noble Lords had heard of the resolution of the Grand Orange Lodge, which discountenanced the whole system, and the resolution that no Clergyman should be heard by his flock in the North of Ireland who should accede to the system. It was impossible to say to what an extent these resolutions had had the effect of depriving persons of the benefit of the system. It had also given him very sincere regret to see that the Bishops of the Established Church in Ireland and the Protestant Clergy—and no one more respected them, more commiserated them, or was more ready to protect them in the enforcement of their rights than he—he deeply regretted that the Protestant Clergy should have allowed themselves to be influenced to discountenance the system. He regretted very much to see the Protestant Clergy put forward to bear the brunt of the battle. When the Kildare-place institution was first started, the protestant clergy denounced it, because it professed liberal principles; but as soon as they found that the Catholics were adverse to, because they suspected it of proselytism, then the Protestant clergy were violent in its favour. Another question was, what means were applicable to Protestant education in Ireland and relieved Protestants from the necessity of having recourse to the schools under the board? There was Wilson's charity, with funds to the amount of 8,000*l.* a year, Erasmus Smith's schools with 5,000*l.* a year the Blue-coat school 5,000*l.* a year, Morgan's charity, 3,000*l.*, the endowed schools, 25,000*l.* the Hibernian school, 2,000*l.* and the Marine school 1,200*l.* These various institutions relieved Protestants from the necessity of availing themselves of the benefit of this Board; but the Catholics depended upon the voluntary contributions of their impoverished friends. The right rev. Prelate seemed to consider himself entitled to take an ample range beyond the limits of the present discussion for the purpose of making an attack. As all were agreed upon the propriety of

forming this Committee, he could not help thinking that a part of that speech was directed to the object of swelling the no-popery cry which was raised in the country. Now, in order to supply an antidote, he (Lord Plunkett) would take the liberty of referring to what was not exactly out of the range of the debate—namely, a charge addressed by the right rev. Prelate to the clergy of the diocese of Exeter. He must take the liberty of saying that so unwarrantable a proceeding—such unwarrantable language—such unwarrantable sentiments as were embodied in that charge, he had never met with in any composition, lay or clerical, or so unconstitutional a proceeding as that of the right rev. Prelate. In the first place the right rev. Prelate assumed that the measures contemplated by the Government tended to the overthrow of Protestantism, and without the slightest mitigation, he fastened upon the Government a charge of evil intention in proposing those measures. Now what right had the right. rev. Prelate, because he, no doubt, entertained the conscientious opinion that certain measures were calculated to overthrow the Protestant religion, to say, that those who did not coincide in opinion with him, were guilty of perjury and violation of their oaths? If he (Lord Plunkett) were in any other assembly but that which he had the honour of addressing, he should be tempted to say, that it was the most audacious in any individual, because he happened to be of opinion that particular measures were calculated to do mischief, to say that every one who adopted these measures must be wilfully violating his conscience. He hoped he was as zealous an adherent to the Protestant faith, as the right rev. Prelate, and it was his firm and conscientious opinion, that these measures were calculated to support the Church, and were the only ones which would give it security. Then the right rev. Prelate made a charge against those Catholics of Ireland, who had been admitted into Parliament, that they had been guilty of a base perjury, because they had given their opinion upon certain questions. This was an imputation not only upon the Catholics, but it was a gross and unfounded imputation upon those Protestants who stood by and supported them; because, if the former had committed perjury, the latter, of course, were guilty of subornation of perjury, in availing

themselves of their assistance. Had the right rev. Prelate thrown overboard the charge of mutilation of the Scriptures? He had, however, seen him march out of that House with a majority who had raised that cry, and persons who availed themselves of the instrumentality of others, were as guilty as the more open actors. He said it was grossly unconstitutional—it was a gross violation of all propriety, for any man to take upon himself to say, that the Commons of England—not merely the Government of the country—were guilty of perjury, or subornation of perjury. It was an impeachable offence. He did not wish to involve the right rev. Prelate in any more unpleasant consequences than the pamphlet to which he alluded, had brought upon him; but he must repeat, that it was an impeachable offence to say, that the Commons of England were guilty of perjury. But to say that a Bishop, in the discharge of the holiest duty which the Church imposed upon him—in addressing his clergy, and explaining what were the duties incumbent upon them, to think that in the discharge of these episcopal functions, the right reverend Prelate should make an attack upon the Commons of England, was quite out of character. What business had the right rev. Prelate to introduce politics at all on such an occasion? It was desecrating the sacred office which God had intrusted to him to charge the Government of the country, and the majority of the House of Commons, in an aggravated form, and unqualified language, with the basest perjury, because they had sanctioned and proposed certain measures. It was unexampled. There was no instance in the history of this country, of such a flagrant act being done by a Member of the Church of Christ. However, the right rev. Prelate had made some amends to the Catholic clergy whom he had attacked. He was impartial, for he had shown no great favour to members of his own Church. He had trespassed upon their Lordships' attention longer than he had intended. He would only say, in conclusion, that he entirely agreed in the opinions expressed by the most rev., the Archbishop of Dublin, and considered them calculated to allay those angry feelings which the acrimonious sarcasms of the right rev. Prelate might have produced.

The Earl of *Fingall* could not allow the phrase of the right rev. Prelate, as applied to the Roman Catholic clergy, that they were a "rabid priesthood," notwithstanding the difficulties and dangers with which they were surrounded, to pass without condemnation. The right rev. Prelate also asserted, that he did not believe the right rev. Dr. Murray had stated the facts on his oath. But that Prelate was known to be a man who had been respected in every situation he had occupied. There was another allusion made by the right rev. Prelate, which he set down to the account of the oath. He should be glad to know, was there ever to be an end to that charge. It was unfortunate that he and his friends, who for so long a period had been kept out of Parliament, when the Legislature had passed an Act, enabling them to take their seats, were accused of perjury for only doing their duty. He had not long been a Member of this House, though, unfortunately, he was not a young man, but he might have been many years ago a Member of the other House, if he could have taken the oath then necessary, which, however, he was prevented from doing by his conscientious scruples. With respect to the question immediately under consideration, having tried penal law in vain, they were now endeavouring to conciliate Ireland by the adoption of a different system. They had already advanced a considerable way, and this he would take on himself to assert, nothing had gone so far to conciliate the peasantry of Ireland as this very system of education. The right rev. Prelate had contended, that the Model Schools should not have been established in Dublin. What more proper place, however, than the metropolis of Ireland was there for the establishment of model schools? And the objection of the right rev. Prelate was, that the system was not founded on the principle of union—that it did not unite the Catholics and Protestants. He admitted that in his part of the country it did not; the Protestants would not go into the schools; but that was not the fault of the system; it was the fault rather of the recusants. He approved of the appointment of the Committee—the truth, he was persuaded, upon investigation, would come out, and if it were necessary to alter the system in some degree, it might then be easily effected.

Motion agreed to, and Committee appointed.

HOUSE OF COMMONS,

Tuesday, February 28, 1837.

MINUTES.] Bills. Read a first time:—County Bridges; Expenses at Elections.

RAILWAYS.] Mr. Pease moved the appointment of a select committee to inquire and consider how far it might be expedient to take measures for securing that the public lines of railway be laid and hereafter maintained at one and the same standard width, and to report their opinion thereon to the House.

Sir H. Verney moved as an amendment, that his Majesty be graciously pleased to appoint a royal commission to consider and report on all proposals for railways or canals which might be submitted to this House. He said it was his opinion that a competent body ought to be appointed to judge of the comparative merits of the railways, on the principle on which such authorities were appointed in France, Belgium, Holland, and other countries.

Mr. Warburton said, it was absurd to lay down one rule for all railways. He felt it to be his duty to oppose both the original motion and the amendment. In his opinion it was too late, after the number of railways that had been completed, or the works of which were far advanced, to attempt to enforce such a regulation as the hon. Gentleman contemplated.

Mr. Gillon did not think the proposal too late. He considered that the legislature were bound to interfere. These speculations, which were rising up so rapidly, were not for the public good, but solely for the benefit of the parties engaged in them.

Sir G. Strickland felt bound to oppose both the motion and the amendment. He was opposed to any royal commission having the power of riding over private speculations. After this point had been investigated by the committee, it was decided that no commission could be appointed, or one which could be in any way like that contemplated by the amendment. He thought that the original motion did not stand upon any better ground than the amendment.

Mr. Poulett Thomson could not agree to either of the propositions then before the House. With regard to the amendment, he was quite surprised to find it

supported. Those who had given that support could not have read the report of the committee appointed last Session, or, if they had read it, they certainly must have attached but very little importance to it. The question of appointing a royal commission had been closely investigated by the committee, and it was found not to be practicable. The committee had recommended to leave railways, like every other speculation, to the discretion of those who embarked their capital in them, subject only to a severe scrutiny from Parliament. In that recommendation he most cordially concurred, and he hoped the House would set the seal of its approbation to the report of their own committee. He did not deny that capital had been thrown away upon these private speculations, but then they would find it impossible to regulate the expenditure of capital by any Act of Parliament. It was by the Government not meddling with capital that this country had been able to obtain a superiority over every other country.

Mr. Hume wished to know whether any advances had recently been made by the Exchequer Bill Commissioners. If there had, it was, in his opinion, only adding to the mischief that had been already done, by encouraging speculations that were ruinous to parties.

The Chancellor of the Exchequer replied, that except in cases where they had been already engaged by contract, he doubted that any other engagements had been entered into. In the early part of this Session he had intimated that parties concerned in railways ought not to rely on any such advances. He wished to leave such speculations to the private capital of the parties interested in them.

Both motion and amendment were negatived.

THE ROYAL MINT.] Mr. Labouchere stated, that in pursuance of the notice which he had given, he had to call the attention of the House to that department over which he had the honour to preside. Although the subject, or the details connected with it, might not appear to be very interesting, yet both were of considerable importance. He trusted, therefore, that the House would favour him with its attention for a short space of time. It would not be necessary to detain hon. Members for a very long time, because

supposed that the Committee would have anything to do with the currency question. His object in proposing the appointment of a Committee had nothing whatever to do with that question, and therefore he hoped the Committee would not carry their inquiry beyond that which he intended. While he said this, it was far from his wish to exclude any inquiry the Committee might think fit to make on any subject relating to the Mint: but with respect to the standard, it certainly was not his intention that they should go into any such inquiry, and he did trust that they would exclude all investigation on that subject. He would not trouble the House with any further details. The Mint had, he might say, remained unaltered, as far as its constitution was concerned, from the time of Charles 2nd. It was true that, in 1816, when Lord Maryborough was Master of the Mint, some improvements were introduced, but then none that at all affected its main principles. The Mint consisted partly of establishment and partly of profits, but he was bound to say, that he did not consider the establishment too large, nor the officers at all over-paid. However, he admitted that some of the sources of emolument were of a nature to be a proper subject of inquiry. There were some of these sources of emolument which, from their nature, were open to suspicion, and liable to misrepresentation, and to which it would be especially the duty of the Committee to direct attention. There was one particular subject, however, which would mainly call for the attention of the Committee; he alluded to the system that at present prevailed, where the Master of the Mint entered into a contract with the moneyers. Now, he was exceedingly desirous that this part of the system should be closely examined into, and that was his main motive in bringing the entire subject under the notice of a Committee of the House. The present system was extremely ancient. The company of moneyers had exercised the privileges they at present enjoyed for a great number of years; but he did not think that was a sufficient reason why they should be paid higher than that for which others would be found to do the same business. It was found that our coinage was more expensive than that of other countries, and it was a question worthy of inquiry and consideration, whether these men were able to maintain the Mint system in a proper state of effi-

ency, and with a due regard to that fair and proper economy which it was the public interest to promote. When he spoke of economy, he wished to be distinctly understood as repudiating that false system of economy which would cripple the efficiency of the Mint. What he meant by economy was, that they should endeavour to conduct the whole operations of the Mint in a business-like and efficient manner. He trusted, that during the recess of Parliament, he had employed himself so successfully as to be enabled to shorten the labours of the Committee considerably as respected the objects of their inquiry. He had exerted himself, and, as he thought, with effect, to procure very important information with respect to the state of the coinage of this country, as well as that of foreign countries, particularly of France and America. It was rather curious that, looking to those two countries, in both which the strictest vigilance and control were exercised throughout all the Government departments, yet, in respect to the coinage, they adopted systems totally and thoroughly distinct. In France, they carried the system of contract to a much greater extreme than in this country, whilst in America the coinage was conducted by a Government establishment, and wholly placed under its management and direction. It was calculated to embarrass the inquiry of the Committee, when they found in these countries two different systems prevailing, and both perfectly successful; but they would have the advantage of fully considering the ample information that would be brought before them, and thus be best enabled to come to the conclusion of what system could be applied in the coinage of this country, so as to secure its best, most efficient, and satisfactory operation. He would conclude by moving for leave to bring in a Bill to amend the several Acts relating to the Royal Mint.

Mr. Hume rose to second the motion, and was glad that the subject had been brought forward so early in the present Session. During last Session he (Mr. Hume) had paid great attention to this matter, and, had not the occupation of his time by other business prevented him, it was his intention to move for a Committee of Inquiry. He was, however, of opinion that such inquiries were always much more usefully conducted when suffered to re-

main in the hands of the department to which they related; and when a department was willing to undertake such an inquiry he was always much better pleased, for, in such cases, the public business was always better attended to. Now, if he had obtained a Committee of Inquiry last year, he should have been unable to obtain the important information which had been acquired through the exertions of the right hon. Gentleman. It had been properly stated that this inquiry would not interfere in any way with the public circulation of the country. He would now discuss whether they might not have a better coinage if greater facilities were afforded to private individuals. One advantage, however, would result from this inquiry, that public servants would receive a fixed and settled salary, and that they would receive no profit, directly or indirectly, or have no interest whatsoever, in the mode in which the business of the department was conducted, beyond the proper discharge of the duties that devolved upon them. They had set an example with respect to the officers of their own House, which he trusted would pervade all the departments of the public service, namely, that the public servants should be rewarded by fixed and settled salaries, and have no expectation or interest from fees of any description. He did not say that those Gentlemen connected with the department now under consideration were entitled to particular blame for having received considerable sums of money—they were only emoluments taken in the ordinary course of their service; but, however blameless the individuals, the system was not the better. It was satisfactory to hear it stated that there was no disposition to interfere with the present standard of value, the certainty and stability of which was so necessary to the public interest. It would be their object to consider how they could adopt a system most conducive to the public interests in general, and to the commercial interests of the country. Until the Committee could come to the conclusion of their inquiry, it would be premature to discuss whether they ought to depart from the contract system or not; but he would repeat his satisfaction that the inquiry was about to take place, and he had no doubt that it would be followed up by a satisfactory and practical result.

Mr. *Clay* wished to ask the right hon.

Gentleman whether in the Bill he proposed to make a provision for that remuneration to the moneyers which they at present received under the contract system in the shape of a per centage on the amount of coin? He understood that it was intended by the Bill to do away with the per centage, and to place the whole department under the management of the Exchequer.

Mr. *Labouchere* said, that the sole object of the present Bill would be to get the money from the public by a vote of the House, instead of from other sources; but the present measure did not propose to interfere with the mode of payment of the officers of the Mint, which would remain unaltered. But with respect to the inquiry before the Committee, it would of course be competent for them to inquire into every part of the entire system.

The *Chancellor of the Exchequer* said, that it was unnecessary to say, that the present measure had the sanction of the Government. He was exceedingly gratified that this motion had been brought forward, although in the present very thin state of the House it might not receive that attention to which from its importance it was entitled. The subject which had been introduced by his right hon. Friend was one to which for a long time he had paid particular attention. His right hon. Friend had been anxious to bring forward the subject last Session, but had been induced not to take that step, because it was thought that they could come to the examination of the whole subject much more advantageously, and with fuller information, in the present Session. It was most material to apply the most improved, safe, and economical principles to the management of all public departments. The present system under which the Mint was conducted, was a most complicated and unsatisfactory system. It was a complicated, difficult, operose, and unintelligible system. Indeed, he might say, that the business of the Mint was conducted in an unconstitutional mode. They were desirous to substitute the simple mode of a vote of Parliament of the necessary sums, and the introduction into the management of the Mint of the same principles as were applied to the management of all the other public establishments connected with the Government. He wished it to be understood with respect to the inquiry before the Committee, that it was

their intention to confine that inquiry strictly within the bounds prescribed by the order of reference, and expressed in the speech of his right hon. Friend. Let it not be supposed that, because they were about to enter upon this inquiry, they had any disposition to open the question of the standard of value. The present inquiry had no more connexion with the standard of value than an inquiry into the mode of conducting the business of the Admiralty, or any other of the public departments of the country.

Motion agreed to, and Bill brought in and read a first time.

A committee moved for by Mr. Labouchere was appointed.

MORTGAGES ON SHIPS AND VESSELS.]

Mr. George F. Young, in moving for leave to bring in a Bill to amend the law relating to mortgages on ships, as he understood his motion would not be opposed, felt disposed to limit himself to a brief exposition of the evils of the present system and of the remedy which he proposed to apply. Up to the year 1825, the state of the law as to the security of money advanced on mortgages of ships was very defective. In that year Mr. Huskisson (whose great abilities he willingly acknowledged, however he might differ from some of his views) brought forward a series of measures affecting the commerce of the country, and the maritime commerce more especially. He proposed a Bill for affording greater facilities in raising money on ships, and he thought that he was thus affording an advantage to shipowners. Now, so far from this measure having been found beneficial, it was the source of great evil and of very great disadvantage. The operation of the Bill was this, that it enabled persons without capital to become owners of ships, which ships they afterwards mortgaged, and by the facility of obtaining credit thus afforded, persons without capital were enabled to enter into the wildest speculations, to an extent injurious to the security of the capital of the prudent man engaged in the maritime commerce of the country. The shipowners, and those for whose benefit this measure had been intended, complained of it as a source of very great evil. The system that at present prevailed was productive of frauds of a very extensive description on those who, as tradesmen, were connected with the building and

equipment of ships. Now, in the measure which he proposed, for the purpose of putting an end to this system of fraud, he was anxious that no difficulty should be thrown in the way of obtaining money on mortgages of ships by *bona fide* owners, who might happen to be in a state of temporary embarrassment. The principle of the measure he wished to propose was, that every man should be free to obtain money on that which was really his own property; but that no person should be permitted to hypothecate that which was not his own, or obtain credit on the property of others. He would not at present enter into the details of the measure, which would be the subject of future consideration. He had the satisfaction of stating that his hon. Friend, the Member for the Tower Hamlets, concurred in the advantage that would result from this measure, and he could appeal to the opinions of the hon. Member for Whitby, who had given notice of a motion on this subject in the course of the last Session. He could, in conclusion, give the fullest assurances to those connected with the shipping interests of the country, that the measure he proposed to introduce was one calculated to cause them no alarm. The hon. Member concluded by moving for leave to bring in the Bill.

Mr. Poulett Thomson said, that it was not his intention to offer any opposition to the motion. He believed that such a measure was necessary, and when it came before the House, he would give it every consideration in his power. When the Bill of 1825 was brought forward he was not in Parliament, but he believed that it was brought forward with the concurrence of the shipowners, who thought that it would confer a particular benefit on themselves. He believed, however, that they entertained a different opinion now. It was right, however, that all parties interested in the question, should have full time to consider the plan proposed. He hoped, therefore, the hon. Member would give full time for the consideration of the measure; and, so far as he (Mr. Poulett Thomson) was concerned, he would give to the arguments of all parties interested, both for and against the measure, the fullest attention in his power.

Mr. George F. Young said, that he proposed in the first instance to introduce the Bill and have it circulated generally through the country, so as to enable

all parties interested to express their opinion of the measure.

Leave given.

MILLBANK PENITENTIARY.] Mr. Fox Maule moved for leave to bring in a Bill to amend the Acts for the regulation of the Penitentiary at Millbank. He did not think it necessary to go into any detail, but if any explanation of the proposed measure was required he was ready to afford it. The object of the Bill was to repeal several of the old Acts.

Mr. Hawes expected, that the hon. Gentleman would have afforded the House some information as to whether this measure proposed any alteration in the present system of prison discipline. There was another point of importance, on which information was desirable, namely, with respect to the cost of maintaining prisoners. In respect to this expenditure, sometimes it was high and sometimes low, and he hoped that some attempt would be made to effect an uniformity of system. There was another very important subject, namely, the proper treatment of juvenile offenders. There were no less than 3,000 children passed through the gaols of the metropolis in a very short period of time, and he had no doubt they came out worse than they went in. He felt bound to say, without meaning to cast an imputation on any particular individual, that the office of Secretary of State for the Home Department was an office that did very little good. There was far less attention paid by that department to the criminal jurisprudence of the country than ought to be expected from an office so constituted and so well paid. Now, he would refer to the prison of Newgate, which was disgraceful. There had been some improvement in the shape of building additional cells, but with that exception the recommendation of the Commissioners seemed to be as far as ever from being carried into effect. He had introduced the subject unexpectedly. Perhaps the hon. Gentleman was not prepared to give any information on those points, and if that was the case he would have no objection to wait for the second reading of the Bill, when he would be prepared to enter into the entire subject.

The Chancellor of the Exchequer, in the absence of his noble Friend, the Secretary for the Home Department, wished to say a few words in reference to what had fallen from the hon. Gentleman. He quite

agreed as to the importance of those subjects to which the hon. Member had referred, but the hon. Gentleman was quite mistaken if he supposed, that a remedy for those evils could be found and applied so easily as the hon. Gentleman had imagined. Now, with respect to the subject of prison discipline, the first step they should take was to be certain of the facts; and, as regarded secondary punishments, they should endeavour to ascertain how far public opinion would go along with them in any system they might adopt, and whether from want of support in that respect the remedy they would employ would not be exposed to failure. There were many other difficulties that beset that part of the question. He could state, on the part of his noble Friend, the Secretary for the Home Department, that the subject of adopting some better system with respect to juvenile offenders, had not escaped the attention of the Government, and that his noble Friend was prepared with a plan on that subject, which he hoped to be able to carry into effect. As to the state of Newgate, it was generally admitted, that the condition of that prison called loudly for a remedy, and one of the objects of this Bill, was to prepare for carrying into effect the recommendation of the Commissioners, both with regard to the improvement of that prison and adopting some better system towards juvenile offenders. With respect to the duties of the Home Office, when the hon. Member spoke lightly of those duties he was much mistaken. He might say, that he had served an apprenticeship in that Department and he could state, that there was always much to be done in it of great importance, and much, too, which never came under the notice of the House. Independent of its other duties the Home Department was an office of reference for the magistrates and judges, and perhaps the best proof of the efficient manner in which those matters were attended to was, that they so seldom came under the notice of Parliament. With respect to inattention to the criminal jurisprudence of the country, he could say, that there was now on the notice-book a notice for the introduction of the largest measure of criminal law reform that ever came before the consideration of the House. He would not anticipate the discussion of this measure, but when it was brought forward he was sure that the House would give it

its best consideration. That measure would lay the ground for the adoption of secondary punishments, for an improvement in prison discipline, and a total alteration of the system with respect to juvenile offenders.

Alderman Wood said, that the hon. Member for Lambeth seemed to have a particular taste for finding fault with the prison of Newgate. He did not know whether the hon. Member had been there since he became a Member of that House. At present every effort was making to enlarge that prison, and afford an increase of accommodation, and nothing had been left undone by the Court of Aldermen to bring that prison within the plan of the Secretary of State, so far as the separation and accommodation of untried prisoners. For this purpose several new cells had been made. The expenditure in this respect had been greatly increased since Middlesex, Kent, Surrey, and Essex had been added by the new Criminal Court Act. As to juvenile offenders, the increase of boys in the prison of Newgate was very great. Most of the children were sent in by their parents. They were generally committed for stealing some trifling matter from their father or grandfather, or some one else, and sent to Newgate. He thought it would be a great improvement to have a summary jurisdiction and to punish children in a summary way, and not let them remain in prison. This jurisdiction might be exercised by the Government or some other proper authority. He had heard much of the benefit of educating children; but many children who were in prison knew how to read and write, and many of them for new offences were sent to gaol a second time. They might continue to keep up this Penitentiary. Sometimes it was filled and some times empty. When it was filled disease broke out there. Yet there was no complaint of the Penitentiary—all the blame was reserved for Newgate, and he believed for no other reason than because that prison was under the government of a set of magistrates who were not popular in that House. He must condemn as one of the sources of the evil, the system of allowing convicts to remain in the prison of Newgate for a long time under sentence of death until their convictions were reported to the King in Council. There were prisoners at present who had been capitally convicted three sessions ago, and who

would not be reported to the King in Council until to-morrow. He thought this was an absurd procedure, and that a record of their conviction should be sufficient, as was the case in the several counties of England. He believed that at one time the hon. Member for Lambeth had a desire to be called to the Court of Aldermen. He was a member of various courts in the City and from the activity which the hon. Member had displayed since he came into Parliament he had no doubt that if he was a member of the Court of Aldermen he would be of valuable assistance in reforming the prison of Newgate. He did not see why the prison of Dartmoor was not made use of for the purpose of lessening the number of inmates in Newgate. That prison was situated in a most healthy spot, and he did not know why it had been abandoned. He did not think that they ought to allow a convict to remain in Newgate a single day after his sentence had passed. They had done all in their power for the improvement of Newgate, unless it was supposed that, for the accommodation of Surrey, Middlesex, or Kent, they were to expend the entire funds of the Corporation.

Mr. Fox Maule rose to repudiate the charges that had been urged against the department to which he belonged. With respect to secondary punishments and juvenile offenders, the first clause of the Bill he proposed to introduce, enacted that the Secretary of State for the Home Department should have the power to order the removal of convicts from Newgate to the Penitentiary, with the view of adopting secondary punishments. The Secretary for the Home Department had given the utmost attention to the reduction of the expense of this establishment, and in the estimates for the present year there would be found a reduction of 2,000*l.* in that respect.

Leave given to bring in the Bill.

HOUSE OF COMMONS,

Wednesday, March 1, 1837.

[IMPRISONMENT FOR DEBT.] Sir W. Follett had a question to put to his hon. and learned Friend, the Attorney-General, arising out of a petition which he then held in his hand. The petitioner was the keeper of the Sheriff's Gaol, in the city of Exeter. If his hon. and learned Friend's

Bill were passed into law, the petitioner would be deprived of his office, and of all the emoluments attached to it. Now, he wished to know whether his hon. and learned Friend intended to introduce any clause into the Bill giving compensation to individuals in the situation of the petitioner?

The *Attorney-General* said, that although there was no such clause at present in the Bill, it was only fair that a clause should be introduced into it giving compensation to parties who would be deprived of emoluments under its operation. He had found it, however, very difficult to draw the line between the cases in which compensation ought to be granted, and those in which it ought not. If a general compensation clause was introduced, every sheriff's officer who now obtained a living by placing his claws upon unhappy debtors would claim compensation for the loss which he sustained by the destruction of his occupation; at the same time, individuals in the situation of the Marshal of the King's Bench and of the Warden of the Fleet, ought to receive compensation. He should be glad of the assistance of his hon. and learned Friend, the Member for Exeter, to draw the line, which all must allow to be necessary. The hon. and learned Gentleman moved the Order of the Day for the Committee on this Bill.

Mr. *M. Philips* had, on a former occasion, applied to his hon. and learned Friend, the *Attorney-General*, to postpone the second reading of this Bill; but he had been unsuccessful. He now, at this stage of the Bill, repeated his application, in order that the trading part of the community might have an opportunity, which they had not yet had, to consider the Bill.

The *Attorney-General* replied, that the Bill was substantially the same as that which had been introduced three Sessions ago, and successively in each Session since then. The Bill had now been three years before Parliament; and doubtless, if, in the present year, there existed any objection to it on the part of the Chamber of Commerce of Manchester, the hon. Member who spoke last must have heard of such objection. The Bill had been very generally circulated during the period that had elapsed since its first introduction, and in the present year there had been no petitions against it. He hoped that it

would not have to encounter any further opposition.

Mr. *Richards*: I am sorry, in the discharge of my duty as a Member of this House, to be obliged to oppose the further progress of this Bill. The learned *Attorney-General*, doubtless, from a sense of duty, and not from any desire to obtain a bad popularity, has thought fit to bring forward a Bill similar to the Bill of 1835, for extending the remedies of creditors against the property of debtors, and for abolishing imprisonment for debt, except in certain cases of fraud. The present Bill does not propose to create the same immense amount of Ministerial patronage as the former Bill, nor does it go to erect, as the former Bill did, an irresponsible inquisition in every district of the kingdom. But, under the pretence of improving the law of debtor and creditor, and from those feelings of mistaken but benevolent kindness, and unbounded philanthropy for which he is conspicuous, the learned *Attorney-General* will by this Bill, if it pass into a law, inflict the most serious injuries both on creditors and debtors. The House will see that the question at issue is not whether arrest and imprisonment for debt, or for offences of any kind, be, abstractedly considered, an evil. I admit, that punishment of any kind or in any degree abstracted from all consideration of its object, is an evil. It is an evil in the case of a person convicted of forgery, to tear away the offender from his family and friends, to deprive him of liberty, and to carry him, at a great expense, 10,000 miles distant to another country. It is an evil to deprive a felon convicted of murder of his life. These are evils; but you consent to inflict them for the sake of preventing evils immeasurably greater—viz., those that would arise from insecurity of person and property. You inflict the punishments I have named in order to prevent forgery and murder. But it is alleged, that the power of arrest and imprisonment for debt is sometimes abused; and that persons have, in some instances, been arrested and imprisoned for fictitious debts. Now, I am quite ready to make any such arrest and imprisonment highly penal. But I contend, that an occasional abuse of the power of arrest and imprisonment is no valid reason for the abolition of this power. The real question before the House is this—not whether arrest and imprisonment

would be a very small part of the expense. But observe, that this remedy (ineffective as it is), and indeed the whole system of remedy newly provided by the Bill, is intended for the judgment creditor only. A man is first to obtain his judgment, and then he may go to work by the methods proposed to render his judgment available, if he can. But where is the equivalent for the power he now possesses of preliminary arrest, which everybody acquainted with the subject knows to be infinitely more important than that even of arrest in execution? The Bill does not even pretend to offer any equivalent here; for the power proposed of arresting a debtor about to abscond, cannot be intended, of course, as an equivalent, but only as a means of redress in particular cases. It is, however, utterly futile. If not connected with the provision of throwing the burthen of proving the intention to abscond on the creditor, it would be highly objectionable in another way; for as it does not require creditors to specify the grounds of belief, it would be a snare for the conscience of the party swearing, and the oath would be taken almost as a matter of course, whether there was really any ground of suspicion or not. But as connected with the provision I have referred to, the remedy is worth nothing. Every professional man knows perfectly well (and nobody better than the learned Attorney-General) that if the creditor is to be at the peril of an action for false imprisonment, unless he can prove probable cause to the satisfaction of a jury, he will never be advised or allowed by his legal advisers to arrest an absconding defendant, except under circumstances of avowed or demonstrable intention to leave the realm. It follows, then, that the invaluable privilege of arrest before judgment, is, in effect, rescinded without any equivalent; and it would certainly be quite as well not to make a show of giving one; for no equivalent can exist while human nature remains as it is. Let any hon. Gentleman read the copious and convincing evidence subjoined to the Common Law Report, as to the preventive effect of arrest before judgment, and the practical efficacy which in that, as well as in other ways, is found to belong to it, and decide for himself, whether the learned Attorney-General is not meditating great mischief to the public? And why is all this to be? What is the necessity for it? Have the manufacturers,

the traders, the merchants, and the bankers, petitioned this House for such a Bill? I will not suppose that the learned Attorney-General is incited by a vain desire for popular applause, or that he has given a pledge to the needy writers of paragraphs, which he thinks, he must redeem. He is, doubtless, actuated by higher and better motives. But the only real evils that attend the present system, may easily be prevented at less cost. They do not require that you should pull down the whole edifice. It was not left for the Attorney-General, or for these times, to discover that arrest is an evil; but our forefathers thought it a necessary evil, or one more than repaid by its numerous and great advantages. This is not one of those subjects on which our ancestors thought superficially, or were placed at disadvantage from their ignorance of any modern discoveries, as they are supposed to have been on certain points of political economy. The whole case was before them, and frequently and elaborately discussed; and they decided to retain arrest and imprisonment for debt. It is remarkable, that in ancient Rome, freedom from arrest was a favourite object with the Radicals of that day, but was always opposed by the Senate, who would no more consent to it, than they would to an agrarian law for the equal division of property. But where the legislators of other days found so much to embarrass them, the Attorney-General rushes in, without even a suspicion, apparently, that there is any difficulty to be surmounted. I ask the House whether the evidence taken by the Common Law Commissioners, will warrant the passing of this Bill? What are the facts? Of 445 bankers, merchants, barristers, attorneys, and traders, only sixty-one expressed any opinion favourable to the abandonment of arrest in execution, and few of these sixty-one spoke positively. Again, it appears that in every state in Europe, except Portugal, arrest in execution is allowed. Further, eighteen out of twenty-three foreign jurists have expressed opinions against the abolition of arrest in execution. The weight of evidence, therefore, is decidedly against this Bill. Nor do the sentiments expressed by the four Commissioners who signed the report, go to the length of recommending such a Bill as this. Far from it; and the supplementary paper published by Mr. Sergeant Stephen, dissents in the strongest

could be deprived of the power of attending his duty in Parliament. He could not be taken by surprise; the power, therefore, was not likely to be employed to impede the deliberations of that House.

Mr. Tooke thought it would be unworthy of Members to avail themselves of the protection of the amendment proposed by the Attorney-General, for the purpose of cheating their creditors. The power could only apply where fraud was intended, the debtor having refused to deliver his schedule, and answer the questions put by the Commissioners.

The *Solicitor-General* hoped the hon. and learned Member for Chester would not persevere in his opposition, and endeavour by a side wind to effect a most material alteration in the law of the land with respect to privilege of Parliament.

Mr. Jervis objected to qualification and to privilege of Parliament altogether, and must therefore persist in his opposition.

Mr. M. Philips thought the hon. and learned Member for Chester had taken the common sense and just view of this question, and he hoped, if he were unsuccessful on the present occasion, he would not be deterred from bringing in a Bill to abolish privilege of Parliament altogether.

Mr. Aglionby did not think the amendment would extend privilege of Parliament further than it existed at present, but, objecting as he did, to its principle, he should vote with the hon. Member for Chester.

Mr. Freshfield understood the leading object of this Bill was, to give the utmost facilities for following the property of debtors; and the person of Members of Parliament not being subject to arrest, why should their property not be made equally chargeable with that of every other class of his Majesty's subjects?

The Committee divided on the Attorney-General's motion:—Ayes 54; Noes 51: Majority 3.

Remaining clauses agreed to, the Bill to be reported.

HACKNEY CARRIAGES (METROPOLIS) BILL.] Mr. Alderman Wood moved the second reading of this Bill.

House counted out.

HOUSE OF LORDS, Thursday, March 2, 1837.

MINUTES.] Petitions presented. By Lords SHAPTESBURY, REDFORD, ASHBURTON, the Bishops of ROCHESTER, VOL. XXXVI. {Third Series}

EXETER, the Marquess of DOWNSHIRE, the Duke of WELLINGTON, and the Earl of VERULAM, from several places, against the Abolition of Church Rates.—By Lords BROUGHAM, RADNOR, and several other noble Lords, from various places, for the Abolition of Church Rates.

HOUSE OF COMMONS, Thursday, March 2, 1837.

MINUTES.] Bills. Read a first time:—Law of Libel; Freeman's Admission; Penitentiary, Millbank; Post Office Acts Repeal; Post Office Offences; Franking; Post Office Management; Benefices Plurality; Public Walks; and Public Houses Regulations.

POST-OFFICE REGULATIONS.] Mr. Labouchere rose to ask the leave of the House for the introduction of several Bills, to consolidate the laws relating to the Post-office. Those laws were now scattered over the Statute Book. There were 141 Acts, or parts of Acts, relating to the Post-office—they were so numerous, and so scattered, as to lead to great inconvenience to the public, as well as to the department which they regulated. He thought, and had long felt, that it was extremely desirable that those Acts should be consolidated, and so arranged as to be easily understood, and of easy access. He felt it his duty to the authorities of the Post-office, and more particularly to that very intelligent and valuable officer of the establishment, Mr. Peacock, its solicitor, to say, that when the Commissioners turned their attention to this subject, they found that the Post-office authorities had already given it so much consideration, that little more remained to be done than to submit these Bills to the House. The Government had long felt the necessity for such a consolidation of the laws, and he believed the reason of the delay had been a fear, on their part, that as the Bills must comprise every point relating to the management of the Post-office, they would lead to much discussion, and would, therefore, interfere with the progress of more important Bills. He had felt so strongly the force of that objection, that, notwithstanding his extreme desire for a consolidation of those laws, he should not have felt himself justified in introducing the Bills, had he not communicated with those gentlemen who usually took part in the discussions relative to the Post-office, and had their assurance that they would consider them as Bills merely for consolidating the laws, and as not interfering with the other matters already before the House relative to the Post-office. The Bills which he proposed were four in number. The

of the Session, in order to give time for their consideration in another place; and, without pledging himself to the details of the measure, he would state, that it was the intention of the Government to introduce a Bill, in a few days, on the subject.

Leave was given to bring in the Bills.

STAMP DUTIES — MARINE ASSURANCES.] Mr. *Robinson*, in pursuance of the notice he had given, rose to present a petition for the repeal of the duty on marine assurances, from merchants, ship-owners, underwriters, and insurance agents of London. He had, he said, also to submit a resolution upon this subject. The petition, coming, as it did, from the intelligence, respectability, and wealth of the city of London, connected with the trade, commerce, and navigation of the country, supported also by petitions from England, Ireland, and Scotland, and from all the large trading and manufacturing towns of the kingdom, he was certain would have great weight with the House. In bringing forward the motion of which he had given notice, for the gradual diminution of stamp duties upon marine policies, he had, he considered, a right to advert to the petitions presented last year upon that subject. To prove the impolicy of this tax, the discouragement it inflicted upon British insurances, and how much it tended to promote successful foreign competition, he observed that in 1810 the amount of imports and exports was 80,707,823*l.*, upon which the stamp duty on marine policies was 414,205*l.*; and at present, when the imports and exports were 125,396,225*l.*, so far from the stamp duty on marine policies being on the increase, it had dwindled down from 414,205*l.* to 219,000*l.* What was the case in Hamburg and other cities which coped with this country in the same branch of trade? In Hamburg, the amount paid for marine policies in 1814 was 41,791,000 *marcs banco*, and in 1835 it increased to 195,233,000. In Amsterdam, the amount paid in 1810 was 36,450,000 francs, in 1835 it increased to 82,820,000. In Antwerp, the amount was 741,120*l.* in 1821, and the increase in 1835 to 1,200,000*l.* There had been a great increase in other countries, while the tax was dwindling away so much in this as now to be hardly an object to the revenue. He considered that the right hon. Gentle-

man, the Chancellor of the Exchequer, had furnished him with an irresistible argument upon this subject, should, indeed, that right hon. Gentleman be now disposed to offer any opposition to his motion. Last year the right hon. the Chancellor of the Exchequer took credit to himself for having adopted the suggestion of the right hon. the President of the Board of Trade, when he addressed that House in the year 1830. Upon that occasion, the President of the Board of Trade commented upon the impolicy of the duty on marine insurances. He then observed that the stamp duties on marine policies amounted to 282,000*l.*, when the tonnage was 3,935,000*l.* In 1826 the stamp duties on sea policies amounted to only 219,000*l.*, though the tonnage had increased to 5,154,000*l.* In consequence of this impolitic course, the insurances went away to Holland and America, where the premiums, including the duty, were less. So convinced was Lord Althorp, when Chancellor of the Exchequer, of the impolicy of this tax, that he made some reduction in it—a reduction which that noble Lord calculated would affect the revenue to the amount of 100,000*l.*; but which was in fact such a relief to the commercial world (slight even as it was), that the loss to the public revenue did not exceed 10,000*l.* He was aware that Members of the House, placed as he was, were always likely to meet with opposition from the Chancellor of the Exchequer when they brought forward resolutions similar to that he was about to submit to the House, for a Chancellor of the Exchequer disliked any Member of the House interfering with what he regarded as his peculiar functions. He was aware that there were already notices on the books for a repeal of the soap-tax, for a repeal of the window-duties, and that the noble Lord, the Member for Buckinghamshire, would attempt once more to procure a repeal of the malt-tax. He would give one short reason why the House ought to prefer a repeal of the stamp duties on marine policies. They exceeded by very little two hundred thousand pounds; and it was quite clear that if the Government and the Legislature were disposed to give up the tax, they had not the same difficulty to encounter which they had with the other taxes, the repeal of which was proposed, namely, that none of the latter could be abandoned, unless some other tax was resorted to to supply

had an undoubted claim to be considered with respect to their complaints. But it was very easy for any Gentleman acquainted with the subject of marine insurance, or fire insurance, or any other tax, to make out a case against the existence of that tax. There was scarcely any tax that would stand discussion on its own merits. They were all evils in themselves, and it was scarcely possible to name a tax which could not be proved to be objectionable in its nature. They were all evil, and he at once admitted that this was an evil tax. But in determining upon the repeal of taxes, he would only ask Gentlemen to consider whether it was possible to deal with the question of repeal of taxation except upon the principle of showing the inconvenience felt from one tax in comparison with the inconvenience attending the continuance of another. The House could not at present come to any decision on this subject. They were not in possession of the actual state of the finances; they were just at the close of the financial year, and the House had not yet heard what was the actual surplus of income over expenditure. They had no means of judging what disposable income would remain to be dealt with by the House; and yet the hon. Gentleman called upon the House absolutely to come to a definite decision. On a former occasion he believed the hon. Member for Manchester gave notice of a motion on the subject of the cotton duties. He took the liberty of stating on that occasion, and he would take the liberty of stating to his hon. Friend, who made this motion, that he really would not undertake to argue these taxes in detail till he had an opportunity of ascertaining what was the amount of disposable surplus, and how that amount could be best applied. His hon. Friend had himself stated, that there were on the orders of the House, notices with respect to the reduction of the duty on malt, on soap, on cottons, on tobacco, on windows, on fire insurances, and on life insurances. Now he was not disposed, on the mere statement of his hon. Friend to affirm the proposition that the reduction of the duty on marine insurances stood so pre-eminent over all other taxes that he was bound to give it the preference, and not to consider it with reference to the claims of other petitioners, but to take this question up at once, and give it the preference over all others. He would say, that his hon.

Friend's motion was one which called for the serious consideration of that House: he was perfectly willing to say that it should be taken into the most serious consideration of his Majesty's Government. When the proper time arrived, he should be prepared, if he assented to the doctrine of his hon. Friend, to propose a reduction of this duty; or if he did not assent to that proposition, he would state the reasons that induced him to give the preference to reduction in some other branch of the revenue. Beyond this he would not go. He did not think that it would be just with respect to other Gentlemen who had been induced to suspend their motions until the period of the Budget. His hon. Friend knew that the period was not very remote, and that they were at the close of the financial year. He would therefore say that, in his opinion, his hon. Friend would best consult the interests of those whom he represented on this occasion if he left the matter entirely in the hands of the Government. At the same time, he was unwilling to sit down without expressing some difference of opinion from the statements that had fallen from his hon. Friend, and more especially in expressing a serious difference of opinion from a paper which had been industriously circulated and put into the hands of Members of that House. The hon. Gentleman had stated that this was a dwindling duty. Now this was not the fact. So far was it from being the fact, that when they made the reduction in 1833, thereby carrying into effect the proposition that had been received from the committee at Lloyd's, from that period it had not been a falling, but an augmenting duty. In the year ending in January, 1835, the duty was 201,000*l.*; in January, 1836, it was 218,000*l.*; and in January of the present year it amounted to 254,000*l.* These figures showed that the duty was not, as the hon. Gentleman said, gradually diminishing. It showed also that they might, in some instances, make reductions without any loss of revenue. The declaration of this being a falling duty he met with the simple announcement of its being an increasing one. He was unwilling to move a negative of the hon. Gentleman's proposition if he drove it to a division: he would rather move the previous question than a direct negative. But, independently of other objections, he had already stated his objection to any resolution being

put on the grounds of Tennessee which was in 1846 was destroyed, and which left every individual Member in the room in any participation in the crime. It did not even reach the House in consideration the subject of the present Session. He thought it would be much better, under all the circumstances, to leave the matter in the hands of the Government. He would give no further notice and he would consider these things in connection with the other business and that he would give them in their due season. He would, however, advise that he believed the knowledge of the fact of the war against Spain he feared was the effect of the present war that it will be immediately given to the Government a great deal of the business. He would again repeat that he would leave the subject and consideration, but he would repeat in these circumstances, which, even if they were given in this manner, were known as in the case and in substance a matter that they appeared to justify the House in supporting, view of which, they might find it troubling. He would advise in the House to support the motion.

[illegible][illegible]

theory denoting a profound branch of
 science without any regard to the ordinary
 process. This point was of considerable
 importance in the consideration of this
 question. This law was exceedingly in-
 adequate in its operation. Of this he was
 quite sure, and that Members of that
 House brought forward the several times
 that pressed upon severely in their con-
 siderations and the different powers of the
 country, unless they discussed the objec-
 tion that might be said against them, and
 the reasons for them, they could not ex-
 pect that the public would derive much
 from their labors. He thought there-
 fore that the hon. Member for Worcester
 had done good service in calling the more
 important attention of the House and of
 the Chancellor of the Exchequer to this
 subject. It was really a sound and true
 principle to press home and strengthen, and
 he now trusts the Government was asked
 to consider the matter was the subject of the
 resolution of some of them. He would
 not be the hon. Gentleman after the or-
 deration of the Chancellor of the Ex-
 chequer that he make the sense of the House
 upon his motion, but if it were not
 brought forward by the Chancellor of the
 Exchequer, the hon. Gentleman might at
 a future period still submit the question
 to the House and take the opinion of the
 House upon it.

Mr. Shannon announced in the room. He pointed out that there were no other members of the Board of Trustees, and that he was the only one left. He then stated that he was the only one left, and that he was the only one left.

On 17 March 1968, while on duty at the House, the strength of his case had been admitted, and he considered that what had been the Chancellor of the Exchequer was concerned in saying that he would have to spend the subject his full-time concentration.

Знаменитият

THE HON. MR. MARSHALL: Mr. Chairman, I have the re-appointment of the Committee on Un-American Acts and trusts, in the House, in considering such legislative amendments as might be recommended by the subject. It would, in his opinion, and it is that of the Committee generally, which met last year, be most desirable to maintain the various legislative enactments throughout the country by a House

rate equitably levied, and carefully appropriated, so as to secure a cheap and satisfactory mode of communication. The object which he sought to attain by the re-appointment of the Committee was to submit to their consideration a measure similar in principle to that which he had brought forward during the administration of the right hon. Gentleman, the Member for Tamworth, for the purpose of consolidating their trusts in the management and outlay; but differing from it in this respect—that instead of a central board in London, he would propose the establishment of such boards in the different country towns, under the management either of Commissioners, or of the courts of quarter sessions; so that no new turnpike act would be enabled to pass without, in the first instance, receiving their sanction: bills promoted by local boards of this description would be infinitely more palatable to the country generally than bills for similar purposes emanating from a central board, managed by the Under Secretary of State, and influenced immediately as would be universally supposed, by his Majesty's Ministers. The hon. Gentleman concluded by moving the re-appointment of the Committee.

Mr. Fox Maule was not disposed to accede to the hon. Gentleman's motion. He should have no objection to the renewal of the Committee, if the hon. Gentleman proposed to extend its labours to Ireland and Scotland. Upon the single branch of the inquiry to which their labours had been hitherto directed (he alluded to the turnpike trusts in England) they had already completed their report. He had no objection to the hon. Gentleman bringing forward the measure upon this subject to which he had alluded, and should be happy to give to it his most attentive consideration; but he did not at the same time think that there was any necessity for re-appointing the Committee. With reference to turnpike trusts generally, he would observe, that the necessity for consolidation, strict economy of outlay, publicity of the accounts, and abolition of useless offices, was becoming every day more strikingly apparent.

The Chancellor of the Exchequer said, that no intention whatever existed upon the part of Government to throw any impediment in the way of the hon. Gentleman, the Member for Lymington. He would suggest to that hon. Member to

bring in his Bill, which could subsequently, if necessary, be referred for consideration to the re-appointed Committee. Motion withdrawn.

GUNPOWDER EXPLOSION IN LIMERICK.] Mr. William Roche said, that his motive in calling for the document alluded to in the notice of motion on the Order Book, was to solicit the attention, and endeavour to persuade and prevail on the justice, or at least to excite the sympathy and compassion of Parliament, of Government, and the country on behalf of the unfortunate and innocent sufferers by the disastrous consequences of the gunpowder explosion which occurred in the City of Limerick about two months ago, an event which was deeply interesting to every portion of the empire; for even while he was speaking a similar fatality might be happening in some other locality, and he therefore trusted the House would kindly attend to him while he gave as brief as possible a detail of this unfortunate occurrence. His attention was directed to this subject at the commencement of the Session, aware that, however lively the impulse of feeling and pity might be on the first announcement of such a calamity, yet that sympathy was a plant of very fleeting nature, and as a French writer aptly said, "Mankind can bear the afflictions of others with great Christian patience;" but the various interruptions to which motions were liable, prevented an earlier notice of the subject. He was himself an eye-witness of that awful and destructive calamity and he could unfeignedly assure the House no picture, however vivid—no colouring, however heightened—no description, however heart-rending, could exceed the sad and shocking reality. In a moment several houses disappeared as if swallowed up by an earthquake, or prostrated by some supernatural agency. The gas lights were at once and simultaneously extinguished in that vicinity, and the street presented a terrific gloom, while the gathering crowd were left in darkness and in doubt as to the cause and the extent of the calamity. The unfortunate inmates were of course buried under the ruins, and the piteous moans, the agonizing appeals made by the surviving relatives to disentomb and save their unfortunate friends, still rang in his ears and harrowed up his feelings. Although the persons present were deeply anxious to

meet such an appeal, circumstances partially but imperatively forbade it. The lateness of the hour, nearly midnight, and the apprehension that more powder might exist in the ruins, and by collision, in the dark, might explode, and the dangerous state of the surrounding houses, the walls of which were, in fact, tottering to their fall, all prevented them from assisting. All these considerations compelled the magistracy, the army, who promptly gave their valuable aid, and the people, to forebear till morning. About thirty persons in all suffered either loss of life or limb, or experienced some grievous injury; but if the calamity had happened a couple of hours earlier, one hundred persons at least would have become victims. Life or limb were, of course, beyond the power of Parliament to restore, but some pecuniary relief to the innocent sufferers in property was within the power, and, he trusted, within the inclinations and province of a paternal Legislature and a compassionate people. Some few persons lost their all, and were at once, and without any fault, reduced from comfort and independence, to poverty and destitution, while others had lost more or less, for every window in the neighbouring houses was shattered to atoms. Nevertheless, a few thousand pounds; perhaps eight, or any thing Parliament might be disposed to grant, would afford relief, and surely that was no great sum to ask on such an occasion from the sympathy of a great and humane nation. Relief for such purposes was not, he believed, unusual, and had been, he understood, conferred on sufferers in the West Indies, when hurricanes devastated those regions. Limerick, however, had a claim on the justice of Parliament—because this calamity arose out of an injudicious state of the law in permitting a universal and promiscuous sale for so dangerous an article. Moreover, the magistracy there had memorialised the Irish Government previously and timely on the subject; and their application was, as usual, promptly noticed by the excellent Viceroy, but before any satisfactory arrangement could be adopted, the unhappy reality arrived. This misfortune to Limerick ought, he thought, at once lead to a more safe mode of vending gunpowder; and, in his opinion, and in that of his constituents, it would be wisest to confine its sale to a public depot, superintended by a public responsible officer; or that, if sale

were at all permitted to private persons, it should be in quantities only. If this disaster to Limerick produced as it ought so necessary a protection to every other part of the country, could that country or its representatives refuse or begrudge a few pounds to remunerate Limerick, whose misfortune had caused this improvement and protection? Under these circumstances and considerations, he thought he had made out a case which called upon the justice of the Legislature, or, at all events, on its sympathy, for relief to the sufferers in Limerick. In Cork, too, and elsewhere, the greatest alarm existed, and public meetings were convened for the purpose. But perhaps it will be replied, let the gentry subscribe; to which he would answer, that any one acquainted with an Irish provincial town (and no one knew Limerick better than the Chancellor of the Exchequer,) would admit that the residents were utterly unable to raise anything like such a sum, and moreover, that they had raised all that was in their power, a month or two before, to relieve the then appalling wants of their poorer fellow-citizens. It might also be said, that it would be opening a door to similar applications from other places. It might further be said, why did they not insure? But besides that this calamity arose out of so unforeseen a cause, the very dearthness of insuring, from the excessive duty upon it, was a serious bar to industrious people, and moreover it was even doubtful whether insurance companies would be liable from such a cause. He could not sit down without noticing the great zeal and beneficence manifested on the occasion by the medical gentlemen in Limerick, by the army, and by the amiable Mayor of that city, and indeed by all classes of the community. He left the case in the hands of a considerate and compassionate legislature and Government, and trusted that his representations, his appeal, and anxiety, would be met by corresponding feelings and results.

The *Chancellor of the Exchequer* had no objection to grant a copy of the memorial, but he could not hold out any hope of compensation to the sufferers on whose behalf the hon. Member had brought forward his motion. He sincerely sympathised with those individuals in the misfortune which had befallen them, but the hon. mover and seconder must, upon reflection, perceive that, if Parliament were

to grant compensation in this instance, they would be establishing a precedent of a most frightful magnitude. Not only would persons losing property by any calamitous accident apply to Parliament for compensation, but, under the impression that they would be sure to obtain it, they would be careless about securing their property, and taking precautionary measures for its safety.

Mr. *W. Roche* observed, that as the object of his motion was to obtain relief for those to whom it related, and as no hope of such relief had been held out by the Chancellor of the Exchequer, it would be quite nugatory to merely obtain a copy of the memorial. He would, therefore, withdraw his motion.

Motion withdrawn.

DEPREDATIONS ON RAILWAYS.] Mr. *Dugdale* begged leave to call the attention of the House to the depredations committed by persons employed by railroad, canal, and other public companies, for the purpose of introducing some measure for the protection of the persons and property of his Majesty's subjects during the time such public works were in progress, and moved for leave to bring in a Bill to effect the same. If Parliament were to evince the same readiness henceforth as they had done last Session, for the advancement of railroad speculations, in a short time there would be scarcely a village free from such depredations. Railroads were yet, however, but in their infancy, fifty-six railroad petitions had been presented last year, out of which thirty-five had been granted. They had had seventy-five applications for railroads this Session, and twelve for canals; and if Parliament were to assent to all these Bills, there would be about one hundred railroads forming in the country at the same time. At present there were 11,000 men employed on the London and Birmingham Railroad, and taking but half that number for each, they would have a body of not less than 500,000 men employed in these works, not of the most respectable characters, or taken from the most respectable ranks of society. He therefore thought the House would agree with him that there ought to be some law to prevent those persons from injuring the property of the neighbourhood in which they might be employed. He wished not to be understood as expressing a feeling hostile to railroads, which generally speak

ing, were a great benefit to the country. The hon. Member concluded by moving for leave to bring in the Bill.

The *Chancellor of the Exchequer* observed, that the depredations of which the hon. Member complained were not confined to the vicinity of railroads or canals. There was not a great building of any kind carried on in the neighbourhood of which offences more or less did not consequently take place. He did not mean to object to the introduction of the Bill, but he hoped the House would maturely consider the question, and come to the conclusion of not passing such a measure, unless they were prepared to go much further, and legislate upon every alteration and minute circumstance that might occur in connexion with the commerce of the country. They should, indeed, be very careful of avoiding all confusion in dealing with the criminal law.

Mr. *Pease* looked upon such a Bill as that proposed, to be a peace-preserving measure. There was no doubt that persons employed upon railroads set the existing laws at defiance, by quitting the neighbourhood in which they worked immediately after they had committed some robbery or outrage, changing their names, and looking for employment at a considerable distance from the scene of their offences. This he asserted from his own observation, residing as he did in a neighbourhood in which various railroads were in progress. He thought that the law, as respected master and servant, should be maintained with respect to railroads, and that the proprietors should be made responsible for any depredation committed by persons employed by them.

Mr. *Cutlar Ferguson* said, that they required no new law on the subject. The existing law was quite sufficient to prevent the evils complained of, as far as legislation could effect it. Before the hon. Member introduced his new measure, the House ought to have been made acquainted with its nature.

Leave given to bring in the Bill.

COURT OF SESSION (SCOTLAND).] Mr. *Wallace* moved for a "Return from the Judges of the Court of Session in Scotland, assigning the causes and reasons which had induced them, under an Act of sederunt now on the table of the House, to tax the inhabitants of certain counties in Scotland, in the ratio of from 100 to nearly

disposed to exceed any powers delegated to him, than the learned judge to whom he referred. Instead of wishing to tax the suitors, it was that judge's wish, acting under that Act of Parliament, to reduce the fees or taxation, as it has been called, as much as he was empowered to do; but he had no power of providing for the clerks otherwise than from the fees, and he was bound by the Act to leave, in each case, what would afford a reasonable amount. This was a very laborious undertaking imposed upon the judges by Act of Parliament, and delegated by them, in the first instance, to be reported on by a Committee. It might be said, why not fix an uniform fee in every county? And if in small counties that would not afford a suitable maintenance, let the sheriff's clerk be paid otherwise. It was no doubt in the power of the Legislature to have done this, but that was not the power which was delegated to the judges by the Act of Parliament. They did consider whether they had the power of making an uniform fund, and apportioning fees to the different Sheriff Clerks, according to their duties—but they found they had no such power. Their object, therefore, was, to exercise such power as they had, in the manner most beneficial for the country, and with that view they recommended a reduction of the fees as low as they thought was reasonable in each instance. It was very hard where the object of the judges appears to have been to lower fees, and where they had done so in all the larger counties, and increased them in none, to accuse them of laying on taxation, which must mean that they had increased the fees. If this misapplication had prevailed, he trusted it would be removed by the Report of the Committee of judges made in December, 1835, and he should afterwards move that it, together with the Act of sederunt, should be printed and distributed among the Members of this House. He regretted very much that his hon. Friend had framed his motion in such terms as might have conveyed a very unfavourable impression of what had been done. He was sure that it would be removed from the mind of every person who might peruse that report. In looking forward to judicial reform, there was nothing more important than to keep in view, that justice could not be well administered, and retain its due authority, unless the judges, who sit in courts of law,

received that support and respect from the Legislature to which they were entitled; where they were truly labouring to diminish burthens, they were entitled to the gratitude of the country. Whether such duties should be imposed upon them, or in what terms they should be given, was a very different question, but he asked every person to suspend his judgment in this instance, until he had the proceedings referred to before him, and he would see from the report of that excellent judge, the spirit in which the question was examined, and upon which the regulations of the Court were framed. The character of judges was public property, and where they performed a difficult and laborious duty, with the best resolutions, they were entitled to the support and respect of the House, and of his hon. Friend, who was desirous to improve the administration of justice in Scotland. They could not exceed the powers given them by the Legislature, and any fault that had been found with what was done, applied to the Act of Parliament itself, and to the arrangements which must necessarily be made under it, and not to the judges, who were directed to carry those arrangements into effect. The Legislature imposed various restrictions, and gave limited powers. The report which he now moved should be laid before the House, would show that the judges had followed out the course prescribed to them, with the most anxious desire to fulfil the intentions expressed in the Act of Parliament.

Mr. Wallace consented to withdraw his motion, and the amendment moved by the Lord Advocate was agreed to.

HOUSE OF LORDS, Friday, March 3, 1837.

MINUTES.] Bills. Read a third time:—Charity Commissioners.—Read a second time:—Lease Making (Scotland).—Read a first time:—Scotch and Irish Vagrants.

Petitions presented. By Lords KENTON, REDERDALE, WHARNCLIFFE, the Archbishop of CANTERBURY, the Bishops of LONDON, BATH, and WELLS, and the Earl of SHAFTESBURY, from Leeds, Norwich, Tewkesbury, and various other places, against the Abolition of Church Rates. By Lords HATHERTON, HOLLAND, DENMAN, the Marquess of LANEDOWNE, and the Duke of SUTHERLAND, from Malmsbury, Northampton, Kidderminster, and various other places, for the Abolition of Church Rates.—By the Bishop of EXETER, from Hertford and Ware, that some mode may be adopted of furnishing religious instruction to the inmates of Workhouses.—By Lord WHARNCLIFFE, from Bradford (Yorkshire), for the Alteration of the Factories' Regulation Act.

and that on the authority of an individual who is valued, respected, and loved by his friends,—that the public at large were to anticipate a measure calculated to rob God of his glory and the poor of their rights. Such was the character given of our measure by anticipation. Sir, I allude to this for the purpose of denying the assertion; and of entreating the House to believe that the intentions of those who have framed this measure—the intentions of him who humbly proposes it,—are to advance the cause of religion; to give peace—to give stability—to the Church; and that, so far from robbing the poor of their rights, we seek to affirm those rights, and to establish those rights more particularly in reference to the subject of religious instruction. Sir, it was but a short time since, that, in a debate upon another question, a noble Friend of mine animadverted on the absence of petitions. No individual can make a similar observation on the subject of Church-rates. On the contrary, what subject has excited throughout the land so deep and earnest an attention? No person who has a large class of constituents, can venture to say,—and, thanks to the Reform Bill, most of us may now appeal to a large class of constituents,—there is no hon. Gentleman, I repeat it, on either side of the House, who can be prepared to say that this subject is not one which comes recommended to the House as having excited the strongest public interest. Nay, I may almost put it, whether this is not a subject which we may approach within the walls of Parliament upon the admission that a great evil exists, and that the evil calls for an immediate and an effective remedy? I hope I may assume within this House, though I know a contrary opinion has been entertained without these walls, that a remedy, prompt and decisive, is called for—I hope I may assume that the question at issue between the two sides of the House, and which we must decide, is not whether we can remain as we are? but, what is the course that it behoves the Legislature to follow?

Sir, I should wish, in the first branch of my argument, to refer to certain high authorities on this subject, because the House would feel that I neglected my duty if I did not strengthen my position as far as possible, and more especially when I appeal to authorities which cannot but have weight with the hon. Gentlemen

opposite. I shall not argue merely to satisfy Gentlemen who are disposed to support me; but I shall argue, if possible, to convince those hon. Gentlemen also who are prepared to oppose my resolution. I may assume, that hon. Gentlemen who have already presented petitions in favour of the measure, from this side of the House, are prepared to support me. It is therefore from the other side that I must seek to make converts. I seek to influence votes, by calling the attention of hon. Gentlemen to the fatal consequences which may, or rather which must, arise from allowing this question to remain unsettled. The first authority to which I shall allude is the authority of a Commission proceeding from the Crown, issued during the Government of the Duke of Wellington. I do not allude to it as Report in support of the particular remedy which I propose, but as establishing the preliminary fact, that the present state of the law is one which we cannot allow to continue;—that some remedy is called for, and that such remedy it is the duty of this House to provide. In the extract which I shall quote from the Report of the Commissioners, I find it set forth, that the whole subject of Church-rates demands immediate attention; as the mischiefs arising from the present state of the law are rapidly spreading. To prove the correctness of this statement, it is only necessary to refer to the actual state of the law. It is clearly indisputable in practice, and I believe it to be equally so in point of law, that if a vestry is assembled to consider the proposition of a Church-rate, that vestry has full means of refusing its assent to the rate. I do not anticipate that there are any hon. Gentlemen in this House who will defend the present state of the law; but if there are, let them not defend it upon the ground that there now exists any fixed, permanent, or satisfactory mode of providing for the repair and maintenance of the churches of the Establishment. That, surely, cannot be considered as a fixed, permanent, and established income, to which the majority of any parish vestry may refuse or postpone its assent. You may defend the present state of things on any other ground you please; but to defend it on the ground of its affording a permanent and stable support for the maintenance of the parish Churches, is a complete misapprehension of all the facts of the case, and is contradicted by the

throughout the whole community. At Manchester, I find that the Dissenters, in 1833, resisted Church-rates, and a poll was demanded, after a rate had been proposed in vestry and lost. A poll was demanded, for which no preparation was made; and after five or six days' struggle, and after polling 7,000 and 8,000, the rate was lost by a majority of one. The church-wardens held a scrutiny, the majority was declared to be in favour of the rate. This is a case in which the rate was successful; but the examples of cases in which the rate has been carried, speak as strongly for my motion, as those of a different character. The rate was carried; but was it collected? To this I shall refer hereafter. The church wardens conducted the scrutiny, and declared that the final majority was in favour of the rate: but what has been the result? My hon. Friend behind me (Mr. Philips) knows. Was the rate levied? Was it paid? Was the Church supported by the produce? No such thing; no step has been taken to enforce this rate. No levy has been made under it: the Church-wardens have not judged it prudent to attempt a levy; so that even when, in vestry, the rate has been successful, it has failed for any real good and practical purpose. The subject has excited a storm, and all for nothing. Confusion, and contest, and party dissensions have been produced. The writer of a letter which I hold in my hand proceeds to say,—

In 1834 a contest again took place in Manchester. The election of the Members was nothing to it. The poll lasted five or six days and nearly 15000 votes were polled, and there was a majority against the rate of 11,000. It appears that a scrutiny was demanded; but what was the result? This large majority was declared to be a minority; but though dared to do so, they declined to try the case at law.

Was it politic, in such a community as Manchester, to array 15,000 persons in controversy upon a church question? And I have stated that, when they had succeeded, the church wardens did not dare to try the case at law, or to collect the rate thus established. In the year 1835, another parish meeting was called, and a very large assembly came together, but the show of hands was so decisive, that the church wardens declined to go to a poll, and from that time to the present, in the town of Manchester, there has been no

attempt to raise a Church-rate. Can, or ought, this state of things to continue? If you depend upon the Church-rate for the maintenance of the Church, can you depend upon the present state of the law to enable you to enforce that payment? It is not sufficient to assert that the law must be strengthened: if you wish to maintain such a proposition, you must carry the House of Commons with you. Can you do so? Can you get any House of Commons to grant such new and additional power? Colonel *Sibthorp*. — *Hear! hear!*] The hon. Member for Lincoln, I know, holds, that if the church rate cannot be collected under the present law, nothing can be more easy than to persuade the Legislature to give additional power. I confess, I should like to see, not the person, but the party, however combined in force or number, who could come down to this House, and ask the Parliament—not to give the people of England a settlement of this question, but—to grant additional power for enforcing the payment of Church-rates, and persisting in the present system. I will say, that be that individual who he may, who thinks he can obtain from the Legislature additional powers to enforce the payment of Church-rates, he will soon find that he miscalculates the character of the Legislature, as well as miscalculates the people whom that Legislature represents.

There is another case which, as it establishes the first part of my proposition, I must take the liberty of adverting to. The case I allude to occurred in a township in Yorkshire, called Applethorpe. In this case there had been a large church built: heavy rates were demanded and were agreed to at the vestry meeting, and a rate of 2s. 9d. was actually ordered to be levied. I have already shown you a case in which a rate has been refused by the vestry; I have also shown you a case in which a rate, being made, was not enforced; and the object of the present illustration is to show you, farther, what, even where a rate has been granted and enforced, sometimes are the consequences of that enforcement of rate, and how strongly those consequences prove the inconvenience of the existing law. In this case the rate of 2s. 9d. was proposed to be levied on a certain Captain Flower, a Dissenter, who contested the rate. He was summoned before a magistrate, again

persisted in his refusal, and denied the legality of the rate. The legality of the rate being contested, the magistrate was deprived of jurisdiction; the case was taken to another and an ecclesiastical tribunal, and the result was, that Captain Flower had to pay the rate, with costs amounting to 250*l*. Of this I do not complain. I admit, that if he, or any one else, resists a demand and goes to law to try the right, if the law be against the appellant, he is bound to abide by the consequences. I suppose that I have understood the meaning of the cheer from the hon. and Gallant (Colonel Sibthorp) and that I have answered his supposed inference. But, without claiming for Captain Flower any sympathy for the payment of his costs, there is another circumstance, connected with this case, which, perhaps, when the Gallant Colonel hears, he will not be disposed to cheer: it is this,—that no rate has been granted in that parish ever since. The case therefore proves that for the recovery of the rate of 2*s*. 9*d*. contested on the ground of its legality, costs of 250*l*. were inflicted on the party, and the rate has not been repeated. If you read that lesson to the people of England, depend upon it that their sympathy will be excited for the man who has paid these enormous costs, and their feelings will rise against the existing law.

I trust that hon. Gentlemen will see that all these illustrations, however tedious, are made for the purpose of establishing the first point of my argument, namely, that the law cannot be permitted to remain as it is. If there be hon. Gentlemen in this House who think that the law can stand as it is, let them come forward in reply, and maintain that argument. But they cannot do so if, as I hope I have been enabled to prove to this House, the law is defective and needs amendment. This is the first duty of every one who suggests any important change of the existing law. Until that foundation be laid, I do not conceive that I have a right to come to Parliament and recommend an alteration. It has been with that view that I have referred to the matters of fact I have brought before the House. But I rely not only on fact, but on opinion also. I may appeal to one authority on the subject which cannot fail to have great weight with those hon. Gentlemen, on the other side, who suppose that the present system can be maintained. It is the authority of

my noble Friend opposite, and I rejoice to have an opportunity of quoting to the House any authority of his, in support of an opinion of my own; for, though we have differed on some important questions, and on more occasions than I could have wished, we have never been engaged in discussion upon any terms but those of sincere and affectionate friendship. When I appeal to his authority on this subject, I have no right to claim it in behalf of my specific plan of remedy. But I know his high authority; I appeal to that authority in condemnation of the present system; and I therefore call upon the House to listen attentively to the opinion which he eloquently expressed upon this subject in 1834. My noble Friend stated, that “true it was, that though Church-rates had been resisted, the Church itself had been successful in overcoming the resistance;” and then he proceeded to state, with a truly wise and statesmanlike view of the subject, what must be the consequences even of that success:—

“Suppose (said he) that, year after year, the Church should be triumphant in maintaining the payment of these rates to the uttermost farthing, and in maintaining every abuse connected with their collection and distribution; does my hon. Friend (the hon. Baronet, the Member for Oxford) think that such a course of proceeding would be advantageous to the interests of the Church, or lead to the promotion of true religion?”

My noble Friend well knew on what grounds to appeal to the hon. Member for Oxford. He appealed to him on the grounds of the interests of the Church itself, and the advancement of true religion. I say, Sir, how can the interest of the Church itself, and the advancement of true religion, be promoted or maintained by the present system of making and enforcing Church-rates? My noble Friend, following out the same course of argument, next asked,—

“Does my hon. Friend consider the heart-burnings, the acrimonious revilings, the constant quarrels, the jealousies, the recrimination, the profanation of the Church itself, where these meetings take place, by which, year after year, the cause of true religion is violated and profaned, the house of God desecrated, and the very worst possible feeling excited among the majority of the people at large? I say,

that such a state of things imperatively calls for relief."

I do not appeal to him as an authority in favour of my plan, of which he knows nothing; but I do appeal to him as a conclusive authority in favour of my first principle, which affirms that the present system cannot be allowed to continue. If hon. Gentlemen stand up and tell us that the Church has been victorious, I ask them, in the words of my noble Friend, will not such victories be fatal? Or, if the Church continue to be triumphant, can such dangerous triumphs be considered as a set-off or counterpoise to the mischiefs which my noble Friend so eloquently described in the speech which I have just quoted? I feel that I must have occupied the attention of the House for a longer period than I could wish, even on this first part of the subject; and I should not have done so, but that I feel and know that, though not within these walls, yet beyond them, some have maintained that no remedy is required, and that no alteration of the law is called for. I know that there is an opinion prevalent in certain quarters, and more particularly among churchmen, that we may struggle on as before. I know that an opinion has been inculcated, that the law, as it now stands, is sufficient to enable the Church to enforce the rates; and I have, therefore, thought it necessary to prove—on authority, to me conclusive—that change of the present system is necessary to the interests of the Church itself—to the just feelings of the Dissenters—and to the maintenance of good order and peace throughout the country. Now, Sir, if I am right—and I may be permitted to assume that I am so for the moment—let Gentlemen remember that we are not called upon to decide absolutely upon my plan: on the present occasion I am only bound to explain its principle, and to prove that it is worthy of consideration. It is not so much the question, at the present moment, whether a particular remedy should be adopted, as whether any remedy is called for, and whether my proposition may be entertained.

Various remedies have been proposed from different quarters; to these, I shall proceed to direct my observations. Of these, the first is, the total abolition of Church-rates: leaving the repair of the fabric of the Church to be provided for by the voluntary contributions of the

members of the Establishment. This is, in point of fact, no less than leaving the maintenance of the fabric of the Church to depend on what we understand and refer to, in our debates, under the name of the voluntary principle. Now, Sir, I for one say, that to that principle I must ever, and under all circumstances, express my decided opposition, whether with regard to the maintenance of the fabric of the Church, or to the support of the ministers of the Establishment. I am a member of the Established Church. I am sincerely attached to that Church by conviction, no less than by birth and education. I am not called to argue as against the voluntary system, at the present. It is sufficient for my purpose to enter my protest against it, in whatever shape, or under whatsoever modification it may appear. My noble Friend, the Secretary of State, has made this declaration on various former occasions; I repeat it, and I state it the more boldly now, because it is on the rejection of this principle that I invite the House to the consideration of my proposed remedy; and, therefore, it need not preclude any person from adopting my conclusion, and doing that which I contend is just, not only to the Established Church, but to the Dissenters. I repeat it advisedly—for the plan I am about to propose, so far from having any connexion with the voluntary principle, and so far from leaving no settled provision for the maintenance of the fabric of the Established Church, proceeds upon a principle the very opposite; and it affirms absolutely, that of the duty which is incumbent on the state of securing, for ever, the means for religious worship within his Majesty's dominions. If more were called for, and it were considered as insufficient for me to record my dissent from the voluntary principle, I might be tempted shortly to add, that when any hon. Gentleman can satisfy me that the independence and honour of the country can be defended—when our army and navy can be supported—when public instruction can be provided for—when the administration of justice can be maintained—upon the voluntary principle—then, and not till then, I shall apply the voluntary principle to the Church; sooner it cannot be applied, unless it be contended, indeed, that religious instruction is, as a principle, less important to the whole community than the other duties

to which I have alluded. In such an event, but in no other, can I admit that the voluntary principle in religious matters may be relied on. But, inasmuch as I feel that it is impossible to establish any one of these propositions, and when I know that the religious Establishment of the State is, at the least, as necessary to be maintained as the army, navy, or administration of justice; then, I must say that I can never submit to leave the Church Establishment to the chances and instability of the voluntary principle.

Sir, a second proposition is, that the Church should be left to the voluntary principle, but that a distinctive system of taxation should be introduced—these taxes being levied exclusively from the members of the Church for its maintenance. I think, Sir, this involves, though in a minor degree, the objection to which I have already alluded, as applicable in the former proposition. It is inconsistent with the first principles of our Establishment; and how, Sir, are we to distinguish who is or who is not a Churchman? Are we to establish a new test? Are we to renew the odious principle of the Test and Corporation Acts, in order to know who is to be hereafter compellable to contribute towards the Church Establishment? But, Sir, I need not pursue this line of argument further—the plan is too absurd, and manifestly objectionable, to require further observation.

Another proposition is, that there should be a fund created by a tax levied upon the clergy, by the imposition of a rate of taxation levied by a graduated scale upon all the benefices of the Church. It is suggested as a sort of income tax, to be levied upon the clergy for the maintenance of the fabric of the Church. Neither to that proposition can I agree. You have stated to Parliament, in a Report laid upon your Table, what is the actual amount of the revenues of the Church of England. After considering that Report, I think no hon. Member will deem that an income tax upon the clergy is a proper mode of meeting the expense. That Report shows, that the average income of the clergy of the Church of England, amounts to no larger a sum than 285*l.* per annum. Sir, I am not now called upon to enter into the question of distribution; but, assuming, for the sake of argument, that the distribution was equalised, it will only yield an average of 285*l.*

But then, some exclaim, “there are the bishops, deans, and chapters—why not abolish them?” Sir, in answer to that, I say in the first place, that the proposal would be, in fact, abolishing the episcopal character of our Church. It would alter the whole system of the Establishment. But, again—conceding for argument’s sake, that all these dignitaries were swept away, and that their whole revenue were thrown into the average, it would not yield, even then, to each clergyman, an average much exceeding 300*l.* per annum. I am not, for one, prepared to say that this income is in excess. On the contrary, I feel that it is not an income from which I am prepared to make any deduction, when I consider the duties cast upon the clergy, and the large means of usefulness which are open to them; when I think on their charity and their benevolence, and the claims upon both. On these grounds, I am not disposed to make any deduction from the income now assigned to the parochial clergy of the Established Church.

Another suggestion has been made, by which a fund should be raised solely by pew-rents, and by which the sittings in the Church should be applied to maintain the fabric of the Church. Sir, I should be very reluctant to acquiesce in this principle, stated without limitation. Then, indeed, I must appear to justify a second part of the urgent cry to which I have already alluded; then it might be said that I did propose to rob the poor of their rights. Sir, I think, if all admission to our churches were made dependent on money payment, we should rob the poor of their rights; which I will never consent to—and, therefore, if there be any who impute such an intention to me—to his Majesty’s Ministers—or to those who may support the plan we propose, such persons do us a manifest injustice. Sir, I contend that it is the duty of the Government, on the contrary, to provide, as far as is practicable, seats for the poor; and instead of limiting or abridging their rights, I propose in my Bill to confirm and extend them. If we were to place the support of the fabric of the Church upon the system of pew-rents, without regard to the rights of the poor, or without providing adequate means of religious instruction to the poorer classes, I say, that it would be a vicious settlement of the question. Therefore, I utterly and entirely disclaim all intention of wishing to pro-

vide exclusively by pew-rents for the support of the fabric of the Church; reserving to myself, in the further developement of my plan, the right of suggesting the appropriation of pew-rents, paid by the rich for the support of that fabric, and thus extending the means of religious instruction to the poor.

Another plan to which I shall advert is of a very different character; and this is the scheme of those who are so surprisingly contented with our vestry system, that they are anxious that Church-rates should remain in their present condition, and only wishing to obtain a little additional authority and control over those who vote the rates, namely, the persons who are called on to pay them. This plan is set forth in some resolutions entered into at a meeting of the Archdeacons of England. I entertain the deepest respect for these gentlemen; but they will, I am sure, allow me to comment freely upon their opinions, as expressed in these resolutions. One of the resolutions is—"That this meeting earnestly deprecates all interference with the principle of Church-rates, being persuaded that no other mode of attaining the same object, equally safe and permanent, can be devised." Now, Sir, if there be any force in the opinion of my noble Friend—if there be any force in the opinion of Lord Spencer—or if there be any force in the opinion of the right hon. Baronet, the Member for Tamworth, in adverting to this subject, it is impossible to acquiesce in this ecclesiastical judgment of the Archdeacons. But, Sir, this is not all. Like the postscript to a lady's letter, the most important part of the communication remains for the last. The second resolution is—"That nothing more is required than additional enactments for better raising or making the rate, and for securing the rate-payer every possible satisfaction as to the faithful application of the money so raised." Now, Sir, let us inquire what may be these additional enactments? Either that power should be given to churchwardens to levy a rate without the consent of the vestry; or to give to the magistrates at quarter Sessions, the power to impose a rate upon parishes, without the consent of the parishioners. Neither proposition can be maintained, or even tolerated, for one moment, let it come from what quarter it may.

I now proceed to another proposition, which I approach with much more of respect as well as of doubt and hesitation; the propositions made by Lord Grey's Government,—the proposition made by Lord Spencer to this House. I must be permitted to discuss that proposition, and state to the Committee the reason why I think it is open to objection; and that the House, though I admit that it contained an improvement of the existing law, would not now be warranted in adopting it. Lord Spencer proposed that a sum of 250,000*l.* should be voted by Parliament for the purpose of maintaining the fabric of the Church. That proposition was submitted to the House. No one proposed, distinctly, to negative it, but amendments were moved to this effect,—“That until it was shown that the funds of the Church were inadequate for the purposes of the Church, the House was not disposed to entertain the proposition.” My noble Friend did not persist in his plan. His Majesty's Government feel the utmost respect, of course, for a plan in which so many of them formerly concurred. But I shall take the liberty of stating to the House the reason why I think that proposition, though good in many respects, ought not to be made, and why another and a preferable proposition ought to be adopted. In the first place, the House is to recollect that the present system of church rates is one which allows to the parishioners, in vestry assembled, the power of saying aye, or no, to any proposition for a rate. It is, in point of fact, founded on the constitutional principle of parochial government. I object to this, not on the ground of any injustice, because I think in all communities the majority must have a power of governing on such subjects, but because these vestry meetings lead, as they are calculated to lead to perpetual discord and contest. Still, I say, that if the parishes of England have a free right, as at present they have, to say whether 1,000*l.* or 500*l.* shall be levied from themselves and expended, I am not surprised that they should say, “We don't choose that our money should be expended upon objects in which we are so deeply interested, without our opinion having been once asked upon it.” That is the first objection which is fairly applicable to Lord Althorp's plan. It would deprive the parishes of the control they now possess. But there is another objection, which

I think is more powerful, and to my mind appears quite decisive; and I wish my noble Friend, who was a party to that proposition, to give me his attention while I state this objection. In a publication which has recently issued from the press, in defence of Church-rates,—and which has obtained a circulation proportionate to the ability by which it is characterised,—I find it stated, that in 5,000 parishes no rates are levied, and that more than one-third of the parishes of England are free from this burden. I find it so stated, and, though I have no direct evidence of it, I assume the statement to be correct. But I know this confirmatory fact,—that, by the Charity Commissioners' Report, in very many instances in parishes, there does not seem to be a necessity for the levying of any Church-rates at all, because, in those parishes provision is already made, by the endowments of pious persons, for the maintenance and erection of churches. In the county of Norfolk, for instance, there appear upwards of 100 parishes that have some endowments for their churches: I do not affirm, nor do I know whether those endowments are adequate; but to take the extreme case stated, that of 5,000 parishes in which it is said that there are now no Church-rates collected, and wherever there may be an existing adequate endowment, is it fair to tax—which you do if you raise the Church-rates from the general taxation of the country,—is it fair to tax those parishes who have funds adequate to maintain their churches—is it fair to tax them for the support of other churches in other parts of the country? I contend that, there being subsisting endowments in many parishes connected with the established religion of the country, it is unjust, because it is partial, to levy an indiscriminate taxation throughout the kingdom for the general maintenance of the churches. I may be permitted to state one instance in illustration. I find that in the reign of Queen Mary a charter was granted, and considerable property given to a corporation at Sheffield, called the Church Burgesses; that those persons who have now adequate funds for the maintenance of the church at Sheffield, that they do maintain the church at Sheffield, and that all Church-rates at Sheffield have ceased. Would it not be rather hard, in this case, to say to the inhabitants of Sheffield, “You are to make a provision for the maintenance of churches in other

places where no such endowments exist?” The difference of religion in the case of Scotland and Ireland will give this argument additional force. It was frequently asked, on the part of Scotland, when Lord Althorp's plan was brought forward,—“Why should we be taxed for the support of the Episcopal Church in England? For, if funds for the maintenance of that church are taken from the general taxation of the country, you do, in fact, compel us to aid in its support.” And I think I could recognise something of the old spirit of opposition to episcopacy by which the Scottish covenanters were actuated, in the tone in which some Gentlemen echoed these sentiments. I say, then, of the plan of Lord Spencer, that, though it was a great step in advance,—though it tended to put a stop to the pernicious conflicts which have so long raged between Dissenters and Churchmen,—it was based upon a principle which I cannot admit to be free from all just objection. Nor were the objections entertained to this plan entirely confined to Dissenters. I find in *The Quarterly Review*—a publication certainly in no wise connected with the dissenting body—the following observations:—

“If the plan be adopted of upholding the churches out of the national purse, and the repairs be charged on the Consolidated Fund, where is the relief to the Dissenter? for the principle by which he is made—indirectly to be sure, but still substantially—to contribute to the maintenance of a building which he never enters, is just in as full force as under a system of rates.”

I do not concur in all the arguments contained in the paper from which I have read an extract; but I have no hesitation in asserting my conviction, that, by taking the course here alluded to, we should but have adopted a palliative, and a kind of half measure, which would not have been considered as satisfactory or final by a large body of his Majesty's subjects.

Sir, I have thus endeavoured to prove, that the present state of the law is defective; and, secondly, that the various remedies which have been suggested would not turn out to be effectual. I know I have occupied the House at great length; but I am resolved, even at the hazard of trying their patience, to omit nothing that may recommend the plan that I am about to introduce, or may protect the supporters of that plan from misrepresentation. Sir, the plan of his Majesty's Government—the plan which I am now about to explain

to the House—proposes to abolish Church-rates altogether; not for the purpose of leaving the fabric of the Church unprovided for, but with a view of providing for its repair, and maintaining it in a manner equally permanent, equally fixed, as before, but by a mode differing from the present in this main and essential distinction, that while the present system seeks for its support through contests painful in their prosecution, and doubtful in result—while in levying rates it creates religious animosity—we propose to maintain the fabric of the Church without injury to the Church itself, or to any class of persons, and under a system by which these heats and animosities will be extinguished. Our Bill provides for Church-rates out of a surplus to be created by a better management of lands which are now the property of the Church, and in the hands of the archbishops, bishops, deans, and chapters throughout England. Hon. Gentlemen will understand that I do not propose to touch the income, whether in glebe or tithe, of any one of the parochial clergy throughout England; neither do I mean to interfere with the settlement of the income of any archbishop or bishop as fixed and regulated by the Bill of last Session, and recommended by the Ecclesiastical Commissioners. I do not propose to vary any ecclesiastical arrangement made, or proposed to be made, last year. My proposal is, that, out of the lands in possession of the higher ecclesiastical corporations, means may be provided for supporting the fabric of the Church. I think that by this means a sum of 250,000*l.* a-year, at the least, may be secured. Such was the amount proposed to be taken from the Consolidated Fund, by Earl Spencer. If this can be done without injury to the Church, I believe that those who are anxious for the abolition of Church-rates will, and I know that they ought to, be content; and I hope also to satisfy all who are desirous to put an end to contests, injurious alike to Churchmen and Dissenters—two classes who, notwithstanding differences in faith and discipline, should be combined for the attainment of the common object of promoting improvement, religious, social, and political. Sir, I propose to create a commission for the management of the Church estates.

I was sure that the word “commission” would be followed by a cheer from the gallant Member for Lincoln,—as I am

sure that light will, to-morrow, succeed to the rising of the sun. But let hon. Members hear a little more. I propose, that there shall be a commission for the management of the Church lands, to consist of eleven persons; of these, five to be of high rank, ecclesiastical rank, namely, the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, the Dean of St. Paul's, and the Dean of Westminster; the others to be the Lord Chancellor, the Secretary of State for the Home Department for the time being, the First Commissioner of Woods and Forests for the time being (for reasons I shall presently explain), and, as in the Tithe Bill, I propose that there be three paid commissioners, one of them to be appointed by the Archbishop of Canterbury, and the two others to be appointed by the Crown. Such is the constitution of the commission that I recommend. Hon. Gentlemen will observe, that the object of the appointment of this commission is solely for the management of the Church lands. I do not propose that the legal estate shall be transferred to them; on the contrary, I think the legal estate should remain as at present, but that the management of the Church lands should, as in the case of the Crown lands, be transferred to these Commissioners. I then propose that the present leasing powers of the Church shall altogether cease. [*Hear, hear.*] Gentlemen will, when they have followed me through my arguments, be enabled to judge whether any injustice, either to the Church or to individuals, is intended. I need not refer to the present system of leasing—the power of taking fines—of granting leases for lives, of leases for years, and the power which the bishops, with the approval of the deans and chapters, possess of granting concurrent leases. All these must be familiar to hon. Gentlemen who may have considered the subject; and, if not, in the course of my address, the proposition I have to make will be sufficiently explained. The greater portion of the income derived from the Church lands is raised by fines upon the renewal of leases. The rents are, for the most part, fixed, and they constitute a comparatively small portion of the income. The Church is thus in the state of a person who lives by raising money upon a reversion, which, where the renewals are made as at present, is decidedly

the most improvident of all modes of proceeding. Every hon. Gentleman, at all acquainted with the world, must know that such is exactly the conduct of a spendthrift. I propose, therefore, that the system of levying fines shall be entirely discontinued, and that the present leases be allowed to run out, then to be renewed on certain conditions in reference to their full value. It will be said, no doubt, and said with justice, that if my plan stopped here—if the measure which I have to propose were limited to this condition only—a great injustice would be done to the lessees. They have, in many cases, inherited their leases from their ancestors—those leases have been the objects of mortgage and of family settlements; and they, therefore, may be considered to hold their lands under a qualified species of right. It cannot, of course, be considered as a strictly legal right, but one which, at least, entitles the lessee to some equitable consideration. Our Bill is founded upon the admission of such a principle. For, however great the inconveniences which we wish to remove, we ought not, in endeavouring to remove them, to injure the rights of individuals.

The Bill which I propose to introduce is founded on the principle of giving a reasonable consideration to the rights of the present lessees. We not only propose that, according to the improved value of the lease, the existing tenants of the Church should be entitled to a right of pre-emption, but that such right should be secured by allowing his renewal at five per cent. below the improved value. This is the principle adopted with the tenants of Crown lands; and I propose, with respect to the tenants of the Church, to give them the same advantage. But I am far from satisfied with this—I do not think it fully meets the equity of the case. If we merely continued the system of leases, I think a great portion of our duty would still be unperformed. Any one who has seen—not only in agricultural districts, but in large cities—the course of improvement which is interrupted, and great national undertakings checked, by the uncertainty of church leases, must admit that we could not be satisfied with the regulations to which I have alluded. I propose, therefore, to give the existing tenant not only the pre-emption of the lease, but the power of purchasing the fee-simple of the Church estate, subject to an increased

rent payable to the Commissioners. When I say a fixed rent, I mean, that when the rent has once been ascertained, it shall afterwards fluctuate according to the value of corn. It may, therefore, be called a corn rent, and the fluctuations will be calculated upon the principle laid down in the Tithe Act of last Session. I propose that the Church lessees shall be enabled to purchase the fee-simple of the land at the rate of twenty-five years' purchase, the existing leases being valued at the rate of four per cent. If, for instance, a tenant has a lease equal to fourteen years' purchase, that interest shall be estimated at four per cent.: the difference between that sum and twenty-five years' purchase of the improved value of the fee-simple, shall be the amount the tenant will be called upon to pay for the enfranchisement of his land. Hon. Members are not, however, to suppose, that the plan which it is my duty to propose will make it imperative upon every lessee to pay this amount of difference in actual money. In order to facilitate the transaction, I propose that the amount should be commuted into an increased rent, to be added to the rents and fines which are now payable. I offer to the tenant the entire enfranchisement of his land—I offer to make that which is now an uncertain and doubtful tenure—a tenure fixed and certain—a tenure in fee simple—one which will secure to the Church not only that which she now receives, but also that surplus upon which I confidently rely as a substitute for the present church-rates. There will also be clauses to enable persons who are life-renters to raise money, as well as to effect the exchange of lands. By these clauses the life-renters will have power to exchange Church lands for others which may be more suitable to their views and enjoyments. Sir, in cases in which persons being sub-lessees hold leases under a covenant of perpetual renewal, or renewal *toties quoties*, their rights will also be regarded, and their interests will be regulated as in the case in dealing with the sub-lessees of Crown estates. The sub-lessee will have the power of appearing before the Commissioners, of proving his interest in the land, and obtaining from them such decision as the justice of the case may demand.

Sir, I have already stated, that, by my plan, the rights of the present dignitaries will not be at all affected; and, in order

to provide more especially for such cases, we propose, that if a bishop pleases, he may continue to keep up his receipts as under the present system of fines and rents. There is nothing in the Bill to prevent his continuing that practice, so far as he is concerned; though we hope he may find it more to his advantage to accept the provisions of this Bill at once. But the moment that the present incumbents' interest ceases, their successors will come absolutely under the provision of the Act. Sir, I believe that the funds which the Bill provides will be more than adequate for all the purposes for which this is intended. It is our intention, by the Bill we are about to introduce, to enact that the surplus, after paying the present fines to the bishops and ecclesiastics, and after providing, in addition, for the charge of church-rates, shall form a reserve fund, and shall be applicable to the endowment of small livings. Next, I have already stated that in many parishes there exist local funds applicable to the repairs of churches. I am decidedly of opinion that these funds ought to be brought under the consideration of the Commissioners intrusted with the administration of the Church estates. Those funds we accordingly propose to bring under the control of the Commissioners, though not to vest them in their hands. I have omitted to state that the commission to which I have alluded will be charged with the primary duty of paying over to the Ecclesiastical Commissioners, as at present constituted, the sum of 250,000*l.* per annum, to provide for the maintenance of the Church, the amount of the existing fines. Another source of income which will be brought under the notice of the Commissioners will be the pew-rents. I am very far from being desirous of limiting the attendance of the people on the service of the Established Church, to those who will pay a sum of money for their sittings. Nothing can, in my mind, be more unjust, nothing more injurious, and, therefore, nothing deserving to be more strongly deprecated. It would be most improper to raise, between the poorer classes and their religious duties, obstacles of this description. But, undoubtedly, where pew-rents have been received,—and in all cases where they can justly be demanded from the rich, they ought to be received,—they should be employed for the support of the Church.

This is already the case in many parishes, of the metropolis. In the parish of St. James, the pew-rents produce a sum fully adequate to the maintenance of the Church; and the church-rates in that parish have consequently ceased to be collected. There are many other parishes in which a similar practice prevails. I propose intrusting the management of these pew-rents, first to a committee elected by the pew-renters themselves, reporting to the bishop and the commissioners: the former will be enabled to take care that these pew-rents shall not be collected in the parish, unless upon the condition that free sittings shall be provided for the poor on a scale more liberal than the present. I know not whether some hon. Gentlemen opposite, who have been taking notes, may be inclined to quarrel with me on this subject: they may possibly object on the ground that they consider the levy of such rents unjust in all cases; but they certainly cannot, with any pretension to truth and fairness, find objection on the score that we leave the wants of the poor unprovided for: on the contrary, it is of the very essence of the Bill that a provision should be made for the accommodation of the poor, and a provision far larger than that which at present exists. The Bill will enact that the minister and churchwardens, with the consent of the bishop, shall reserve, at the least, one fifth part of the seats as free for the poor; and if the same have been usually let previously, then one third, as if the church had been erected under the Church-building Acts; or one half, if pews have not been usually let before. As I observed in the outset, it has been imputed to me, and to those with whom I act, that we are disposed to rob the poor of their rights. The House will now, I think, be satisfied that this accusation is most unfounded. I feel that I am compelled to press this point, because there is none upon which a strong feeling can be more easily, nor, if true, be more justly excited. The provision which it is proposed to introduce into this Bill upon the subject of free sittings in the churches, is, I believe, of a larger and more liberal nature than that which at present exists; and if the only difference which subsists between hon. Members and myself has relation to the subject of extending a greater degree of accommodation to the poor, I do not believe that they

can justly quarrel much on this score. They will find me, upon this subject, at all events, ready to carry my principle as far as they may desire. It is also proposed by the Bill which I shall ask leave to introduce, that the whole of the present system of visitation fees, and fees upon the swearing in of churchwardens, shall be abolished. In this respect my proposition is the same as that of Earl Spencer. For my part, I cannot see how any benefit can possibly be derived from the perpetuation of the present foolish system of swearing in churchwardens, when all that is required may be done without expense, either before magistrates or neighbouring surrogates; and, by the alteration I propose, a saving of from 150,000*l.* to 180,000*l.* per annum will at once be effected.

I now proceed to a point of very considerable importance. Hon. Gentlemen must be aware that a very large debt has been already contracted on the security of the Church-rates. Public and private money, both to a very great extent has been advanced. How is this to be provided for? I must say, as one most friendly to the reform of the existing system of Church-rates—I will say, as one feeling deeply convinced of the necessity of maintaining the Established Church,—that it would be unjust to seek to attain these objects, however useful, by proposing that a debt, contracted under the sanction of the ordinary laws of the land, and warranted by Acts of Parliament, should be in any the slightest degree affected or impaired in its security of repayment. Well, then, Sir, as by my Bill there will be an end put to Church-rates absolutely for the future, it will be necessary that the whole amount of debt already incurred by the parishes should be secured on the parochial rates. It would not be just that we should relieve property from engagements already contracted. Those debts should still be made good out of the funds, and by the persons by whom they are now owing. I will not bring forward a proposition founded on any other principle; I should shrink from making any which I believed to be practically unjust, or which contained within itself the elements of injustice. It would be surely most unjust to transfer to one man's shoulders a burthen contracted by another. The parties who now owe this debt, are the parties who are bound to pay it.

Sir, it is now necessary to state, for the satisfaction of the Committee, that, out of the income of archbishops and bishops and other ecclesiastical functionaries, which amounts to 541,000*l.*, my measure only affects that portion which is represented by fines, and which amounts to 260,000*l.* I do not mean to diminish, in any degree, the actual receipts of any one archbishop, bishop, dean, or other dignitary. I have already alluded to the mode by which I expect to obtain an adequate surplus; and, to make a subject which is complicated in itself somewhat more intelligible, I shall explain it by an illustration. My object will be to prove, that the Committee may rely on obtaining an increased revenue of 250,000*l.* by the introduction of an improved system of managing the estates of the Church. In the first place, I shall be asked on what authority my reasonings rest. I cannot hesitate to name my authority, more particularly when I can refer to a gentleman for whom I have a great respect and regard, and to whose official assistance, on the present and on former occasions, I owe great obligation. I mean Mr. Finlayson—a gentleman whose authority will not be objected to on either side: indeed, on the other side of the House, when hon. Gentlemen wished to oppose our Irish Church Bill, the authority of Mr. Finlayson was, to them, all and every thing. His calculations were laid upon the table of the House, and they endeavoured to prove, from the conclusions to which they led, that our proposition was indefensible. Mr. Finlayson is the authority to which I now appeal. As the question is an abstruse one, I shall rather state Mr. Finlayson's conclusions, than endeavour to follow his reasoning in much detail; but, as I am bound to prove that this sum of 250,000*l.* can be obtained in the way I suggest, those who are prepared to oppose, or to support, my plan are equally interested in giving me their attention. I shall come to the result without going through all the calculations. The point to be discovered by Mr. Finlayson was—the improved rental of the Church lands. This was to be inferred from the value of the fines received; the average subsisting terms; and the rate of interest allowed to the lessees on renewal. From these elements the rental is inferred. Now, taking the leases for lives and the leases for years together, the average subsisting term may fairly be

estimated at twenty-four years; the average rate of interest allowed upon renewals may be assumed at seven per cent.: the amount of fines is 260,360*l*. From these data the deduced rental would, I feel confident, be considerably within the mark; and I am satisfied that the fullest investigation would confirm this supposition.

The computations to which I am about to refer are founded on the best data within my reach, and will, I am convinced, be fully confirmed by the actual facts. I have endeavoured to ascertain the real value of this property of the Church from the following elements; the amount of fines received; the average duration of the subsisting terms; and the rate of interest allowed to the Church lessees. Results deduced from thence, by a close and scientific inquiry, have afterwards been brought to a test derived from the actual examination of Church leases in particular dioceses; and the comparison has given a complete confirmation to the theoretical discovery. The fines received are as follow:—

Archbishops and bishops	74,812
Deans and chapters	164,059
Prebendaries, &c.	21,760
	<u>£260,631</u>

These fines are calculated to be distributed in the following proportion:—

Fines on lives	150,671
Fines on terms of years	109,960
	<u>£260,631</u>

Now I am inclined to estimate the subsisting leases as leading to the following results:—

	Years.
Average subsisting leases for lives	29·6
Average subsisting leases for years	15·7

giving a general average of twenty-four years. I assume the average rate of interest allowed at seven per cent.; I believe that the closest investigation would bear out this hypothesis: and from these facts Mr. Finlayson is enabled to deduce the value of the rental of these estates. That rental may be assumed to be, at the very least, 1,323,000*l*.; and in stating this amount I feel satisfied, from Mr. Finlayson's calculation, that I am placing the estimate very considerably below the mark; but even at this rental I can show what is my probable surplus. Assuming

the total rental to be 1,323,000*l*. subject to the existing term of twenty-four years, that sum will be represented by an annuity of the amount stated, deferred for twenty-four years. This deferred annuity, turned into an annuity in possession, will be equal to 516,000*l*., and the amount will consequently stand as follows:—

Immediate income	£516,000
Deduct the fines	261,000

Surplus applicable to church
rates and received fund } £ 255,000

being 5,000*l*. a year more than is required for my immediate object. This operation may be wholly effected, as I anticipate, by the sale of the reversions to the tenants at the rate of twenty-five years' purchase; valuing the subsisting terms at the same rate, by allowing interest at four per cent. But it will be asked me how I can feel certain that the tenants will purchase? Sir, my conviction arise from my belief that it will be the tenants' interest to do so. Let me entreat the leaseholders to consider the proposition which I make them. I propose that, on he conditions I have stated, they shall be permitted to convert their present most uncertain and unsatisfactory tenure into a fee-simple title, subject to a perpetual rent. I have stated the computed rental at 1,323,000*l*., subject to the annual fines of 261,000*l*. The tenants' existing interest during the present leases would therefore be 1,062,000*l*. Supposing that the increased commuted rental amounted, as has been shown, to 516,000*l*., the tenants' perpetual interest would amount to 807,000*l*. But what is the actual value of the terminable interest in the perpetual estate? From the best inquiry I have made, I am led to conclude that the highest average value of these church leases cannot be taken at more than twenty-one years' purchase. Now, a net rental of 1,062,000*l*. at twenty-one years' purchase amounts to 22,302,000*l*. But the perpetuity of 807,000*l*. held in fee-simple may be valued at thirty years' purchase: 807,000*l*. at thirty years' purchase amounts to 24,210,000*l*. Thus it would appear that although the tenants should lose in income, their gain in exchangeable value would amount to 1,350,000*l*. These figures are taken as affording the best illustration of my principle; and the practical result will, I feel convinced, bear out the reasoning. Though

of the land; and that, by the mortgage of these lands, money had been borrowed, and securities given, for the fortunes of children and the jointures of wives. This memorial is signed by the Duke of Marlborough, and the Duchess of Dorset, Lord Essex, the Duke of Leeds, Lord Balcarras, the Duke of Richmond, and many other persons of influence and importance. I mention this to show that a memorial more entitled to attention, from the names affixed to it, is seldom addressed to the Treasury. But to what did that memorial lead? Did it lead to the result of setting aside the arrangements of Mr. Pitt? On the contrary, these arrangements were persevered in; and the result has been the extraordinary improvement of the Crown lands, as, under the new system, those who possessed the property as tenants, acquired a far more permanent tenure than they had formerly enjoyed. It may be well to mention, before I pass to another subject, that in this memorial the parties state that the terms imposed upon the Crown lessees are so very hard that the lessees will never acquiesce. Now, I have had the curiosity to obtain a return of the number of persons who signed this petition, the number of the Crown tenants interested, and the number of those who afterwards renewed on the terms of Mr. Pitt. From this account I deduce the following curious result;—there were eighty-five lessees represented by the memorialists; and those who refused to renew, amounted to the small number of fifteen only. Fifty-one renewed; and the eighteen remaining were only prevented from renewing solely because their lands were taken for public uses. I have, therefore, in my favour the authority of the Legislature in the steps taken deliberately for the more productive management and improvement of Crown lands; and I have a proof that this step was taken without real prejudice to the Crown lessees themselves. But, in addition to the terms granted by Mr. Pitt, I propose to the Church lessees the more important advantage of purchasing their lands at a fixed and advantageous rate.

Now, Sir, I shall endeavour to bring my concluding observations within as narrow a compass as is practicable. I have first sought to prove, that the present state of the law is wholly indefensible. I have endeavoured to show, that various remedies have been suggested to which objections,

more or less powerful, exist. I have endeavoured to describe to the House the nature of the remedy which I propose; and I have finally proved that my proposition comes recommended, not only by reason, but by precedent and authority. I am not one to undervalue the rights of the Church in this matter,—far from it. But will hon. Gentlemen carry their opposition so far as to say that the Church, in reference to its temporal interests, is to be considered as being more sacred and inviolable than the Crown? Will hon. Gentlemen say, that the lessees of the Church are entitled to more consideration than the lessees of the Crown? Surely, both stand precisely on the same footing. The Church property I view in the same light as I view the Crown property. The Church lessees I consider in the same condition as the Crown lessees. And if this be so, we then have got the authority of the Legislature in favour of my proposition. We are entitled to say, that our remedial measures are adapted to the nature of the case, and are supported by the highest precedent. Are we not entitled, therefore, to claim a fair consideration for our measure; and, above all, are we treated justly if it be denounced as adverse to the Church? I know that, when any one from this side of the House expresses his attachment to the Established Church, there is too frequently a disposition manifested by our opponents to signify their distrust of that declaration. Sir, it will be for this measure to speak for itself. It will be for hon. Gentlemen to weigh well the probable consequences of this measure.

I well know the difficulty as well as the importance of all Church subjects at the present time. I feel the difficulty and danger of approaching them. So far back as the year 1237, one of our ancient statutes begins by a solemn warning, *circumspectè agatis, in rebus tangentibus Episcopum*. If this warning was necessary six centuries since, it is at the least as necessary in 1837, in reference to the politics of our times; because, if any person, and more especially a Whig, presumes to touch this subject, except with the greatest circumspection and care, he is exposed to be stigmatised as an enemy to the Church, and as one who wishes to overthrow that Establishment. I assert that, though all will be benefitted, it is the Church that

will derive the greatest advantage from the proposed arrangement. Is it nothing that rest and peace should be given to the Church? Is it nothing to the Church of England that a time should arrive when there shall be no more of these annual meetings, at which discord and strife predominate, and at which theological asperities are embittered by a union with questions of money payments? I think all theological controversies are dangerous when they are not approached in the spirit of moderation and charity. But if you seek to add to that danger in the case of any particular church, bind up your theological argument with the imposition of taxation; select as the place of discussion a popular meeting, to which all parties are freely admitted. Continue this system if you wish to endanger, and finally to overthrow, any institution, however sacred. Continue this system if you wish to pervert all Christian charity into hatred and fanatical malignity. If such be your object, perpetuate a system of distraction, which it is the object of my Bill to destroy.

Again, I contend, the Church would have a further and most essential benefit from my proposition. The management of these lands would be taken out of the hands of the Bishops and other dignitaries; and every thing which tends to raise the character of the heads of the Church must improve the condition, and extend the usefulness of the parochial clergy also. I wish to touch this part of the subject very lightly; but, have we never heard of suspicions that proceedings occur with regard to fines and renewals of Church leases, which lower the clergy of this country in public estimation? Does not the mode in which the bargains have been struck,—and further, does not the power which a young bishop, or young dignitary, possesses, of running his life against the interest of the lease,—do not these causes introduce a collusion and a jealousy far from being useful or creditable to all parties? I find the following passage in this pamphlet of the Rev. Mr. Sydney Smith, to which I have already referred. The author is discussing the mode in which the patronage of Bishops is disposed of:—

“The worst case is that of a superannuated bishop. Here the preferment is given away, and must be given away, by wives and daughters, or by sons, utterly unacquainted with ecclesiastical matters; and the poor dying

patron's paralytic hand is guided to the signature of papers, the contents of which he is utterly unable to comprehend.”

If this be true with respect to the church patronage of bishops, is it not equally true with respect to the grant of ecclesiastical leases? Will not a plan which puts the leasing power of the Bishops upon a better principle, and removes from our prelates—I will not say all temptation, but—all suspicion,—will not such a plan be eminently beneficial to the Church? Further, if there be an advantage in this to the bishops, I humbly contend there is also an enormous benefit to the lessees. Let it not be asserted, for the purpose of raising an argument here—or let it not be said elsewhere, for the purpose of raising obstacles to the passing of this Bill—that the Church lessee has a defined, legal, tenant right of renewal, capable of enforcement, and one for which he is entitled to claim compensation. He has no such right—he stands precisely in the same position with the Crown lessee. Though almost afraid of the charge of pedantry and presumption in venturing to quote a high legal authority, I must ask permission to refer to the observations of Mr. Butler, in his edition of Coke upon Littleton, upon the question of tenant rights, as bearing on this subject. Mr. Butler observes that—

“The favour which is shown to old tenants, by granting them a renewal of their leases, preferably to a stranger, has given them, in the eye of the law, an interest beyond their subsisting term, and this interest is generally termed their tenant right of renewal. This is particularly applicable to leases from the Crown, from the Church, from Colleges, or from other Corporations. These circumstances have produced what is called tenant right. Attempts have been made to establish an obligation in landlords to renew, but they have not succeeded. The renewal, therefore, is still a matter of favour and of chance; but is so far valuable, that it enhances the price of the property on sales.”

How, then, can that be considered a right which, in the words of Mr. Butler, is thus left to “favour and chance?” I will say, further, that those who are interested in ecclesiastical leases well know to what they are now exposed, and to what they are only compelled to submit. They know not only the amount of renewals, but the charge of fees; and they know, to their cost, that every lease is a matter of heavy costs, payable to the secretaries

and officers of the bishops. All this will be necessarily abolished under the proposed Bill. They will also have the power of exchanging Church lands for other lands of equal value, a power which at present they do not possess.

In anticipation of some of the objections which may be urged on the part of the lessees, I ask permission of the Committee to read an instructive passage from a speech which was delivered upon this subject in the House of Commons, so long since as the year 1600; which may give to the shrewdness of modern times some aid from what is called the "wisdom of our ancestors." A Bill was introduced in the reign of Elizabeth, to prevent bishops from giving leases in reversion, until within three years of the expiration of the existing tenure. A country gentleman then stood up, as country gentlemen may now do, and opposed the Bill, contending, that it would be prejudicial to the Church, to the bishops, and to their tenants. His argument was to the following effect:—

"This Act would be prejudicial both to the bishop present, and the successor, and their servants, and to the bishop's own farmers and tenants. To the bishop present, in the maintenance of his estate, which cometh only by continual fines; which, if they be taken away, then are they not able to maintain that hospitality, or keep that retinue either belonging to their place, or answerable to their living; for consider the revenue of the greatest bishop in England, it is but 2,200*l.* per annum"

Observe, the greatest income then enjoyed by a Bishop was 2,200*l.* a year [Colonel Sibthorp.—That was 200 years ago.] Very well. But this is not all; let me proceed. This gentleman thus continued:—

"Whereof he payeth for annual subsidy to the Queen 500*l.* per annum."

Now, the hon. Gentleman opposite, by his remark, implied, that the income of 2,200*l.* was at that time, equal to what the income of a bishop is at present. [Colonel Sibthorp.—Hear!] The hon. Member agrees with me. Very well. But if he contends that the income of the bishops should be raised in reference to the altered value of money, he cannot object to raise the nominal amount of the subsidy on the same principle, and in the same proportion. What bishop now pays one fifth of his income as a subsidy to the State? The speech from which I have quoted, goes on to argue, that it would be a great hardship if the bishops, who were

so poorly endowed, and who had a heavy subsidy to furnish,—if they were disabled from providing for their old and faithful servants, by granting them leases in reversion. But the chief ground on which this Gentleman opposed the Bill was the following:—

"And what damage we shall do both to the bishop and to his successor, his revenue being so beneficial to her Majesty, I refer to all your judgments. To the successor it must needs be more hurtful; for, when he first cometh in, he payeth first fruits, and yet is not allowed to make his benefit by fines, which all bishops' farmers are contented to do, so that he is cast one whole year's revenue behind hand; and, perhaps, hath no power, neither to make leases in twelve or sixteen years. This, Mr. Speaker, will be a cause to induce the ministers of the word not to seek bishoprics, whereby we may bring the clergy both to poverty and contempt, from which they have ever been carefully defended and provided for, even by the most ancient statutes and laws of this realm now extant. Hurtful it is to their servants, for this may be every man's case. We know many good gentlemen's sons served bishops; and how can they reward their long and faithful service, but only by means of granting over of these fines, or some other means out of the spiritual functions. But this Act is good for the courtier; but I must speak no more of that. Lastly, Mr. Speaker, myself am farmer to a bishop; and I speak this as in my own case, (on my knowledge) to the House; that it is ordinary upon every grant, after four or five years ever to fine and take a new lease. But, I refer it to the consideration of the House to do their pleasures herein; only this I certify, that I have the copy of the Bill the last Parliament exhibited to this purpose, which I having compared, together with the present Bill, do find them to be, word for word, all one; and that was rejected;—and so, I doubt not, if the reasons be well weighed, but this will have the like success."

Thus it appears, that it was not because the interests of the Church, or because the principles of public justice, would be compromised by the Bill, that this good Member of Parliament opposed it, but because he was the farmer of a bishop.—[Hear! hear!] I am rejoiced that hon. Gentlemen, on both sides of the House, cheer this suggestion; they, therefore, disavow an opposition which rests on these selfish grounds. Those who say, that the whole of this property should belong to the Church, and those who maintain that it should be the property of the lessee, unite in their cheers. But if there be any who maintain that this reversion-

any value is the property of the Church, then they ought to take it from the lessees; and if the lessees have a legal right to keep it for themselves, then they must not unite with their opponents to give it to the Church. Therefore I may have some chance of the votes of each of these cheerers against the others; and they may support me in sanctioning a vote for the application of their funds to provide for Church-rates; but they cannot, with any consistency, confederate together. Let not those who wish to get this property for the Church, and those who wish to regain it for the lessee, unite; for it cannot, without a miracle, be applied to these two and opposite objects.

The right hon. Gentleman opposite cheers me. Sir, this brings me to consider whether it can be argued that this surplus does or does not belong to the Church. Sir, I maintain, that it does not belong to the Church, but that it does belong to the State, though I only contend for its application to a strictly ecclesiastical use. I have an authority to that effect on my side, and I entreat the attention of the Committee to this authority. I call your attention to this authority, in order that I may protect myself and the Government from the accusation that we are sanctioning or recommending any misapplication of Church property. My first authority may not have weight with Gentlemen opposite, but it is one on which we at this side rely,—it is the authority of Lord Spencer. The case we seek to make out is this;—that when we give, by law, a new value to Church lands, we acquire a right to apply the funds derived from this new value to such purposes as the Legislature may sanction. I have the authority of Lord Spencer for this. That noble Lord in 1833, in introducing the measure relative to the Church of Ireland, said,—

“ Even those who declared that it is unjust and improper to interfere with the revenues of the Church will agree with me, that if by the Act of Parliament which will be introduced, on this subject, any new value is given to benefices, that new value, so created, would not properly belong to the Church; and whatever is raised by it may be immediately appropriated to the exigencies of the State. . . . I feel, therefore, that those gentlemen who object to any interference with Church property will fully and readily agree to this proposition. If, therefore, as I have already observed, an increased value will be created by the contemplated Act of Parliament, then I

have a right to assume that that increased value cannot be claimed by the Church. I therefore feel that even those individuals who object to the interference with Church property, or the appropriation of it to any other than Church purposes, may, without any scruple, agree with me in the proposition that, whatever additional proceeds are realised by the new system, may be applied to such purposes as Parliament may think fit.”

But, Sir, this is not the only authority to which I can appeal on this subject. I am entitled to claim that of my noble Friend opposite, also (Lord Stanley). Nay, he goes beyond what I contend for. My proposition does not imply that you are authorised to apply the increased value to the purposes of the State generally. I only ask the House to affirm that it may be applied to the purposes of Church-rates,—that is, to an admitted ecclesiastical purpose. My noble Friend has gone further: he maintains the doctrine, that the surplus may be applied, without limitation, to the uses of the State. Then let it not be said, that my plan interferes with, and is inimical to the interests or the property of the Establishment; for it is founded on principles more moderate and limited than the principles of my noble Friend, whose attachment to the Established Church has never been questioned. My noble Friend, in proposing the Irish Church Temporalities Act, proposed to increase the value of Church property, but he also proposed to devote the increased value to state purposes; whereas we propose to devote it to purposes that are definite as well as ecclesiastical:—

“ What is it we propose? That the land shall remain charged with a certain corn-rent; and that the tenant shall have no power, nor the Bishop either, to alter that arrangement. The tenant shall pay a regular sum—a larger sum—the amount to be calculated by a public accountant. To whom, then, shall be the benefit of this payment? The right hon. Baronet the Member for Tamworth says, ‘ to the Church,’ I say, ‘ to the State.’ ”

And again:—

“ Why do I say that this is applicable to the State? What is the present value of Church property? The Bishop, by the conditions which you—the State—have imposed upon him, and on which he holds his land, cannot grant a lease for a longer period than twenty-one years. The lease, subject to this condition, if brought into the market, is worth about twelve years and a half purchase. You pass an Act which increases the value of those leases to the extent of seven, eight, or, it may

be, nine years' purchase. Whatever the increased value is, you give it to the Church. She does not possess it without the Act of the Legislature; and I ask if you, by your Act, give an increased value to Church property; has the Church any right, or can she have any claim, to say,—'It is to me you must pay this increased value, which my property never had, and never could have had, but by your Act? I say, it is perfectly consistent with the principle that the revenue of the Church ought not to be appropriated to other purposes, that you should appropriate to secular, or any other purposes, the increased value you now give to Church property, convertible into pounds, shillings, and pence, which it never would have been without your own Act.'

I say, it is not competent for my noble Friend to object to the principle on which we act. He may not agree in our plan,—he is not bound to assent to it; but then he is not at liberty to say that we violate any principle, when proposing to increase the value of Church lands. We propose to appropriate the new funds, not to the State, but to the Church. "The bishops," the noble Lord then truly asserted, "cannot grant leases for more than twenty-one years, the value of which lease is about twelve and a half years' purchase. If you pass an Act, which increases the value of the leases to the extent of eight or nine years, are you to give that increased value to the Church; or should you not, rather, when by an Act of the Legislature, you increase the value, give the benefit of it to the State, by applying it to secular purposes?" I do not use the high name, and the great authority of my noble Friend, for the purpose of throwing any difficulty in his way. I admit there is a difference between the two cases of England and Ireland, and no doubt, I shall be told so. Let us hear that argument when the Irish Church Bill comes under consideration. I repeat, I do not use the high name of the noble Lord, and the weight of his authority, for the purpose of embarrassing him; but to meet the charge and the invective directed against us out of doors, and the suggestion that we are actuated by a spirit prejudicial to the Established Church. I contend, on the contrary, that we seek to apply this property to what is strictly an ecclesiastical purpose. Now, in the discussion to which I allude, the right hon. Baronet, the Member for Tamworth, said, he would not object to appropriate a part of the revenues of the Church to what were strictly ecclesiastical purposes; and he admitted, further,

that the repair of the Church is an ecclesiastical use. I, therefore, have the authority of both my noble Friend and the right hon. Baronet for my line of argument. I am reluctant to refer to historical facts, or to detain the House by quoting from antiquarian authorities; but to those who love antiquity, I say, look to the origin of Church-rates. Even so late as the reign of Queen Elizabeth, when funds were required for the repair of St. Paul's Cathedral,—what was done? Why the Queen, at once, had recourse to the clergy, and, by imposing a heavy taxation upon the Church, she produced funds, and laid down the principle that the ecclesiastical estates might justly be made to contribute to the repairs of the fabric. The account of the transaction is as follows:—

"In the year 1561 a fire happened in St. Paul's Cathedral, which burnt down the lofty spire, and otherwise damaged the edifice. The Queen, Elizabeth, resolved to have the damage speedily repaired; and what steps did the Queen take to effect this object? 'Being,' as Strype observes, 'church work, she reckoned the bishops and clergy would especially be contributors thereto.' She sent a letter, therefore, to the archbishop, 'that he should consult with the bishops of his province, and the chief of the clergy, to devise among them some convenient way for collecting money from them for that use.' The archbishop accordingly issued his order to the bishop of London, and the other Bishops of his province, 'that they should contribute the twelfth part of their promotions in the diocese of London, and the thirtieth part elsewhere, with the exception of stipendiary curates, and beneficed men, exempt by statute from first fruits, unless they should be brought to contribute by good persuasion of the Bishops, and to pay one fortieth.' Some of the clergy being backward with their payments, Queen Elizabeth's council issued a letter to the archbishop, desiring him to collect the arrears, and informing him that 'further orders' would be taken if the clergy should refuse to pay. Such was the mode adopted by Queen Elizabeth for repairing St. Paul's."

Again in the time of Charles 2nd., many of the leases of Church lands having been allowed to expire in the time of the Commonwealth, and a vast sum by way of fines, being due, and most undoubtedly the property of the clergy of that day, a course somewhat similar was taken. The Church had an undoubted right to these fines in law and justice—the lessees, too, were fairly entitled to be considered in the renewal of their leases. But was.

1. The first step in the process of creating a new product is to identify a market need. This involves conducting market research to understand what consumers want and what problems they are facing. Once a need is identified, the next step is to develop a concept that addresses this need. This is often done through brainstorming sessions with a team of designers and engineers. The concept is then refined through prototyping and testing, ensuring that it meets the requirements of the market. Finally, the product is manufactured and distributed to the target audience. Throughout this process, it is important to maintain communication with the market to ensure that the product remains relevant and competitive.

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as come from Dissenting bodies, are entitled to less weight than if they came from members of the Establishment. But the prayer of those petitions I find to be supported by an authority of the most unquestionable orthodoxy—the authority of one of the dignitaries of the Church—a divine of great learning, and great eminence, in the University, of which he was a member and an ornament. I allude to the late Dr. Burton, canon of Christ Church, and Regius Professor in the University of Oxford. His words and arguments are most emphatic, and, indeed, they warrant conclusions going far beyond my resolutions. The following is an extract from his “Thoughts on the Separation of Church and State:”—

“If a person is not a member of the Church of England, I can hardly think it right to make him pay for the repair of the fabric, or for any of the appendages of a worship in which he takes no part. I am aware that there is a practical difficulty in admitting this doctrine; because, when the churchwarden goes to collect the rate, it holds out a pecuniary inducement to every person to say that he is not a member of the Church of England; and thus, not only will many parish churches go without repair, but hundreds and thousands of persons may be tempted to tell a falsehood in a matter of religion: it will, in fact, be a man's interest (in a worldly sense) to attend no place of public worship. I have sometimes thought, that the Legislature might reasonably call upon every person in the country, who is now liable to be rated to church and poor, to pay a small annual rate (and it need be but very small) to the maintenance of some place of public worship. It would hardly be intolerant in a Christian Legislature to require that every person in the country should declare himself to belong to some form of Christianity. In parishes where there are no Dissenters, the whole of this rate would be expended, as now, for the repair of the parish church, or for uses connected with the ritual of the Church of England. In parishes where there are several sects, the money would be divided in proportion to the relative members belonging to each sect: and it might be made imperative upon each sect, as upon the Church of England, to appoint some responsible officer, who should account publicly for the expenditure of the money. If it should happen that the Church of England, or any of those sects, did not want that exact sum in any particular year, I can see no objection to its being put by as a fund in case of need; but the rate should be collected every year, and thus no pecuniary inducement given to any person to declare himself a member of the cheapest church. There may be difficulties in the plan, of which I am not aware, and I only put it forward to be con-

sidered by others; but, at all events, the payment of Church-rates by Dissenters ought to be abolished. If they feel the payment to be a grievance, it is one.”

I have, therefore, the authority of the Regius Professor of Oxford for the course I am pursuing.

I will just say one word, in explanation, before I sit down. If the alternative I propose should fail, viz.—if the lessees should decline to convert their tenures into perpetuities, or if that conversion should produce a sum below my estimate, this contingency is provided for by another mode of raising money. In such event, though I do not anticipate its occurrence, I propose that we should have the power of advancing from the Treasury, upon the security of the Church lands, repayable out of the produce of these Church lands, on the same principle on which advances are frequently made to other public bodies for public purposes. These advances, if required, will meet and supply every possible deficiency. I do not believe that this power will ever be exercised. I do not believe it will be found necessary to resort to such collateral security; but I know perfectly well how our proposition would be dealt with if I had not proposed this collateral security. I know it would have been said—“All your calculations are matter of doubt and uncertainty—we cannot rely upon the realisation of the increased fund you promise us—we shall leave the support of the Church dependent upon a mere contingency.” I think I have proved to demonstration, that the proposed Bill would supply the means of meeting every necessity; yet, to obviate all cavil and objection, if it should become requisite to make an advance from the Treasury, to give effect to a measure formed for the purpose of giving peace to the country, and security to the Church, it is but right that such an application of the resources of the State should be sanctioned—should be adopted.

I thank the House most sincerely for the attention they have given me. I know the statement I have made has been extremely long and tedious. But I have had much to explain. I have endeavoured to make that explanation as intelligible as I possibly could. It has been with the view not only of convincing the Committee, but for the further purpose of avoiding misconception out of doors, that I have thought it necessary to go thus fully into

the argument. If, by any effort of mine, I can prevent it, I will not allow hon. Gentlemen who are inclined to support me—I will not allow my Colleagues in the Government—to be open to the imputation, that the plan which I have been authorised to introduce, shall be stigmatised as a plan of persons who seek “to deprive God of his honour, or the poor of their rights.” The measure is founded on the most conscientious regard to the interests of religion. I have shown to the Dissenter that it will give him a full and effectual relief; and I have shown to the persons who have lent their money, on the security of Church-rates, that their right will be protected, and their claims adequately secured. I hope that I have done all this, but, to do it, it has been necessary to fortify myself with many high authorities—to refer to the former opinions and names of Gentlemen opposed to me. I never allude to names and opinions for the purpose of taunt or vituperation; I have made these references for the purpose of supporting my own argument by the weight of their authority, and the arguments they have advanced. Would that I might hope we could approach this subject without the bias of contentious or party feeling—would that it might be considered simply on its own merits!

Sir, I do not quarrel with the course suggested the other night, by the right hon. Baronet, the Member for Tamworth; I rather rejoice that the suggestion was made by him. It has been readily adopted by me. I rejoice, after the resolution shall have been read, and the explanation given, that the people will have an opportunity of examining their details. I think the interval that must elapse, will prevent a cry from being raised, suggesting either, that we have forgotten the fair claims of the lessees, or that we have forgotten the permanent interests of the Church itself;—that we have undervalued the petitions of the Dissenters, or overlooked our obligations to the established clergy. Under these circumstances, I rejoice that time will be afforded for the full consideration of this important question. I know that it may be difficult to follow a statement like mine, even if it had been recommended by powers superior to those I possess. It embraces a vast variety of matter, on which no hon. Member could wisely pledge himself without full consider-

ation; and I shall conclude by once more humbly and earnestly thanking the House for the very kind manner in which it has listened to me; and by repeating my earnest hope, that a candid examination of my proposition may prove to the two parties whose interests and feelings must be considered, that it is the earnest desire of his Majesty's Government, if it be impossible to produce between Churchmen and Dissenters the “unity of the spirit,” that it may at least combine them by the “bond of peace.”

I conclude by moving the adoption of the resolution I hold in my hand.

The Chairman then put the resolution as follows:—“That it is the opinion of this Committee, that for the repair and maintenance of parochial churches and chapels in England and Wales, and the due celebration of divine worship therein, a permanent and adequate provision be made out of an increased value given to Church lands, by the introduction of a new system of management, and by the application of the proceeds of pew-rents; the collection of Church-rates ceasing altogether, from a day to be determined by law: and that, in order to facilitate, and give early effect to this resolution, the Commissioners of his Majesty's Treasury be authorised to make advances on the security, and repayable out of the produce, of such Church lands.”

Mr. *Hume* wished to know what the right hon. Gentleman meant to do where parishes were in debt? He understood the right hon. Gentleman to say, that the abolition of Church-rates should take place from a certain day, but that where parishes were in debt the same rates as those now in force were to be continued.

The *Chancellor of the Exchequer* said, that where parishes were in debt, those debts must be paid out of a parochial rate to be levied till they are fully liquidated.

The *Attorney-General* begged leave to say that, in the event of a parish being in debt, it was not a voluntary payment; but it was a compulsory payment on a *mandamus* being granted, upon application to the Court of King's Bench. The parish authorities had the power to levy a rate to pay that debt. This case, however, was widely different from that of a Church-rate, which could not be imposed but by a voluntary proceeding; because unless the majority of the rate-payers approved of it it could not be levied.

Sir Robert Inglis said, that after the manner in which the attention of the Committee had been excited and sustained by the speech of his right hon. Friend, the Chancellor of the Exchequer, he was certain that no Member could rise on the present occasion under circumstances of greater disadvantage than himself. Though he did not approve of the plan of his Majesty's Government now propounded by his right hon. Friend, it would be more satisfactory to him in the first place to state the points on which he agreed with his right hon. Friend opposite. He concurred with his right hon. Friend in four of the propositions he had laid down this night to the Committee. He must reverse their order, and come first to deal with the last point urged by his right hon. Friend. His right hon. Friend's last proposition was, that under no circumstances would he consent to a separation in this country between Church and State. In that sentiment he most fully and completely concurred; but it ought not to be lost sight of, that much of the arguments brought forward by the Dissenters against the present system of Church-rates might be said to be founded on the existing connexion between the Church and the State. He therefore was glad to have the authority of his right hon. Friend, pledged as strongly as any man could pledge himself, that he would not consent to any separation. The next point to which his right hon. Friend adverted was, that under no circumstances would he ever consent to what was popularly called the voluntary principle. In this declaration he also rejoiced. The third proposition was one in which he felt that degree of interest which fully justified his right hon. Friend in appealing to him upon it. The proposition was, that he never would consent to any measure which would deprive the poor of access to the religion of their country. There his right hon. Friend had touched on a point deeply interesting to the poorer classes of the community, who, because the gospel was preached to them, valued the religion of the land of their birth. The fourth proposition of his right hon. Friend was, the immense importance of the subject—a subject on which he stated that he almost forgot himself in its consideration. He would not use that expression in the way of taunt to his right hon. Friend, but there had been those now connected with his Majesty's Government

who had not only forgotten themselves, but had also forgotten their own previous arguments. His right hon. Friend had said, that he would first consider the evils of the existing system of Church-rates, and that he would then state the proposed remedies for those evils. Now, though he admitted that those evils were undeniable, yet he was not prepared to recommend the doctrine propounded by his right hon. Friend—a doctrine most hazardous in principle and calculated to be destructive of all Government. The principle of resisting the law until the law should yield was not new, though it had a most injurious tendency. And yet such was the substance of the argument of his right hon. Friend, who had instanced the augmented numbers of the opponents of the existing system, as an argument in favour of the proposed change, ought his right hon. Friend not, rather than so give way, say that so long as the law exists so long shall it be enforced, and therefore his right hon. Friend had no right to make the resistance of the law a ground for its repeal. The case of Sheffield, with its endowed ecclesiastical corporation, had been cited by the right hon. the Chancellor of the Exchequer, but might well be removed from the arguments he had adduced, for he would ask his right hon. Friend whether out of the whole population one person in a hundred had refused the payment of Church-rates? Yet the right hon. Gentleman not merely asked the legislature to abandon the law, but to repeal it. If the ecclesiastical report which had been cited was worth anything, it was worth double the value which the right hon. Gentleman had placed upon it; for it not only showed the evils on which the right hon. Gentleman relied, but also the remedies to which he had avoided any allusion. But the great question was, not the detail of the plan now laid before the House, for the right hon. Gentleman had stated that hon. Members could not now be expected to meet him on those details. He had claimed a right to be judged by his actions, and not by any prejudice raised out of doors—he had prayed that he might not be met by the cry of "The Church in danger." Now he would ask the right hon. Gentleman to read the petitions presented against Church-rates by those whose opinions he professed to respect—he asked him if they did not state their objections to a Church Establishment, and he would also ask him

rates; he would not throw the Church-rates upon the clergy; he would not throw the expense of the repairs of the Church on the pew-rents; and he had with perfect justice repudiated in like manner the throwing of the present expenses, defrayed by the Church-rates, on the Consolidated Fund. But his right hon. Friend had spoken of the latter remedy as a kind of make-weight to his other plan, and it was argued, that in proportion as the consolidated fund was touched, would the conscience of the Dissenter be violated, because, whether he paid a farthing, or the sixth part of a farthing, he would still pay just so much towards this "odious impost." How far the plans of his Majesty's Government would satisfy the lessees, was to him but a very minor point; his interest was much more excited in behalf of those who had no direct representatives in that House, as the lessees had—he meant the Church and the clergy. He was more anxious about them than he was for those hon. Gentlemen opposite, whose welfare his right hon. Friend wished to serve, particularly those hon. Gentlemen who came from the northern parts of the country. But he would remind all those who were so anxious to deal with Church property, that they ought to feel they were dealing with the property of those who had no regular representatives in that House. The great principle of appropriation having been decided in that House last year, and the House, or rather Parliament, having assumed the right of transferring the property raised in one county or diocese to another, it was, perhaps, of less consequence now to observe, that the right hon. the Chancellor of the Exchequer had proceeded on precisely the same principle, though on a smaller scale, in settling the question of Church-rates. He apprehended that he did not misunderstand his right hon. Friend in supposing that he had stated that 50,000*l.* a-year, some said 70,000*l.* a-year, was raised in the different parishes of England, from the estates vested in each for the repairs of the Church; and that sum, it appeared, was also to be taken and merged in the great gulf, which his right hon. Friend was now opening for the destruction of Church-rates. Had not his right hon. Friend also proposed, that the improved rents should be paid over to the Commissioners, and was he not thereby departing from a principle which he had

professed to respect? It might be considered as a matter of minor importance, but it affected a great principle. In substance, he objected to the plan of his right hon. Friend, because it would go to destroy the national character of the Established Church, and to release the nation from its present obligation to support that Church; and because it would discourage, instead of support, the principle of a national Church, which had been hitherto considered as part and parcel of the Constitution. He could not conceive that this plan would in any degree give increased stability to the Church, although it had been said it would. There was but a very small minority of the parishes in England in which Church-rates had been successfully resisted, and he believed that many of the most respectable Dissenters would be found amongst those who supported the Church, and paid the rates. One of the petitions which he had that evening presented to the House, was signed by a numerous body of Dissenters, who did not consider it to be at all inconsistent, or any violation of their conscience, to pay tribute to whom tribute was due; and he wished the doctrine of that great man among Dissenters, by whose name they most claimed a title to respect—he meant Matthew Henry—was more generally and strictly adopted and acted upon by those who professed to be his descendants, or to belong to the same body of which he was an ornament. It had been well observed, in a former part of the evening, that our Saviour worked a miracle to pay tribute, at a time when the seat of authority was filled by those of whose principles and practice he did not approve; and Matthew Henry had, in his *Commentaries on the Scriptures*, expressed himself in such a manner upon that part of our Saviour's life, that he must venture to tell it to the House, begging them to remember that he was not quoting a Churchman, but a Dissenter, and that the argument was not one of his, but of one of the great leaders of dissent, Matthew Henry, who said, that at the period alluded to in New Testament history, the temple had become a den of thieves, and the temple worship was made a pretence only for evil purposes; but, continued this commentator, "church dues, when legally imposed, are to be paid, notwithstanding the existence of Church corruptions. We must take care not to use our liberty as a cloak for covetousness

to Church-rates to the plague-spot which would spread throughout the whole country; and the hon. Baronet, the Member for Oxford, should remember how much animosity and strife would increase along with that spread of resistance to this impost. He believed the burden of the great mass of petitions that had been presented to the House on this question, would be found to be an earnest desire on the part of both Churchmen and Dissenters to be relieved from this source of continual discord. He hailed the measure as one which would promote the safety of the Church, for while Dissenters were compelled to pay Church-rates against their will, they must necessarily have their feelings excited against the Establishment. Intentions and motives had been imputed to the great body of Dissenters, in which the very spirit of goodwill and tolerance had been violated. Mr. Fox had condemned such a course of dealing with persons of an opposite opinion in a masterly manner, and he would recommend hon. Gentlemen to look at the lessons laid down by that great man. After some further remarks in praise of the measure, the hon. Gentleman concluded by saying that he hoped it would be consented to, and that the settlement of this great question would no longer be delayed.

Mr. Goring:—It is with extreme reluctance that I find myself compelled on the present occasion in opposition to those Gentlemen who generally find myself able to support the measure. Considering that in the present state of the law, now before us, forward, and the measure which the hon. Gentleman has proposed his own constituents have made it their duty to call for the Government to give way. That such a course should be propounded by a person in the responsible and important situation of Chancellor of the Exchequer seemed to him extraordinary, if not unparalleled in the history of the country. His hon. Friend, the Member for the University of Oxford (Sir R. Inglis) had truly stated that the petitions to that House which had been got up on this subject had not been confined in their prayer to the abolition of Church-rates. They avowed an open hostility to the Established Church; and he begged leave, in connexion with this subject, to read an extract from a letter addressed by a Dissenter, known to

which exists, and which, I trust, will never be dissolved, between Church and State. I do not think the Church possesses more than an adequate sum for its support, and that the money you now propose to take is required to afford a sufficient maintenance to the working clergy, and in this argument I am borne out by the speech of the right hon. Gentleman; therefore I cannot consent that it should be applied in lieu of Church-rates, to enable you to give, however you may disclaim it, what I consider a first instalment to those who advocate the voluntary principle.

Mr. Plumptre could not agree in opinion with the right hon. Gentleman that this would be a healing measure, or that it would be productive of the great benefits which the right hon. Gentleman professed to anticipate. He had been in the habit of hearing this kind of language uttered in reference to many measures which however were not found to verify the promises with which they had been propounded. What guarantee was there, if this measure were granted, that the Dissenters would not come forward and demand on the same ground to be exempted from the payment of tithes? He had never listened in the course of his whole political life to any statement coming from a Member of his Majesty's Government with so much astonishment as to that which had been uttered this evening by the Chancellor of the Exchequer. He alluded more particularly to the first part of the proposition, which really seemed broadly to avow the principle that a tax being once considered unpopular by any section of the King's subjects, and even a shadow of argument being conjured up in favour of its abolition, it was the duty of Government at once to give way. That such a course should be propounded by a person in the responsible and important situation of Chancellor of the Exchequer seemed to him extraordinary, if not unparalleled in the history of the country. His hon. Friend, the Member for the University of Oxford (Sir R. Inglis) had truly stated that the petitions to that House which had been got up on this subject had not been confined in their prayer to the abolition of Church-rates. They avowed an open hostility to the Established Church; and he begged leave, in connexion with this subject, to read an extract from a letter addressed by a Dissenter, known to

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text notes that without reliable records, it is difficult to track expenses, revenues, and other critical data points over time.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It mentions the use of spreadsheets, databases, and specialized software to organize information efficiently. The author highlights the importance of choosing the right tools for the job and ensuring that they are properly configured and maintained. Additionally, the text discusses the importance of regularly updating the data and performing periodic audits to ensure its accuracy and integrity.

3. The third part of the document focuses on the challenges and risks associated with data management. It identifies common pitfalls such as data loss, corruption, and unauthorized access. The author provides several strategies to mitigate these risks, including implementing robust backup procedures, using secure storage solutions, and establishing strict access controls. The text also discusses the importance of training staff on proper data handling practices and the need for ongoing monitoring and maintenance of the data management system.

4. The fourth part of the document discusses the importance of data security and privacy. It emphasizes that sensitive information must be protected from unauthorized disclosure and that organizations must comply with relevant regulations and standards. The text provides guidance on how to assess security risks, implement security measures, and respond to incidents. It also discusses the importance of data retention policies and the need to regularly review and update them.

5. The fifth part of the document discusses the importance of data analysis and reporting. It emphasizes that data is only useful if it is properly analyzed and presented in a clear and concise manner. The text discusses various data analysis techniques, including descriptive statistics, inferential statistics, and data visualization. It also discusses the importance of creating reports that are easy to understand and actionable, and the need to communicate the results of the analysis to the appropriate stakeholders.

6. The sixth part of the document discusses the importance of data governance and compliance. It emphasizes that organizations must have a clear and consistent set of policies and procedures governing the use of data. The text discusses the importance of defining roles and responsibilities for data management and the need to ensure that all activities are compliant with applicable laws and regulations. It also discusses the importance of regular audits and the need to maintain documentation of all data management activities.

7. The seventh part of the document discusses the importance of data integration and interoperability. It emphasizes that data from different systems and sources must be able to be combined and used together to provide a comprehensive view of the organization's operations. The text discusses various data integration techniques, including data warehousing, data lakes, and data virtualization. It also discusses the importance of ensuring that data is consistent and accurate across all systems and the need to establish data integration standards.

8. The eighth part of the document discusses the importance of data innovation and the future of data management. It emphasizes that organizations must stay up-to-date with the latest trends and technologies in data management to remain competitive. The text discusses emerging technologies such as artificial intelligence, machine learning, and blockchain, and their potential impact on data management. It also discusses the importance of fostering a culture of innovation and the need to encourage experimentation and the development of new data management solutions.

9. The ninth part of the document discusses the importance of data ethics and the responsible use of data. It emphasizes that organizations must be transparent about how they collect, use, and share data, and that they must respect the privacy and rights of individuals. The text discusses various ethical considerations, such as data bias, discrimination, and the potential for misuse of data. It also discusses the importance of establishing ethical guidelines and the need for ongoing monitoring and evaluation of data management practices.

10. The tenth part of the document discusses the importance of data as a strategic asset. It emphasizes that data is no longer just a byproduct of business operations; it is a valuable resource that can be used to drive growth and innovation. The text discusses the importance of developing a data strategy that aligns with the organization's overall business goals and the need to invest in the necessary infrastructure and talent to support that strategy. It also discusses the importance of measuring the return on investment in data management and the need to regularly review and update the data strategy.

[illegible]

and sufficient opportunity allowed for comprehending and canvassing it before the sense of the House was taken on its details.

Mr. *Goulburn* did not rise to enter into the general discussion after the understanding which had been come to that it should be postponed to a future occasion, and he was sure no one who heard the right hon. Gentleman's statement could doubt the justice of the application which was made to him yesterday, that he should not call for an immediate decision on the merits of his proposition, involving as it did principles of the greatest importance, as well as a great variety of details which required time for consideration even by those who were prepared to acquiesce in the principle. He merely rose that it might not be supposed by his silence that he in the least degree acquiesced in the principle of the right hon. Gentleman's proposition, which went, if he understood it aright, to divest the archbishops, bishops, deans, and chapters of the property they possessed, and vest it in the hands of Commissioners, who by running out the leases on that property were to receive its full value in order to make present provision for the payment of Church-rates; part of the fines being paid to the bishops, the remainder was to be applied to Church-rates. There was another point. The right hon. Gentleman proposed that, during existing interests, parties should retain all the powers they at present possessed of leasing those lands.

The *Chancellor of the Exchequer*: I did not so propose.

Mr. *Goulburn*: He certainly understood the right hon. Gentleman to say so; at least with respect to the existing bishops granting leases.

The *Chancellor of the Exchequer* said, with reference to existing bishops, the rents now reserved should be paid as before, and the surplus carried to the common account, or they might elect to take the average of the fines forthwith.

Mr. *Goulburn* continued: Then out of what fund would the money be paid as an equivalent for the fines they would have received if they had continued to grant leases? This was more essential with respect to deans and chapters than with respect to bishops; because in the case of the bishop the lease depended only on one life, whereas in the other case, it de-

pendent on the lives of the whole body. He also wished to know how, until funds were available for the arrangement proposed, Church-rates could be provided for? He only desired that the subject should be fully understood: for the present he would forbear entering into the discussion of any of the details, contenting himself with protesting against the principle of the plan proposed by the right hon. Gentleman:

The *Chancellor of the Exchequer* felt confident that the terms of the proposition would at once be accepted generally by the lessees, which would produce the annuity of 516,000*l.*, enough to pay the present fines, and also the 250,000*l.* required for Church-rates. But if that were not the case, there would be the funds arising out of all those leases, as they fell in, the power of charging annuities on the lands, and, if necessary, advances might be made from the consolidated fund to cover temporary deficiencies.

Mr. *Goulburn* wished to put another case. There were funds in many instances left by pious and benevolent individuals specifically for the purpose of maintaining the fabric of the church in their particular parishes. Did the right hon. Gentleman propose to transfer the management of those funds from the trustees in whose hands they were placed to the general Commissioners, to be applied by them to general church repairs in other parts of the country?

The *Chancellor of the Exchequer* was glad that question had been put so distinctly; he should give at once a distinct reply to it, in order that no apprehension might prevail on the subject. Nothing in the world could be more unjust—nothing could be more foreign from his intentions, than that those parish estates should be seized and confiscated, and thrown into the hands of the Commissioners, for the purpose of applying them to the general repairs of churches throughout the country. Such a course would be quite contrary to the intention of the testators; all he wished was, that there should be a general power of control exercised by the Commissioners, in order, for instance, that the bishop might see that those local funds were duly applied to the maintenance of the particular parish church before any additional advances were made for that purpose.

Colonel *Sibthorp* wished to know how

The Chancellor of the Exchequer said, there were certain rights which undoubtedly would be respected. After an abundant and more extensive provision

had been made for the poor, the remaining pews should be the subject of arrangement between the respective parties themselves and the clergyman or bishop.

Sir *Edward Knatchbull*.—Would the farmers and those attending the parish churches throughout England be subject to pew-rents, with the exception of some legal rights?

The *Chancellor of the Exchequer*.—There was some difficulty in entering into the details at present; but there would be a classification of pew-rents in this way:—those who had rights which could be legally Established would, of course, have them respected—the poor in all cases would be provided for; and the intermediate class would, with the approval of the Bishop, make their own arrangements.

Mr. *James* thought, that the Chancellor of the Exchequer had done right in taking the management of the episcopal incomes out of the hands of the Church. He particularly approved of that part of the right hon. Gentleman's plan, which he thought likely to obviate that carelessness and improvidence in the management of the leases which would otherwise inevitably prevail.

Mr. *Forster* approved of many of the provisions of the plan submitted to the House by the right hon. Gentleman, but his hopes of the establishment of religious peace in many parishes had vanished when he heard that portion of it directing that the claims on parishes with regard to Church-rates now existing should be discharged. The popularity of the impost would not be increased by blending it with the poor-rates, nor would it be rendered more secure by being made to depend on a writ of *mandamus* in the court of King's Bench, instead of a vote in the vestry, as heretofore.

Viscount *Sandon* complained of the expression employed by the Chancellor of the Exchequer in styling Church-rates rather a privilege enjoyed by the Church than a property possessed by it. If they were regarded as a mere privilege, how came it that a debt of 800,000*l.* had been contracted on their security alone? The truth was, that they were an ancient and recognised burden on the landed property of the country, which was taken into account in every sale of land. Since this was the case, he hoped that, however anxiously they might wish to remove every

grievance attendant on the present mode of levying them, they would not consent to transfer this charge from the landed property to the revenues of the Church. The Church Commissioners represented the destitution existing in the Church of England to be very great, and also declared that the Establishment was totally inadequate to supply the spiritual wants of the existing population. Yet it was proposed by this measure seriously to impair the resources of the Church, and to curtail even the means which it now possessed to supply the acknowledged deficiency of religious instruction. The right hon. Gentleman said, that this measure did not diminish the patrimony of the poor; he (Lord Sandon) maintained that it deprived the poor of the only patrimony they possessed; that it withdrew not only from the existing poor, but from millions who would come after them, their only hope of possessing the inestimable blessing of an efficient and well-endowed ecclesiastical establishment. This measure was introduced solely to propitiate the Dissenters, who formed a very small minority of the population, amounting by their own calculation, as given in the *Congregational Magazine*, to about 1,000,000 only, not including the Wesleyan body. It would relieve the scruples only of an inconsiderable portion of the community, and would remove a burden from the landed property of the country which had existed from time immemorial. He should be glad to support any measure which would promote religious peace, but he thought that it would be paying too great a sacrifice for it to deprive the poor of their only property. He could not allow the discussion to close without mentioning the objections which he entertained to the plan brought before them, and he thought it right that the country should know the real character of the measure.

Viscount *Howick* regretted that the noble Lord had not thought proper to follow the example set him by the speakers who had previously addressed the House. He thought the noble Lord had invidiously misrepresented the character of the measure: he was not afraid to discuss its provisions with the noble Lord; and he could not let the occasion pass without correcting some of his misconceptions. The noble Lord complained that his right hon. Friend (the Chancellor of the Exchequer) had termed Church-rates rather

a privilege than a property of the Church ; yet what were they but a tax voluntarily imposed on the parishioners by themselves. A great many parishes had refused by a vote of their vestries to impose this tax on themselves ; and it must be regarded, not as a *bona fide* charge on the land, distinct from the Church, but an ancient mode of taxing it for the benefit of the Church. The noble Lord had asked how a debt of 800,000*l.* could be raised on the security of Church-rates if they were a mere privilege of the Church, the burden of which the people voluntarily took on themselves ; but he might as well ask how it happened that a national debt of 800,000,000*l.* had been raised, depending on no other security than the consent of the people of the country to tax themselves to discharge the obligations which it imposed ? The noble Lord supposed that Church-rates must be regarded as the property of the Church, since the amount of them was always considered in transfers of landed property. Why, when a man bought a house in London, the first question he asked was, what was the amount of the public and private taxes, and both were taken into consideration. No doubt the amount of Church-rates was considered in all sales of property, but so was the amount of Poor-rates. The noble Lord complained of the measure as extinguishing those dormant funds which might be applied hereafter to the extension of the Church, and had referred to the report of the Ecclesiastical Commissioners to show the great necessity of a fund suitable for that purpose. Now, if the noble Lord had perused the whole report, he would have found that the Commissioners had not considered it proper to apply these dormant funds to the purposes of Church extension. The episcopal members of the Commission, as well as those who belonged to his Majesty's Government, had felt that for the purpose of extending the Church, they could not venture to propose a measure which would of course be viewed with much suspicion by the lessees. The measure which was now proposed would have the effect of considerably increasing the value of the property held by them, and would, it was anticipated, tend to the general relief of the whole country. The noble Lord said it would benefit, not the great mass of the population, but a small minority of it. The Ministers proposed it with no such views. Of course, they

were anxious to relieve the Dissenters, as they were to relieve any class of the population who were suffering under injustice, but he concurred in proposing the plan, because he believed in his conscience that it would greatly benefit the Church, increase its security, and augment its influence, as well as relieve the Dissenters. Would the noble Lord tell him that churchmen did not often object to a rate as well as Dissenters. In the case of Manchester, which had been alluded to by his right hon. Friend, a very considerable number of Churchmen strenuously opposed the rate, because they disapproved of the system. It was not, then, a fair or correct representation of the measure to say, that it did not protect the interests of the Church, and that it satisfied merely the unreasonable clamours of those whom the noble Lord termed a small minority. It was intended to remove that which the friends of the establishment had long felt to be a very serious obstacle to its usefulness, and he had no doubt that with regard to the very inferior consideration of the amount of revenue applicable to ecclesiastical purposes, it would greatly benefit the Church. His right hon. Friend had made all his calculations on suppositions so infinitely more unfavourable than the reality, and had thrown so entirely out of consideration the increased value which the measure would give to property, that he had not the smallest doubt that, in a very few years, a large surplus would remain for the extension of the Church, and the augmentation of small livings, an object which he thought of great importance. He was perfectly willing that this question should be debated on the ground of the real benefit conferred on the Church by the plan of his right hon. Friend ; and he wished to declare, in the strongest terms it was possible for him to use, his dissent from that which was called the voluntary principle, and his sincere and earnest attachment to the Church of England. He believed that the surest foundation of the Church, as of all our other institutions, was its real utility to the people. Some hon. Gentlemen who had spoken seemed to entertain an erroneous idea that pew-rents would be levied in all parishes. He wished to state that they would never be levied except on the proposal of the minister and churchwardens, sanctioned by the vestry, and in many country parishes there would not be the slightest occasion for imposing them,

Power would be given to levy them in those cases where there was a very considerable demand for pews ; parties interested might, if they thought proper, levy a rent, with the consent of the diocesan, and in cases where pew-rents had not been levied before, half the sittings would be free.

Mr. *Thomas Duncombe* thought, that the principle of the proposed measure was so just and simple, that he might congratulate the Chancellor of the Exchequer, in the name of his constituents, on having brought forward a plan so satisfactory. The principle on which it was founded was, that the revenues of the Church should defray the repairs of the ecclesiastical edifices and the other expenses connected with them, so that no burden might be thrown on the general taxes of the country. His right hon. Friend had said that he would abolish Church-rates, without doing injustice on any parties ; and though the details might be somewhat complicated, the measure he had now proposed would practically abolish Church-rates without inflicting any wrong ; and it was clear that the Church would be rather a gainer than a loser by the change. Neither could he perceive that this measure would inflict any hardship on the deans and chapters unless they were so base and sordid as to take unfair advantage of the proposition of his right hon. Friend.

Mr. *Haves* said, that though he was not disposed to take exception to the measure of his right hon. Friend, yet as his right hon. Friend expected a surplus, he would state that there were many parishes in the borough he represented that were in debt, and as there was to be a surplus, he must set up a claim to a share of it, to be appropriated in a different manner than that proposed by his right hon. Friend. In that parish there was a large debt for building a new church ; now he should be very strongly opposed to allowing this debt to remain on the poor-rates ; for, taking both Dissenters and Churchmen, what good could accrue from this to the inhabitants of Lambeth ? He hoped that the surplus would be applied to the extinction of debt in such cases. He gave his most unqualified approbation to the measure, and was grateful to his Majesty's Ministers for having thus grappled with the difficulties of the subject, and held out the prospect of religious peace.

Mr. *Gillon* said, that when the question of

Church-rates was brought forward in 1833, Lord Spencer proposed that the burden should be transferred from the Church-rates to the Consolidated Fund. To that proposition he had felt it to be his duty to give his most unqualified opposition, and he thought that no government would again venture to bring forward one of so monstrous a nature. The people of Scotland would view with dissatisfaction the opposition to this measure, and he thanked the government for it on their part. He was of opinion that great advantage would result from the improvement of Church property, from the different tenure, and the consequently greater amount of capital that would be expended on it. The noble Lord had said, that it would infringe on Church patronage, but he denied the fact. The measure was equally for the relief of Churchmen and Dissenters and if the Dissenters were satisfied with it, he was sure the Church people ought to be so.

Mr. *Tennyson D'Eyncourt* would say but one word to express his assent to what had fallen from his hon. Friend and Colleague. The debt, if allowed to continue, would be a great burden on Dissenters, and he hoped the right hon. Gentleman by some clause of the present Bill would give them relief.

Mr. *G. Palmer* said, that the consideration of the question embraced the principle on which his Majesty's Ministers were induced to bring forward the measure—the act itself and its consequences. Now it appeared that the sole objection to Church-rates was the refusal of Dissenters to continue to pay them. The hon. Member for Middlesex had told them that the Dissenters were a very large body ; but did the hon. Member class them all as one body—those of different religious denominations, and those of no religion at all ? Did the hon. Gentleman suppose that one party will acknowledge as partners the various other classes ? The tendency of the measure, whatever was its object, was to degrade the Established Church. What, for instance, did the noble Lord intend to do with the property of archbishops and bishops ? He had been assured that they were to retain full control over it, but they were now told that that property was to be vested in Commissioners, to save, he supposed, those dignitaries the trouble of attending to their own affairs, and to reduce them in fact to state pensioners. His Majesty's Ministers

were now only waiting for a vote of that House to destroy one-half or one-third of that property, or for any other measure that might prove destructive to the preservation of the true principles of religion. The Established Church had been the great bulwark and defence of Dissenters, and if that were once cast down, they would fall themselves. He was satisfied the House would not lend itself to the total desecration of that protection of religious freedom which was the pride of Englishmen.

Sir R. Peel said, he had not the slightest wish to enter upon a discussion of the details of this measure, thinking as he did that it would be much better to reserve the discussion of a matter of such serious importance for that period when such discussion might be expected to end in some practical result; and, above all, in order that they might have an opportunity of investigating the plan proposed by the right hon. Gentleman (the Chancellor of the Exchequer), as the principles of that measure were not quite so apparent to him as to the right hon. Gentleman. At the same time he should be sorry, on this occasion, to omit any reference to the impressions made on his mind by the statements of the right hon. Gentleman. He thought that nothing could be more satisfactory to those who concurred with him in opinion than the declaration made by the Chancellor of the Exchequer as to the necessity of maintaining the Established Church. He had no fault to find with this position; but he doubted whether in practice this measure was in exact conformity with this principle. The right hon. Gentleman (the Chancellor of the Exchequer) said that he repudiated altogether the voluntary principle. But did his repudiating the voluntary principle necessarily imply that it was incumbent on the State to support the Established religion? If there could be any doubt as to the intention of the right hon. Gentleman, his own express words left no doubt as to the principle on which he meant to act. The right hon. Gentleman said that he would not leave it to the voluntary principle to find means of defence; and he added, that it ought not to be entrusted to the voluntary principle to find means of religious instruction. The right hon. Gentleman had said that it was at least as incumbent on them to provide a religious establishment as to provide an army or a navy for the purposes of defence. The moment the

right hon. Gentleman laid down that position he excluded altogether the question of religion, or conscientious scruples; because when the State considers it necessary to maintain an army, it does not inquire whether all persons approve of war, or whether they think it necessary that an army should be maintained; but on an enlarged and comprehensive view they stated that the army must be maintained by general taxation, and they never inquired of any individuals their opinions as to peace or war. All that was necessary was, to call upon all to contribute equally. If then, the right hon. Gentleman said that it was equally incumbent on them to maintain a religious establishment as to maintain a fleet, surely it was equally incumbent on them all to contribute towards the support of that establishment, without inquiry into the peculiar opinions of each. The right hon. Gentleman had even said that it was the duty of the State to provide free sittings for the poor of the country. But did the right hon. Gentleman propose that the State should provide free sittings? Not at all. The right hon. Gentleman abandoned all means whereby the State could provide free sittings; and notwithstanding all his professions, and the resolution that it was necessary to maintain an established religion, the right hon. Gentleman meant that this measure should have this effect—that the State should not provide free sittings, but that the Church should. He would say nothing as to the lessees at present. There had been no time to consider as to the justice of refusing lessees of Church property to contribute towards the maintenance of the Church. But he did not object to this measure on the part of the lessees; he objected to it on much higher grounds than the interests of the lessees. The noble Lord had said that the Church community had abandoned the idea of requiring lessees to contribute towards the endowment of poor livings. Now he thought that the lessees were at least as likely to concur in any measure the object of which was to provide for the small livings of ministers of religion in populous places—they were as likely to concur as any who at present contributed. But by this proposed measure not only were the Dissenters relieved from contributing to the maintenance of the fabric of the Church, but the landholders were relieved also, and the charge was continued on the lessees

of the Church. Admitting for the sake of the argument, the claims of the Dissenters to be relieved on the ground of conscientious scruples, he would ask why should the landholders of England, who were members of the Established Church, be relieved also. Nothing appeared to him more just than the principle laid down by the Chancellor of the Exchequer as to the necessity of the State providing for the Establishment; but it appeared to him that it would naturally sever the connexion between the Church and the State if they were not only to abolish Church-rates, but to throw the whole weight of them on the Church. He did not understand why the landholders of England, who were members of the Established Church, should be relieved altogether from all charges for the maintenance of the fabric of the Church. If they made up the deficiency by direct contribution from the State, of course his objections would not apply; but at present the effect of the measure would be to throw the whole charge upon the lessees of Church property, relieving altogether those upon whom there was the strongest obligation to contribute, namely, those members of the Church who were possessed of large property which had been acquired or inherited subject to this charge. He admitted, with the Chancellor of the Exchequer that unfortunately differences had arisen on this question. As one of those who were anxious to support the Church he would willingly come to a settlement of this question; but he must at the same time say, that a great difference of opinion prevailed on the subject of Church-rates, that the opposition to them was mainly confined to the large towns. But he had also no doubt that in rural parishes—unless dissent prevailed to a considerable extent, and the majority of the inhabitants were Dissenters—he thought that with respect to the great mass of the rural parishes, he might venture to say, that they were almost universally of opinion, that they would be better if left alone. Not only did they not wish to be relieved, but he believed that they felt a pride when they looked on the venerable fabric which was their chief architectural ornament; and, apart from religious associations, he believed that, so far from relieving their tender consciences, they would offend them by relieving them from the obligation of supporting their Church. He spoke of the rural parishes.

But, waiving the consideration whether or not this charge was fairly laid on the lessees of the Church, if he came to the conclusion, that the lessees were so circumstanced that you could extract from them, in some way or other, a revenue of 250,000*l.* a-year—if he came to that conclusion, then he should feel bound to contend, that there was a prior claim upon that annual revenue than any that could rise from the obligation of supporting the fabric of the Church. He would ask any hon. Gentleman to consider the facts he would briefly state to the House. In the diocese of Chester, there were thirty-eight parishes, containing an aggregate population of 860,000 souls, whilst there was only church-room at present provided for 97,000, so that seven-eighths of the population in these thirty-eight districts, were without any Church accommodation. In the diocese of York there were twenty districts, with an aggregate population of 502,000, and yet Church accommodation was provided for only 48,000, or one-eleventh of the whole population. In the diocese of Lichfield and Coventry there were sixteen parishes, having an aggregate population of 235,000; and there was Church accommodation for only 29,000. From what fund were they to provide Church accommodation? If they could prove that, with perfect justice to the Church, without diminishing the independent station of the bishops, and without injury to the interests of the lessees—if, above all, they could raise such a sum as 250,000*l.* more than had hitherto been calculated upon, could they negative the claims of those populous districts, which ought first to be attended to—or could they bestow that revenue better than in providing religious instruction for those who had not now the means of hearing the word of God. He would not then enter into the arguments that had been used, but he hoped that the noble Lord had expressed the intention of the Government with respect to the new revenues charged upon the pew-rents, as he readily admitted that it would be just to require from those who had the means of payment, and were known to be in affluent circumstances, or rather in comfortable circumstances, that they should pay for the benefit of a pew. But with respect to the rural parishes, not merely as regarded the destitute poor, but the farmers of the country, a different principle should

be adopted. If, for the first time for centuries, they were to be driven from those pews which they looked upon as a species of freehold to which they were entitled, without any payment, it would create in their minds a strong feeling of disgust. But he understood the noble Lord (Howick) to make a clear distinction with respect to rural parishes, and to give an assurance that they would not be subjected to the operation of this measure, for the purpose of extracting a revenue. He would not then enter further upon this subject. He merely stated the impression made on his mind by the speech of the Chancellor of the Exchequer; and he would venture to say, that if there was a sufficient fund disposable, the first claim was, either to raise the stipend of those ministers who had not 200*l.* a-year, or to attend to the still more pressing demand—to raise from the condition of religious destitution between seven-eighths and nine-tenths of the people, who had not the means of hearing what that religion was, of which they boasted so much.

Mr. Baines rose for the purpose of making an observation on what had fallen from the right hon. Baronet, the Member for Tamworth. The right hon. Baronet had said, that there was only Church accommodation for one-eleventh of the people of the diocese of York. He (Mr. Baines) happened to live in that diocese, and therefore had an opportunity of judging what accommodation there was; and he must say, that his own impression was, that there was not a town or hamlet in the whole diocese, that had much reason to complain of Church accommodation. He would not enter into a comparison of how many belonged to the Church, but he would ask, how many went to Church? This was an ingredient in the question that ought to be considered. If they found that in all towns, and in many of the populous villages, there was twice as much Church-room as there were persons to occupy it, they would be able to judge if Church-room were required for those who were not at present accommodated. There was another point which he wished to call to the attention of the right hon. Baronet. The right hon. Baronet had spoken about the impropriety of relieving the landed gentry from the payment of Church-rates. But had they not relieved the gentry of Ireland? They had relieved them from the Church-cess,

and the analogy applied in this instance. He confessed that he was a little astonished at the arguments used by the Chancellor of the Exchequer, with respect to the army and navy, and the voluntary principle, and he did not wonder at the right hon. Baronet (Sir R. Peel) laying hold of it, for he thought it a most preposterous statement. They knew that the Church, in America, was supported by the voluntary principle; but who ever heard of an army or a navy being so supported? There was no analogy between the two cases. It was neither an argument for nor against the voluntary principle. Hon. Gentlemen should be exceedingly cautious, when they were seeking for illustrations, to make them applicable. Failing to do so, they very often damaged the argument they were meant to sustain.

The House resumed; the Committee to sit again.

HOUSE OF LORDS, *Monday, March 6, 1837.*

MINUTES.] Bills. Read a third time:—Municipal Corporations (England). Petitions presented. By Lords KENYON, RIDESDALE, the Earls of SHAFTESBURY, FALMOUTH, the Bishops of HEREFORD, LINCOLN, and Lord BEELEY, from Wolverhampton, Clifton, Leicester, and various other places, against the Abolition of Church Rates.—By Lord KENYON, from the Guardians of the River Union, for Poor-laws Amendment Bill.—By the Earl of JERSEY, from various places, that the House will resist all attempts to interfere with its Independences, Rights, and Privileges.—By Lord HOWLAND, from Carmarthen, for the Irish Municipal Corporations Bill.

HOUSE OF COMMONS, *Monday, March 6, 1837.*

MINUTES.] Bills. Read a second time:—Mint; Millbank Penitentiary.

CARLOW ELECTION.] The *Speaker* informed the House that he had received a petition from the Crown and Hanaper-office, Dublin, complaining of an undue election and return for the county of Carlow.

Ordered to be taken into consideration on the 18th of April.

POOR-LAWS.] On the question, that the House do resolve itself into Committee on the affairs of Canada,

Mr. *Walter* said, that it was only out of deference to the recommendations of several hon. Gentlemen that he had given way on a late occasion, and withdrawn the list of names of Gentlemen whom he had proposed should form the Committee on

the Poor-laws. That selection would, he had hoped, have proved satisfactory to the country—a result which, he must confess, he did not augur of the constitution of the present Committee. It had been his intention, that every interest should be fully represented; but on the Committee as it now stood, there was not a single Member who was personally connected with the manufactures of the country. He felt that he had somewhat too hastily yielded on that occasion to the force of the external pressure on not going to a division on the question. He must contend that the Committee was unduly constituted; for while seventeen Members of it were opposed to his (Mr. Walter's) views, only four supported him. The Chairman of the Committee he held in the highest esteem and respect, but in case of indisposition or absence, the Chair might fall to some other Gentleman who might be influenced by strong prejudices in favour of the working of the Poor-law Bill. If, as he understood, there were any Gentleman on that Committee who had been employed on the Poor-law Commission, he thought such a person was a very improper judge in this inquiry. Another Member of the Committee had, as he had heard, acted as chairman of a board against whose conduct he had received complaints. Now, all he asked was, to have these influences counterbalanced in some degree by the introduction of Gentlemen holding opinions coinciding with his own; in short, he asked the House to make the Committee impartial. His proposal of adding six Gentlemen to the Committee would still leave the proportion of seventeen to ten. With respect to the statement that he had in any way acquiesced in the appointment of this Committee, he begged to say, that it was totally erroneous and unfounded. He hoped, such as had felt well disposed towards his original motion, would now support his present attempt to obtain what he conceived would be a fair and impartial Committee. The hon. Member concluded by moving, that Major Beauclerk, Mr. Sergeant Goulburn, Mr. Freshfield, Mr. G. F. Young, Mr. Thomas Attwood, and Mr. Hindley be added to the Committee on Poor-laws.

Mr. Hume could not perceive why a question like that of the operation of the amended Poor-law ought to be made a party question; nor why, in this instance,

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the general rule should be departed from. He wished the noble Lord had, in the first instance, conceded to the hon. Member for Berkshire the Committee as he had desired it. If the noble Lord had done so, all pretence would have been taken away from the hon. Member for his inability to prove the cases which he had set up in that House. He repeated that he saw no reason why, in this instance, the general rule should be departed from.

Mr. Villiers had never spoken to any one on the subject of the Committee since it had been appointed. He was not a country squire, nor a party man, nor did he pretend to be more humane than another; but when he heard of the subject that was to be submitted for inquiry, he was prepared to go into that inquiry with the intention of discovering if the Bill had worked efficiently. He did not desire to be on that Committee—he had not solicited to be put on it; but having been appointed, he certainly was most anxious to discharge his duty fairly and impartially.

Major Beauclerk could not possibly serve on the Committee upon the question of the Poor-law. All, he believed, had a bias one way or another; and, it must be said, with respect to the present Committee, the bias of the majority was certainly in favour of the Poor-law. It would, he considered, have been much better if the Committee were more half-and-half on the question respecting which their opinion was to be delivered.

Mr. Cressett Pelham hoped, as the hon. Member for Middlesex was named upon the Committee, he would act upon it, and give to the question the benefit of his labours. He might be allowed to say, that there were times at which the services of the hon. Member were called for, and when he was not as active as he might be.

Mr. Goulburn had come down the other night prepared, if there had been a division, to support the noble Lord with his vote. A great object, he thought, in the selection of the Committee would have been that its opinion, when delivered, should produce a due impression upon the public. Unless persons were persuaded, that there was a fair representation of sentiments and feelings in the Committee, its general opinion, when delivered, could not carry great weight with the country. If the hon. Member for Berkshire per-

used in making such an alteration in the names of the Committee, he should certainly have no support, in order to secure the admission on the Committee of persons whose opinions were known not to be quite so favourable to the amended Poor-law.

Mr. James was connected with a large manufacturing district, which had expressed a very strong feeling adverse to the new Poor-law, and it had happened that he voted against the passing of that measure. No but the object of the hon. Gentleman did not arise with much force to him. He certainly considered that the Committee was fairly constituted, and that they were acting upon the basis which would be satisfactory to that House and the country.

Mr. Keble said, that the matter whether the Committee was so constituted, as to inspire the country with confidence in their decision. He had stated at a former meeting, and he thought it his duty to state now, that he had rather than vote for the Committee as then constituted as the present. If he had any weight with the House, he would venture that to place the additional names proposed upon the Committee, if it were to be done, would be to show the importance that the Members now on the Committee had a bias in one side of the question.

The Speaker observed, that the general rule was to have either Members nominated or elected. It was one, and was specially moved to have the Committee enlarged to twenty-one Members. Before any new names were added to that Committee, then, that also that must be disposed of by the House. The question then was, it his opinion against the Amendment.

Lord John Russell, the hon. Member for Berkshire, said, that he felt so that it might be said that he was not having to object to the Committee, which might be said to be a very serious objection. He thought, however, that the hon. Member for Berkshire was too early in the matter. There had been a very strong feeling in the House, and he thought that the hon. Member for Berkshire was too early in the matter. There had been a very strong feeling in the House, and he thought that the hon. Member for Berkshire was too early in the matter.

The hon. Member, having delayed for so long a time, ought to have waited until he had a case against the Committee to show that they had not acted fairly. The hon. Member might have objected when the Committee was named—he might have had them called over name by name, as had been done with such force and effect some years since by Mr. Thorne upon the nomination of a Committee of Finance. The hon. Member ought to have done this, or he ought to have waited until he had a case to bring against the Committee. Notwithstanding what had been said of the Committee, he thought it very fairly represented the feeling in that House. This was not a party question; persons who supported the new Poor-law did so from no party attachment, but because they thought it was calculated to be beneficial to the country. If, then, he excepted persons from the Committee merely because they opposed the new Poor-law, he thought he should have formed a very unfair Committee. If they divided on the question of repealing that Act, and very few divided in favour of the repeal, was he to take one-half of a Committee from the few in favour of repeal, and the other half from the vast majority against it? If he did so, he thought he would be forming a very unfair Committee as representing the whole House. He was perfectly willing, now that the Committee had commenced its business, to withdraw his own name from the list, and allow the hon. Member to substitute any one of the candidates whose names he had just mentioned in its room; further than this he was not prepared to go.

Mr. Thorne observed, that if the new Poor-law were so excellent, and if, as was said, the more inquiry the more the country was satisfied with it, then in that case, what could there be to the new names proposed? He was sure that the greatest injury would result from a change at smothering the original motion.

The original motion on the original motion of the Day be read: That the Committee be enlarged to 28.

4 P.M.

James Edward
Ravens, D.
Ravens, E. G.
Ravens, Lord W.

Berkeley, hon. F.
 Berkeley, hon. C.
 Bernal, R.
 Bewes, T.
 Biddulph, Robert
 Bish, Thomas
 Brady, D. C.
 Brodie, W. B.
 Browne, R. D.
 Byng, George
 Callaghan, D.
 Campbell, Sir J.
 Cartwright, W. R.
 Cayley, E. S.
 Chalmers, P.
 Chichester, I. P. B.
 Churchill, Lord C.
 Clay, W.
 Codrington, Sir E.
 Colborne, N. W. R.
 Collier, J.
 Crawford, W.
 Crawley, S.
 Denison, John
 Dillwyn, L. W.
 Donkin, Sir R.
 Dundas, J. C.
 Ebrington, Viscount
 Ellice, E.
 Elphinstone, H.
 Estcourt, Thos.
 Ewart, W.
 Fazakerley, J. N.
 Fergus, J.
 Ferguson, Sir R.
 Ferguson, Robert
 Fergusson, R. C.
 Fitzgibbon, hon. B.
 Finn, W. F.
 Fitzroy, Lord C.
 Fitzsimon, C.
 Fort, J.
 Gisborne, T.
 Goring, H. D.
 Grey, Sir G.
 Gully, John
 Harcourt, G. G.
 Hastie, A.
 Hawes, B.
 Hawkins, J. H.
 Hay, Sir And. Leith
 Heathcote, John
 Hobhouse, Sir J. C.
 Holland, E.
 Howick, Viscount
 Hume, J.
 Hutt, Wm.
 James, William
 Jephson, C. D. O.
 Johnstone, J. J. H.
 Labouchere, H.
 Lambton, Hedworth
 Langton, Wm. Gore
 Lefevre, C. S.
 Lennox, Lord G.
 Leveson, Lord
 Loch, J.
 Long, W.
 Lynch, A. H.
 Mackenzie, S.
 Maher, John
 Mangles, J.
 Marjoribanks, S.
 Marshall, Wm.
 Marsland, H.
 Methuen, Paul
 Molesworth, Sir W.
 Morpeth, Viscount
 Mosley, Sir O.
 Murray, rt. hon. J.
 Nagle, Sir R.
 North, F.
 O'Brien, W. S.
 O'Connell, J.
 O'Connell, M. J.
 O'Connell, Morgan
 Oliphant, Lawrence
 Ord, W. H.
 Oswald, James
 Paget, Frederick
 Parker, John
 Parrott, Jasper
 Pechell, Captain R.
 Pendarves, E. W.
 Phillips, G. R.
 Ponsonby, J.
 Potter, R.
 Poulter, J. S.
 Power, James
 Price, Sir Robert, bt.
 Pryme, George
 Pusey, P.
 Rice, rt. hon. T. S.
 Rickford, W.
 Roche, William
 Russell, Lord J.
 Ruthven, E.
 Sanford, E. A.
 Scott, Sir E. D.
 Scrope, G. P.
 Seymour, Lord
 Smith, Robert V.
 Smith, B.
 Stanley, Edw. J.
 Stanley, W. O.
 Strickland, Sir G.
 Strutt, Edward
 Stuart, V.
 Surrey, Lord
 Tancred, H. W.
 Thomson, C. P.
 Thomson, Paul B.
 Thornley, Thomas
 Tracey, C. H.
 Trelawney, Sir W.
 Troubridge, Sir E. T.
 Tulk, C. A.
 Tynte, C. J. K.
 Verney, Sir H., Bt.
 Vernon, Granv. H.
 Vivian, J. H.
 Wall, C. B.
 Wallace, R.
 Warburton, H.

Ward, Hen. George
 Wemyss, Captain
 Weyland, Major
 Wigney, Isaac N.
 Wilbraham, G.
 Williams, W. A.
 Williams, Sir J.

Wood, C.
 Wrightson, W. Battie
 Wrottesley, Sir J., Bt.

TELLERS.

Maule, hon. F.
 Steuart, R.

List of the NOES.

Ainsworth, P.
 Alsager, Captain
 Arbuthnot, hon. H.
 Archdall, M.
 Ashley, Lord
 Baillie, H. D.
 Bainbridge, E. T.
 Baring, F.
 Beckett, Sir J.
 Bell, M.
 Blackburne, J.
 Blackstone, W. S.
 Blunt, Sir C. R.
 Bolling, Wm.
 Bonham, R. Francis
 Brooklehurst, J.
 Brotherton, J.
 Brownrigg, S.
 Bruce, C. L. C.
 Buller, Sir J. B. Yarde
 Canning, hon. C.
 Canning, Sir S.
 Chandos, Marq. of
 Chaplin, Col.
 Chapman, Aaron
 Chisholm, A.
 Clerk, Sir G., Bt.
 Clive, hon. R. H.
 Compton, H. C.
 Conolly, E. M.
 Crawford, W. S.
 Crewe, Sir G., Bt.
 Dalbiac, Sir C.
 Darlington, Earl of
 Dick, Quintin
 Duncombe, W.
 Eaton, R. J.
 Egerton, Lord Fran.
 Etwall, R.
 Fancourt, Major
 Feetor, John Minet
 Feilden, W.
 Fielden, J.
 Finch, George
 Follett, Sir W.
 Forester, hon. G.
 Fremantle, Sir T. W.
 Freshfield, James W.
 Gaskell, James Milnes
 Gladstone, Wm. E.
 Gordon, W.
 Goulburn, rt. hon. H.
 Grimston, hon. E. H.
 Guest, J.
 Hale, R. B.
 Halse, James
 Hamilton, Lord C.
 Harcourt, G. S.

Hardinge, Sir H.
 Harvey, D. W.
 Hawkes, T.
 Herries, rt. hon. J. C.
 Hindley, C.
 Hodges, T. L.
 Hotham, Lord
 Humphrey, John
 Jones, Wilson
 Jones, Theobald
 Irton, Samuel
 Kerrison, Sir Edw.
 Lawson, Andrew
 Leader, J. T.
 Lafroy, rt. hon. T.
 Lincoln, Earl of
 Lister, E. C.
 Lowther, J. H.
 Mackinnon, W. A.
 Mahon, Viscount
 Marsland, T.
 Maunsell, T. P.
 Maynell, Capt.
 Miller, Wm. Henry
 Mordaunt, Sir J., Bt.
 Palmer, Robert
 Palmer, George
 Parker, M.
 Patten, J. Wilson
 Pelham, John C.
 Pigot, Robert
 Polhill, Frederick
 Pollington, Visct.
 Powell, Colonel
 Price, S. G.
 Price, Richard
 Rae, Sir Wm., Bt.
 Robinson, G. R.
 Roebuck, J. A.
 Rushbrooke, Col.
 Ruthven, E.
 Sandon, Viscount
 Scholefield, Joshua
 Shaw, F.
 Sheppard, T.
 Shirley, E. J.
 Sinclair, Sir George
 Smith, A.
 Smyth, Sir H., Bt.
 Somerset, Lord G.
 Stanley, Edward
 Thomas, Colonel
 Thompson, Colonel
 Trevor, hon. G.
 Vere, Sir C. B.
 Vesey, hon. T.
 Wakley, T.
 Walpole, Lord

the benefits that are expected from the new institutions. The province of Lower Canada came into the possession of the English Crown, in consequence of the successful war which ended in the peace of 1763. It contained, at that time about 60,000 souls, who were governed according to the laws of the arbitrary monarchy of France, having for their own especial law one of those inconvenient and local laws known in France by the name of the Customs of Paris. At first, the British Government wished to make it a British colony, to give it a constitution like the other colonies that had fallen into our hands, and make it like other British colonies in every respect. This policy was afterwards changed; and when we entered into the contest with our other North American provinces, care was taken to separate Canada from the appearance of resistance to the British Crown, and to induce the colonists to cling to their own customs, and to become again, as it were, a French colony. With the increase of the people, and the influx of emigration, it was proposed to introduce a new kind of government for that province, and Mr. Pitt proposed a Bill which became law in 1791. I think it will be doubted now, both upon abstract grounds, and the grounds of experience, whether the main provisions of that Act, or some at least of them, were adapted to secure future good government in that country. One part of the measure of 1791 was to establish an assembly, which should partly consist of hereditary members, and partly of members elected for life by the Government. Another part of the measure was, the separation of the provinces of Upper and Lower Canada, with the intention of making Upper Canada more completely English, and a resort for those emigrants who flocked thither in great numbers, while the lower province was left to become more gradually a country of a mixed proportion of French and British subjects. I will not at present touch upon the latter of these two provisions, but I will take the liberty of saying a few words with respect to the former. It seems to me that it was intended to establish in Canada a general resemblance to the British constitution, which I think impossible in any colony. It is not in the power of any one—as the hon. and learned Member for Bath argued last year, and, as I think, was very generally admitted—it is not in the power of any one to estab-

lish in Canada an assembly which should have that moral influence which properly belonged to the House of Lords in this country; because there is no class of persons who can naturally be pointed out as an hereditary aristocracy in that country, and it would be difficult to select for life any persons whom the rest of the community would generally acknowledge to be worthy of that great honour. It is hardly possible that in the natural course of events the different governors who have been sent from this country should not take different views of the nature of their duties, and of the persons who were fit to be appointed; and that there should not come to be in the end a very great difficulty in carrying on the government by an assembly thus created, without any settled system, as there would be no authority like that of the King acting through his ministers, which should be responsible for all appointments that might be made. The evil consequences of the present state of things is agreed to by all parties. The Assembly, on the one hand, complains very much of the existence of the Legislative Council. The petition presented to Parliament last year, and which was sent to the Under Secretary for the Colonies from the Constitutional Association, declared that the power was a very dangerous one; that it had not altogether been properly executed; and that there ought to be some new check, in order to obtain a proper and due selection of the legislative councillors. So far, I believe, I may conclude that there is some fault or some defect in the constitution of the Legislative Council; but this is not the only subject on which immediate remonstrances have been made, or on which contents have existed for a long time. On the contrary, there are many subjects of dispute, with respect to the nomination of judges, with respect to the disposal of the public money, with respect to the prosecution of certain persons who were defaulters, and various other subjects, which, after continuing for eight years, were still subjects of dispute in the provinces. These matters had been referred by Mr. Huskisson, when he was Secretary of State for the Colonies, to the consideration of a Select Committee of this House; and among the papers printed by the order of the House, there is a minute of the Earl of Aberdeen, which was drawn up by him when he was Colonial Secretary, in which the question

is treated with very great calmness and moderation, and quite to demonstration. It shows, that with respect to all the subjects, with the exception of one, which I shall mention presently, which were brought before the Committee of 1828, the remedies provided by the Government of this country were not only fully that which the Canada Committee recommended, but went beyond the propositions made by the Committee. I will mention an instance of this, and it is a very strong instance. The Canada Committee recommended that a certain duty, which was imposed by the Act of 1774, should be appropriated by the House of Assembly itself as soon as that House of Assembly should make permanent provision for the support of the judges, and for the support of a certain number of officers of the civil government. The Government of this country went beyond that proposal, and by the Act of 1831 they repealed, simply and at once, the provisions of the Act of 1774, as far as it left the appropriation to the Lords of the Treasury of this country, and left it freely and fully to the House of Assembly to appropriate the funds arising from these duties. It did not follow that because the Government and the Legislature of this country dealt this fair and full concession to the House of Assembly, that they should be disposed to make a proper return, by acceding to what the Committee of 1828 considered an indispensable preliminary. On the contrary, they have not hitherto, and, I think, as I shall hereafter show, they do not seem disposed now to make any such provision. There was one recommendation of the Committee which referred to the judges, with respect to whom it was by the Committee proposed that they should be independent as far as their salaries were concerned, but that they should be removable at the pleasure of the Crown. An Act was proposed by Lord Ripon to the effect that the judges should not only have permanent salaries, but that they should hold their offices during good behaviour. The House of Assembly, in return for this, introduced into that Bill, clauses by which they made all the officers of the colony, not excepting the governor himself, subject to a tribunal appointed in the manner then pointed out. Thus they met the concessions largely and freely made by the Government of this country. These proceedings continued;

contents upon various points were raised from time to time until, in 1833, a supply bill was passed, with many conditions tacked to the several items of it, declaring that certain persons should have salaries for such offices, providing, at the same time, that they should not hold any other office, and various conditions of this kind, in consequence of which the supply bill was lost. In 1834 the House of Assembly passed ninety-two resolutions, which are familiar to this House both as their purport and their language. In 1833 the House of Assembly separated without passing a supply bill, in consequence of Lord Aylmer refusing to sanction their votes for the contingent expenses. In 1835 Commissioners were sent out from this country, in order to investigate the whole of the subject matter in dispute, and that they might make a report to his Majesty's Government, by which his Majesty should be informed of the whole of the matter in dispute, to be able to judge how far it might be safe or practicable to comply with the demands of the House of Assembly. It is very satisfactory to me that the Commission which was appointed took full time to enter into every topic connected with the propositions made to this country. I think that, whatever suffering there may have been on the part of those officers of the government who claim, and have a right to claim, the protection of the British Crown and the British Parliament to defray the sums owing to them,—I think, whatever public inconvenience may have been suffered in consequence of the delay in the appointment of that Commission, yet the inestimable advantages derived from it—that we do not now proceed without the fullest and fairest inquiry, and that every subject has been carefully looked into—fully compensate for the time that has been lost. After four years and a half no supply has been voted; and we have come at last to this decisive question, whether or not we can grant some or all of the demands of the House of Assembly, without which no supply can in any case be looked to? It is a great advantage, I think, that we do not appear to proceed in haste or passion, or in ignorance, and that every light which can be thrown on the subject has been thrown upon it—that everything that could be fairly granted to the demands of the House of Assembly has been previously granted—that there is now but one question for this House to con-

sider, whether or not we shall proceed to alter the constitution of 1791, and to alter it in a manner which I shall afterwards show is inconsistent with the relations of the mother country and the colonies; or whether we shall interpose, as in a case of necessity, and a case of clearly and fully proved necessity, to protect the colony itself from disturbance, and to rescue the honour of the British Crown from that which I consider a stain upon it—of leaving the subjects of the Crown unprotected in a situation in which they have been encouraged and even directed by the government to place themselves? That this is the question is sufficiently proved by the amendment which the hon. Member (Mr. Leader) means to propose. He does not say, neither do those who agree with him say, "Let not Parliament interfere, allow the colony to continue its course, do not coerce the assembly of the colony, do not interfere with the imperial parliament;" but what he says is this, "It is necessary to interfere; it is necessary that you should consider former acts of Parliament; it is necessary that you should repeal those acts and adopt another constitution." To this question, then I beg leave to call the attention of the House, and I will only do so generally, because really, though I have been long conversant with the subject, I am not able to enter at length into every statement of the demands of the House of Assembly. But I am sure that my learned Friend who sits near me (Sir G. Grey) will be able to give any details that may be necessary. I will go shortly and generally into the questions upon which the House of Assembly make their demand, and I will state the reasons why I think it impossible, for us to grant those demands, and the course which I propose to take on this subject. The first demand of the Assembly is, that the legislative council having hitherto been nominated by the Crown, shall for the future be an elective assembly. The next is, that the executive council shall be a responsible council, similar to the cabinet in this country. Another is, that the law of tenures shall be changed without respecting the rights acquired under an Act passed by the British Parliament; and the fourth is, that the land company shall be abolished, with a similar disregard of the rights acquired under the same Act. With respect to the proposition of making the legislative council elective, the effect of it in the pre-

sent state of the colony must be to make a second assembly exactly resembling that which at present exists. There could be no doubt, from the Report of the Commissioners—and every one who has spoken on the subject seems to have come to the same conclusion—that the second Assembly would be but an echo of the first Assembly, and would try to enforce all their demands. It is proposed in the next place that the executive council should be made to resemble the ministry in this country. I hold this proposition to be entirely incompatible with the relations between the mother country and the colony. The relations between the mother country and the colony require that his Majesty should be represented not by a person removable by the House of Assembly, but by a governor sent out by the King, responsible to the King and responsible to the Parliament of Great Britain. This was the necessary constitution of a colony; and if you have not these relations existing between the mother country and the colony you will soon have an end to the relations altogether. Then, again, if the executive council were made responsible as the ministers of this country, of course the governor must act according to their advice. If the Assembly do not trust those ministers, if they do not think them fit, they must be removed, and others put in their places. The person sent out by the king as governor, and those ministers in whom the assembly confided, might differ in opinion, and there at once would be a collision between the measures of the King and the conduct of the representatives of the colony. But this proposition would tend not merely to produce disputes, not merely to try the King's authority, but it would tend to introduce authorities totally incompatible with the authority which the King seems to have over every colony. There is an obligation, for instance, on the Government of this country, to prevent any British subject being injured with impunity. If the executive council be appointed through the influence of the House of Assembly the consequence would be that the Ministers thus appointed must carry into effect the acts of the Assembly, and must deprive persons of land or other possessions, though holding them under the laws of this country, and by virtue of an Act of Parliament. Let it be considered, that these measures must be carried into effect not merely by the forces of

the colony, not merely by the Assembly, but in the King's name, and by means of the King's forces in that colony. Let me suppose this case, that the King sends out certain orders to the governor in conformity with the existing laws. The law in the next time is changed by the Assembly, and the consequence might be that the King's troops would be obliged in obedience to the orders of the ministers of the Assembly, to carry into effect those orders in defiance of an Act of Parliament, and tending, perhaps, to the injury and destruction of the King's subjects sending property according to law. It may be maintained that there is justice in the attempt to give an executive in the colony which should be responsible to the Assembly in the same manner that the Ministers that control are responsible in the House. That sort of the constitution which requires that the Ministers of the Crown stand as responsible in Parliament, and should be responsible if there are any orders for resistance in Parliament, is a constitution which exists in no British possession, and it is an essential requirement that it is a constitution which cannot be carried over effect in a colony—it is a constitution which can only exist in the British Empire. The only a colony, however we should have complete independence, which existing but only in Great Britain, but it is a complete subject. It is not a case the Government would be obliged to carry its measures in which the effect, and still better would it be, in an independent state with the complete freedom, that the executive and legislative by the King of England and the Crown and the King of England would be subordinate to the House of Assembly and the House of Assembly would effect. This is therefore a contradiction which it is impossible to have consistency with the relations between the mother country and the colony. It is required by the King which is the Emperor and the King of England is having respect the proposition in House of Assembly of the fact that the body of laws which this colony or the country they seem to have the King of England and the Parliament with the Assembly together, and the other way, but the question is, respecting the fact and in doing something to the King of England with respect to the laws which they seem to have, and possibly might under these Acts. It is neither possible for the Crown, or the Par-

liament of Great Britain to yield the rights of those persons, and after the passing of a solemn Act of the Legislature to say that those rights shall be disregarded and not at all sought, because they do not agree with the views of the House of Assembly. And as far as I can conceive, the only remedy that is left according to the views of the House of Assembly, is for the British Parliament to vote compensation to such persons, and to provide for them out of the funds of this country. This is the resource left to us—a resource worse than that which we were compelled to accept from another of our American colonies after a most cautious war. I feel assured that the House will think that they are justified in taking under their protection those persons who have suffered in consequence of Acts passed by this and by the other House of Parliament. If the House were to concur in the views of the House of Assembly, taken as a whole, what would be the consequence? Canada would cease to be a colony, and would be regarded by its authorities as independent and sovereign of the power of the British Crown, and having all the inconveniences of a colony with none of its advantages. But there would be this result: and if Canada were really independent, I am sure of Great Britain were stronger than the King of Great Britain, as in the case of any other foreign power, could interfere to see that the wrong was redressed; but according to the demands of the House of Assembly, if a subject of the King of Great Britain were wronged by the hands of the St. Lawrence, the King of Great Britain would not have the power to interfere, which he would have if the wrong had been committed on the banks of the Danube and the Danubian. I ask Gentlemen to consider what will be the effect of these resolutions of the House of Assembly. One objection is stated by the Commissioners, and stated for a reason which I think all sufficient in the present state of the colonies, to prevent our acceding to the demand for an elective Legislative Council. With respect to a Legislative Council, they state that there is no reason with respect to the abstract consideration, why there should not be an elective Legislative Council, in the colony as well as one nominated by the Crown; but in the present condition of Canada, they cannot imagine a state of circum-

stances,—they cannot imagine a body of constituents of such a nature, so different from the body which constitutes the present House of Assembly, as to have an independent assembly appointed in the manner of an election, and not by the nomination of the Crown. But they state that, whatever may be the result come to upon abstract speculation, that this is not the case in Canada; that the case of Canada is such, that if you yield to these demands a great portion of the King's subjects, namely, those of British descent, will be excluded altogether from a voice and representation in the two assemblies; that that portion, consisting of 120,000 of our fellow-subjects, persons of considerable wealth and intelligence, and who are engaged principally in commercial pursuits, would consider themselves so far abandoned, so far unprotected, that it was not likely that the peace of the colony would be preserved, but that they would oppose and resist the Government as a Government from which they could expect no security for life and property. They concluded that whatever might be the result of speculation on this subject, and though their views, as far as regarded them individually, were in many respects dissimilar, yet they all agreed in this, that in the present state of the colony it would not be possible, with security to the subject and tranquillity to the colony, to grant the demands that were made. I consider—these Commissioners having, as I stated in many respects entertained dissimilar views upon many questions that came before them—I consider that there must have been a very strong impression that the present state of the colony was such that it would be unwise and unsafe to introduce an elective council into that colony. I think that the report of the Commissioners affords sufficient reasons for the opinions to which they have come. Having thus stated why, in the opinion of his Majesty's Government, it is impossible to yield to the demands which have been made by the representative assembly of Lower Canada, I shall now proceed to state the views which we have taken of the whole case, and of the remedy by which we propose to put an end to the difficulties which have arisen in consequence of these occurrences. The first difficulty is the payment of the judges and of the king's officers in the colony. When it is recollected that it is now four years

and a half since the judges have received their salaries, during which period they have been left entirely to their own resources for support, the House will, I think, consider that it is high time for us to come forward and interpose the authority of Parliament in their behalf and rescue those officers from the state of distress which must necessarily result from a protracted continuance of this state of things. Had we followed the advice of the Commissioners upon this subject, we should have come forward last year and demanded of Parliament the means of paying the arrears justly due to these officers; but it was thought that as some misunderstandings appeared to exist between the Assembly of Lower Canada and Lord Glenelg, it would be desirable to give them an opportunity to re-consider the subject once more, and wait to see if they still persisted in refusing these payments. With regard to the propriety of the proceeding which I am about to recommend, I apprehend that it is undoubtedly in the power of the imperial Parliament to interfere in colonial affairs, whether in legislative matters or in supply, when a pressing occasion occurs for so doing. In legislative matters we had recently an instance in regard to Jamaica, where we interposed our authority to continue an act of great importance, which the colonial legislature had omitted to pass within the proper period. In matters of supply, also, I have as little doubt that in cases of great necessity it is in the power of Parliament to employ all the means in its hands to appropriate the proceeds of the taxes raised in a colony to certain public services in a colony to which they are under ordinary circumstances applied. This principle was admitted at the bar of the House of Commons by Dr. Benjamin Franklin, who in regard to the Assembly of New York, was asked, whether, if a colony were altogether to refuse supplies, the imperial Parliament could interfere, and he replied that "he could not conceive such a case to occur, though they had in some cases refused to grant permanent salaries to the officers of Government, and he thought very wisely so." He was then asked again, "whether in cases where interference was justifiable, the right of interfering ought not to be in the Parliament of Great Britain?" To which he replied, "that he would have no objection to it, provided the power were only used for the use and good of the colony

passed by the Parliament of the United Kingdom in favour of the North American Land Company; and by the said address, the said House of Assembly further adverted to the demand made by that House of the free exercise of its control over all the branches of the Executive Government; and by the said address, the said House of Assembly further declared, that it was incumbent on them, in the present conjuncture, to adjourn their deliberations until his Majesty's Government should, by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence, which alone could crown it with success.

"4. That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that province an elective body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence.

"5. That while it is expedient to improve the composition of the Executive Council in Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province.

"6. That the legal title of the North American Land Company to the land holden by the said Company, by virtue of a grant from his Majesty, under the public seal of the said province, and to the privileges conferred on the said company by the Act for that purpose made, in the fourth year of his Majesty's reign, ought to be maintained inviolate.

"7. That it is expedient, that so soon as provisions shall have been made by law, to be passed by the Legislature of the said province of Lower Canada, for the discharge of lands therein from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land in fee and common socage in the said province, a certain Act made and passed in the sixth year of the reign of his late Majesty King George IV., commonly called 'The Canada Tenures Act,' and so much of another Act passed in the third year of his said late Majesty's reign, commonly called 'The Canada Trade Act,' as relates to the tenures of land in the said province, should be repealed, saving nevertheless to all persons all rights in them vested under or by virtue of the said recited Acts.

"8. That for defraying the arrears due on account of the established and customary charges of the administration of justice, and of the civil government of the said province, it is expedient, that after applying for that purpose such balance as shall, on the said 10th day of April, 1837, be in the hands of the Receiver-General of the said province, arising from his Majesty's hereditary, territorial, and casual revenue, the Governor of the said province be empowered to issue from and out of any other part of his Majesty's

revenues, in the hands of the Receiver-General of the said province, such further sums as shall be necessary to effect the payment of the before-mentioned sum of 142,160*l.* 14*s.* 6*d.*

"9. That it is expedient that his Majesty be authorised to place at the disposal of the Legislature of the said province, the net proceeds of his Majesty's hereditary, territorial, and casual revenue arising within the same, in case the said Legislature shall see fit to grant to his Majesty a civil list for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expenses of certain of the principal officers of the civil government of the said provinces.

"10. That great inconvenience had been sustained by his Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions, wherein the said provinces have a common interest; and it is expedient that the Legislature of the said provinces respectively be authorised to make provision for the joint regulation and adjustment of such their common interest."

Mr. Leader : It is my intention to oppose the resolutions proposed by the noble Lord, if the usage of the House permit. If the noble Lord in rising to bring forward the subject were under the necessity of craving the indulgence of the House, I must also claim similar indulgence, not only on account of illness, but on account of the vast importance of the question. The interests of a nation—the interests of a large and gallant body of fellow-subjects—depend on the vote which the House may come to on the resolutions proposed by the noble Lord. The resolutions were of vital importance, not only to the colony, but to this country, and any one much more competent than myself to discuss the merits of the question must approach it with some degree of awe. The noble Lord said he brought forward the resolutions with considerable reluctance, and I am not surprised at the expression. The noble Lord represented a liberal constituency, and was the leader of a liberal Government, and he must therefore have felt reluctance in bringing forward the most arbitrary measure that had ever been proposed to that House. It was, in short, a Coercion Bill. The noble Lord admitted that colonial assemblies were often in the right at the commencement, when they complained of grievances and

claimed redress; but it also often happened that these colonies ended their claims by forming themselves into commonwealths. The Assembly of Lower Canada had commenced with the first mode of proceeding; but unless their just demands were conceded, they would not form themselves into a commonwealth, but throw themselves into the arms of a neighbouring republic. I differ from the noble Lord relative to the effects of the Act passed in 1828; and he will find on referring to it, that the report of his own Commissioners is equivocal on that point. The noble Lord had told us, that the Legislature has hitherto abstained from interfering with the steps taken by the House of Assembly. But what had caused that conduct but the course pursued for the last twenty years by a nominated council against the wishes of the Canadian people, and sustained by the bad policy of the Colonial-office? The noble Lord says if the Legislative Council were made elective, the interests of the people would predominate. What an objection to come from the noble Lord! The people of Canada say, in order that all legislation may not be impeded, there is an absolute necessity that the Legislative Council should be reformed; and the noble Lord proposes, by way of remedy, not that the Legislative Council should be so reformed as to act in harmony with the other estates, but that the House of Assembly, and the great body of the people should be made to conform to the vicious principles and practice of the Executive Council. The noble Lord says, it would be inexpedient to repeal the Act by which the North American Land Company hold their tenures. Now that very Act is one great subject of complaint. The people of Canada say, that the Tenure Acts and other Acts of a similar description, ought never to have passed the Imperial Parliament, and contend that so long as they have a Constitution and National Assemblies of their own, the Imperial Parliament ought not to interfere with their concerns. The noble Lord said, if the Legislature of this country supported the resolutions, the people of Canada would be placed in a most enviable position; but the noble Lord forgets one point; he forgets that if these resolutions are passed, the independence of the Canadian Assembly is annihilated; he forgets that the people are deprived of their constitutional rights. That would

be the result of the resolutions. That would be the enviable position in which the people of Canada would be placed. Now, I would ask the noble Lord whether he is prepared to deprive that Colonial Assembly of the rights with which it is intrusted for the benefit of the people—is he prepared to deprive that Assembly of their control over their finances, of their control over the executive, and to tax the Canadian people without the consent of the National Legislature? That was the course pursued towards the North American Colonies. That was the cause of their separation from the mother country; and, with such an example before your eyes, will you persevere in such unconstitutional and arbitrary measures. Is there not an Act passed by the Imperial Legislature, which declares that the colonies of Upper and Lower Canada shall not be taxed but by their own Legislatures? And are not the resolutions of the noble Lord directly opposed to this principle? The noble Lord proposes that the House of Assembly shall pay certain arrears. They refuse to pay unless on certain conditions—these conditions are not complied with, and yet the noble Lord steps in between the parties—the Assembly and the Executive—and, in the most unconstitutional and arbitrary manner, endeavours to tax the colonies. If such a system is to be carried into effect, the constitution of Canada is a mere paper parchment, and the Assembly nothing more than a debating club. I therefore contend that so long as the Canadian people have a constitutional assembly of their own, it is beyond the right of this House to interfere with their concerns, or make any change in their financial affairs. The Commissioners had some feelings of this sort. What are their words?—"That such a measure would be less objectionable than any interference with the privileges of the Canadian Legislature or any tampering with the principles of the Constitution granted in 1791." The noble Lord said he was sorry there was no choice left but to adopt the latter course. And what would that amount to but to send troops to the country, and provoke the people by threats and the fear of slavery? Such was not a constitutional course of proceeding, and so long as the colonies had a Legislature of their own, this country had no right to tamper or interfere with the privileges of the people, or render null and void that power which

you have intrusted to the Legislative Assembly. Now, this unsatisfactory and unconstitutional resolution—and he was not surprised when he read it—this unconstitutional resolution is founded on the report of the Commissioners, and is in accordance with the policy of the Colonial office at all times. I do not confine my remarks to this or that side of the House; it is in accordance with that policy towards our colonies, which, for many years, has been most arbitrary, and which still remains unaltered. I heard the resolutions and the speech of the noble Lord with sincere regret, because they will be neither satisfactory to the Colonial Parliament, nor to the people of the country, whom they would exasperate in the highest degree. The grievances of the colony are, unfortunately, too well known, and it would only be a waste of the time and patience of the House to enumerate them. They have existed for more than forty years. In 1791, when a change was made in the constitution of the colony, it was said by many it would not work well, and the vital error and defect was the nominated Legislative Council. The prediction has unfortunately proved too true. The Constitution has not worked well. For twenty years a contest has been carried on between the nominated Council and the Legislative Assembly, and all legislation stopped. And what does the noble Lord propose to supply for a remedy? The noble Lord comes forward, not with a remedy, but with a resolution to make the people pay without directing his attention to their just demands. The grievances and the complaints had continued so long that a Commission was sent out, and a sort of report had been made; and he must say of that report that he had never seen a more curious, more incomplete, or more disjointed document. To the report drawn up and signed by the three Commissioners there are notes appended; some by Sir Charles Grey, disagreeing with a part of the report; some by Sir George Gipps, of a similar character; and there is only one on which they all agree, the general attack made on the hon. Member for Bath. All agree to that short report; and even the secretary was so delighted with it that he thought proper also to sign his name. In that report they said little or nothing of the remedy, but it was full of threats against the Legislative Assembly, full of projects for

taking away their rights, and with schemes for converting the minority into a majority, and with plans and Bills of a similar nature, which, instead of satisfying the people of Canada, would excite them to the highest degree of exasperation. The report acknowledged there were many grievances—it acknowledged the Assembly had justice on their side; but there were many difficulties in settling the question, and they have not settled any question. They have staved many things off which, unless brought to a satisfactory conclusion, may lead to a separation between Canada and this country. Now the great point to be settled, and on which the Canadians laid the greatest stress, was making the upper assembly elective. That depended on the state of parties in Lower Canada, it was said because Gentlemen interested told us that it was a contest not for right, but a contest between English and French Canadians. Now that was not the truth, because there is a majority of English Members voting with what was called the French party. Many of British descent and many of American descent are found to agree with those of French descent. It could not, therefore, as insinuated, be called a contest of races—no, it was a contest between the people and a nominated council—it was a contest between the oligarchy and the democracy, insulted and trampled down by a miserable minority—an oligarchy who had so long tyrannised over the rest of the community that they think they are deprived of their rights when affairs are placed on a proper footing. Four-fifths of the Canadians wish to make the council elective; and the other fifth, interested in abuse, are determined to keep up the nominated council, and say they will never submit to the National Colonial Assembly. In favour of which of the two parties will you decide? Will you agree with the minority or the majority? That is the real state of the question. When the constitution was granted in 1791, the ministers of the day thought it would be a great benefit to give a constitution as much like to that of England as possible and they accordingly framed it on the same plan, though with different titles for the separate estates. For the King the colonies have a governor—for the cabinet a privy council—for the House of Lords a Legislative Council, and for a House of Commons a House of Assembly. The great difficulty was to find proper persons to constitute an

upper House, because in Canada there are no elements for an aristocracy—no persons of the proper stamp to make a House of Lords ; but the Government finding it was necessary to make the constitution like that of England, created that assembly of officers nominated by the Crown. It was hardly to be expected that a body thus nominated would agree with an assembly elected by the people ; and the consequence was such as every man expected—the two houses did not agree on any one point, and all legislation was stopped—the assembly was useless, and the colony was deprived of the benefit of a Legislature, because it had been judged necessary to adopt this scheme for a House of Lords. What remedy do the Commissioners propose ? They do not propose to do away with the Legislative Council, or reform it, though after forty years experience it had been found a failure. They did not propose to restore to harmony the Executive, the Legislative Council, and the House of Assembly, but still to keep up and preserve this strange and anomalous body. The Commissioners in their report admit that there was a want of harmony and a hostility shown towards the Legislative Council, and that something was expected by the people by which the Council would be placed more under control. Their words are :—“ With these signs, therefore, of a continued hostility before us, we are disposed to ascribe the fact of no formal demand for an elective Council having been made before 1833 simply to the expectation entertained by the popular party, that in consequence of the recommendations of the Committee of 1828, very essential alterations in the composition of the Council were on the point of being effected. An alteration was indeed produced in 1832. The judges ceased to take any part in its proceedings, and thirteen new members, unconnected with the Government, were added in the course of the year ; but that these new nominations were unsatisfactory to the Assembly, and that the disappointment, they felt at the alterations in the Council was the cause of their fresh proceedings against it, may be inferred from the fact, that in the next session of the Legislature was voted the first address in which a demand for an elective Council was put forth. . . . We certainly do not think that either the recommendation of the Committee of 1828, or anything that subsequently issued from a competent

source, warranted an expectation that the Legislative Council was to be made entirely to harmonise with the feelings of the Assembly ; nevertheless that something of the kind was expected by the popular party does seem beyond dispute. We do not feel called on to pronounce an opinion on the propriety of the appointments in question ; and the less so as they were narrowly scanned in the cross-examination of Mr. Morin, before the Committee of 1834 ; but we may, we think, venture to say, that whilst they satisfied the terms of the recommendation made by the Committee of 1828, as far as the matter of pecuniary independence of the Crown was concerned, they scarcely produced an alteration in the political character of the body to which the new Members were aggregated.” The next topic they advert to is the contest between the two races. That part of the report concludes with the remark, that though at first it might have been expedient to make some change in the constitution of the assemblies, it would not be advisable to adopt the principle now. And why ? Because it would only take the power from one and give it to the other—the very argument used by Gentlemen opposite when they refused Corporate Reform to Ireland. They said “ No ! it may be just to give Corporations to Ireland, but we will not, by giving Corporations to Ireland, create a party triumph.” It is perfectly surprising that Commissioners appointed by a liberal Government should have drawn up such a report. It ends by quietly recommending that as they cannot agree to make the Legislative Council elective, the Constitution of Canada should be taken away altogether, and a Coercion Bill substituted for it. Such, Sir, is the argument of the Commissioners. But I appeal from the Commissioners to this House. Nay, I appeal to the noble Lord, and ask him if he is prepared to sanction such an argument as that ? The Canadians, in a constitutional manner, ask for the introduction of the principle of election into the Legislative Council, both as a great measure of reform, and as a measure of urgency, without which peace cannot be restored to Canada. What is the answer of the Commissioners ? “ We cannot agree to your request, for it is contrary to the unity of Government in the British empire. But we have a remedy of our own ; which is to deprive you of the con-

trol over your finances, and to take away your Constitution. We cannot consent to the introduction of the elective principle; for then the Legislative Council will not be like the House of Lords." Sir, let it be remembered that in the first instance the Legislative Council was but an experiment. Mr. Pitt said that it was only an experiment. What were the words of another great statesman on the occasion of its establishment? The noble Lord told us the other night that when he wished to seek for large and liberal principles of Government, he did not refer to the system of Locke or the technicalities of Blackstone. I perfectly agree with the noble Lord, that a more powerful advocate of liberal principles than Mr. Fox never lived. But what did Mr. Fox say on the occasion to which I have just alluded? In the debate on the Quebec Government Bill in 1791, Mr. Fox said, "He did not advise giving Canada a servile imitation of our aristocracy, because we could not give them a House of Lords like our own. The Chancellor of the Exchequer appeared to be aware of this, and therefore he had recourse to a substitute for hereditary nobility. It was, however, he must contend, a very inadequate substitute; it was a semblance but not a substance. Lords, indeed, we might give them, but there was no such thing as creating that reverence and respect for them on which their dignity and weight in the view both of the popular and monarchical part of the constitution depended, and which alone could give them that power of control and support that was the object of their institution." The experiment has now been tried for above forty years; and the result has shown that Mr. Fox was right. It has been a complete failure. In a subsequent part of the same speech, Mr. Fox said, "Instead, therefore, of the King naming the Council at that distance—in which case they had no security that persons of property, and persons fit to be named, would be chosen—wishing, as he did, to put the freedom and stability of the Constitution of Canada on the strongest basis, he proposed that the Council should be elective." So that I now merely propose what the noble Lord's chief authority in political matters proposed in 1791. Mr. Fox added, "In order to show that his idea of an Elective Council was not a new one, before the Revolution, more of the councils in our colonies were elected by the

people than by the King." Such were Mr. Fox's views on the subject in 1791. He at that time predicted what has since happened. We have now the experience of forty years to guide us. Is the noble Lord prepared to oppose not only the opinions of Mr. Fox, but the result of the experience of nearly half a century? I beg leave to tell him, that if he perseveres it will be, in a very short time, impossible for his or any other Government to rule Canada, except by force of arms. Is England likely to derive either honour or profit from such a state of things? Remember the consequences of the unholy policy pursued towards America. Compare that policy with the liberal policy now pursuing towards Ireland, and determine which is the best. Remember that Canada has been complaining for these thirty years. Remember that there is in her neighbourhood a great, flourishing, and powerful republic, anxious to assist her. Remember that the attachment of Canada to England, not weakened at present, can be destroyed only by obstinate perseverance in an unjust course. I appeal to every hon. Gentleman who remembers the contest with America; I appeal to every man who prefers free institutions to arbitrary rule; and, above all, I appeal to the hon. Members from Ireland to do justice to Canada. In political condition Canada may be considered a miniature of Ireland. The Irish Members demand justice for Ireland; I demand justice for Canada. Sir, I move as an amendment to the noble Lord's resolution. "That it is advisable to make the Legislative Council of that province an Elective Council."

Mr. *Robinson* observed, that the speech of the hon. Member for Bridgewater had been a complete commentary upon that delivered by the noble Lord opposite, who had moved the resolutions now under the consideration of the House. Everybody, however, who was acquainted with the policy of the present Government must be well aware that the noble Lord must have submitted those resolutions for the adoption of the House with a great deal of reluctance, and that those resolutions never would have been brought forward by him if he had not felt that every means for the conciliation of the Canadian people had been completely exhausted. The hon. Member for Bridgewater had assumed throughout the whole of his speech that the House of Assembly were right in all

their demands—that the legislative council had been decidedly wrong—that the Commissioners had been wrong in their views, and that the Government itself had acted under error. Now, certainly this was a very modest assumption. When the hon. Gentleman, on behalf of the Canadian people, demanded that the constitution of 1791 should be maintained, as he contended it ought to be maintained inviolate, and yet the hon. Gentleman had moved an amendment in utter violation of that very constitution, because nobody could now deny that the constitution of 1791, which made the House of Assembly part of that constitution, expressly provided that there should also be a Legislative Council nominated by the Crown. The hon. Gentleman had quoted the words of Mr. Fox on the occasion of the debate on the Quebec Government Bill in 1791; he would also quote an expression of Mr. Fox, used in the same discussion, which admitted of a very different construction from that contended for by the hon. Member for Bridgewater. Mr. Fox never supposed that either in the colonies or in this country there would ever exist such an anomaly as the House of Representatives of the House of Assembly substantially enjoying the supreme power of the state; and what did Mr. Fox say in 1791? In memorable words he laid it down as a principle never to be departed from—namely, that in every part of the British dominions, there ought to be a government in which the monarchical, the aristocratic, and the democratic principle were eventually blended, nor, indeed, was there any government fit for British subjects to live under which did not contain its due weight of those three elements of a constitution. Now, this principle was that which he now contended for with reference to the present question, and this was the point at issue between the hon. Member opposite and the Canadian people, and the legislature and government of this country. It was true the hon. Member had chosen to say, that this was not a dispute between the Canadians and the British people; but he was prepared to maintain that the whole of this contention was neither more nor less than a dispute between the Canadian people, who were endeavouring to maintain separate nationality in Canada, and the British people settled there. In support of this proposition he would refer to a Canadian journal,

the *Minerva*, the organ of Mr. Papineau's party, the views of which would fully account for the very extraordinary demand now made upon the government of this country. In the *Minerva* he (Mr. Robinson) found this statement:—"On examining with an attentive eye, what is passing around us, it is easy to convince ourselves that our country is placed in very critical circumstances, and that a revolution perhaps will be necessary. We have a constitution to remodel, a nationality to maintain, and these are the objects which at present occupy the attention of all Canadians. I repeat, that an immediate separation from England is the only means of preserving our nationality." Here let him remind the hon. and learned Member for Bath, who last year had taken occasion to deny his (Mr. Robinson's) assertion, that the struggle between the House of Assembly and the British nation, or rather the British Parliament and Government, was this—that they, the House of Assembly were determined, if possible, to govern Canada for and by the Canadian population alone. He spoke of the French Canadian population. Now, let the House see what the organ of Mr. Papineau said upon that subject:—"Some time hence, when emigration shall have made our adversaries equal in number to ourselves—when they shall have become more daring and less jealous, they will deprive us of our liberties, or we shall share the same fate as our unhappy countrymen in a neighbouring district. This is the fate that awaits us." He contended that these articles amounted to an open declaration that the French Canadians were determined to maintain a system of government in that country the effect of which would be to preclude the possibility of British settlers going out there, in consequence of the apprehension that the necessary consequence of the influx of British settlers into Lower Canada would be to equalize in the process of time the population, and to destroy the preponderance of the French Canadian party. He (Mr. Robinson) begged now to ask the British Parliament if that was the course of policy in which the Legislature ought to concur. This country looked to her colonies in North America as furnishing an abode and employment for her surplus population, and therefore could she permit the House of Assembly to say, "You shall not send your population here?"

No; such would be a course of proceeding to which the government of this country ought not and could not be expected to yield. The hon. Member for Bridgewater had forgotten to state, that when the present Government came into office they undertook to follow up and to adopt the system which had been designed by the Administration which they succeeded—namely, by sending out Commissioners to inquire into the state of Lower Canada. No objection could be raised to the three Commissioners who had been sent out; their characters were such that no man could pretend to doubt for one moment that they had a most anxious and sincere desire, if possible, by every reasonable concession to the Canadians, to redress their grievances. Could any honest man who looked to the diligence, the assiduity, the anxiety with which those Commissioners had performed their numerous and most arduous duties, looking also at the instructions given to them by Lord Glenelg, could any man—nay, he would even put it to the hon. and learned Member for Bath, entertain a doubt that the Commissioners had not manifested a desire to fulfil those instructions, and by so doing to make every concession to the French Canadian party that was consistent with the rights of the British subjects in that colony and the supremacy of the British crown? He (Mr. Robinson) felt convinced that the Commissioners had come to the recommendation with which they concluded their report only when they found that all their hopes of conciliation were destroyed. Did the hon. Member for Bridgewater recollect that when the Earl of Gosford wrote and published his able and most conciliatory address to the House of Assembly, in which his Lordship declared that he came charged by the King with the duty of inquiring into all their grievances—that he was resolved so far as depended on him to carry out his instructions to their fullest extent, did the hon. Gentleman remember that the Earl of Gosford also declared that he would in future remove all cause of complaint as to the filling up of public offices, and that the Canadians should have their full share in those public appointments? In short, no man could read the noble Earl's first address without being impressed with the conviction, first, that the Government had sent him on a mission of peace and goodwill, and next that the Earl of Gosford was a man determined, if possible, to carry

such their design and intentions into the fullest operation and effect. He thought that last year the hon. and learned Member for Bath spoke in terms of eulogy of the Earl of Gosford. [Mr. Roebuck: Never; on the contrary, I always condemned the Commission.] He had, then, misunderstood the hon. and learned Member. However, it appeared that the Earl of Gosford felt it his duty to do justice to every class of his Majesty's subjects in the colony, and from that moment the French Canadians turned round and said he was worse than his predecessor, Lord Aylmer. He had ever been the advocate of liberal principles—his interests were identified with those of Canada; but he must deny the existence of any identity whatever between the state of Canada and the state of Ireland. When the hon. Member for Bridgewater talked of an analogy between the two countries, he must ask the hon. Member whether any portion of his Majesty's subjects in Canada laboured under any disqualification, civil or political, on the ground of religion? And yet the Canadians meant nothing more nor less than this—namely, to demand that the whole power of the colony should be vested in the House of Assembly. It was true they talked of an elective Legislative Council, but what was meant by that? Why, a council which, by the adoption of the elective principle, should be rendered a mere echo of the other house. He would not say that the Legislative Council had not adopted extreme views, because if he understood the noble Lord right, the Government were desirous of altering its constitution so as to make it harmonious with the feelings of the House of Assembly. He hoped, however, the Council would not be made dependent upon the House of Assembly, as, if such were intended, it would be better to give up the government of Canada entirely. He hesitated not to say, that the inhabitants of Lower Canada would infinitely prefer that the Government should abandon them altogether than that it should yield to the extravagant and most extraordinary demands of the House of Assembly. Was it to be believed that the Canadians themselves really desired a separation from this country, if those terms and those demands were not acceded to? No such thing. The hon. and learned Member for Bath would doubtless endeavour, by and by, to persuade the House that the Canadian

population were unanimous in support of the views of the dominant party in that colony. He, however, begged at once to deny the fact. He admitted that Mr. Papineau and his party exercised an influence over the elective body there; but he must at the same time affirm, that a very considerable portion of the Canadian people were adverse to his extreme views and would be disposed to adopt the remedy for existing evils which the noble Lord by his resolutions had pointed out. But how could it be expected that the Canadians would be satisfied with what the Government of the mother country proposed to do when, in addition to the excitement kept up amongst them by Mr. Papineau and his party, the hon. and learned Member for Bath and the hon. Member for Middlesex contributed to that excitement by sending out the most inflammatory statements to that country. In one of those addresses the power of this country over the province of Lower Canada had been called a baneful domination. After this from the hon. Member for Middlesex, he was not surprised that the hon. and learned Member for Bath should follow in the same steps, and in his communication state, that if grievances were not redressed, recourse must be had to arms.

Mr. Roebuck rose to order. That assertion had been so often contradicted by him, that he was surprised the hon. Member for Worcester should again quote it.

Mr. Robinson was not aware the language he had cited, had been denied by the hon. and learned Member for Bath; on the contrary, he had supposed the use of it had been admitted. If he was wrong in that supposition, he begged the hon. and learned Gentleman's pardon.

Mr. Hume: I deny also the use of the language imputed to me by the hon. Member for Worcester.

Mr. Robinson observed, that he had the letter of the hon. Member for Middlesex in print, and had never heard it denied before. The noble Lord opposite (Lord J. Russell) had justly observed, that the British Parliament had been absolutely menaced by the French Canadian party, and their supporters; and it had been said, that if these resolutions were attempted to be carried, it would lead to a rebellion in Canada. Now, he remembered that last year, the hon. Member for Middlesex stated, that these demands

were not confined to Lower Canada, but that they had found their way into other provinces of British North America; indeed, if the same feeling were not to be found there, it was not for want of vast exertion, and great assiduity on the part of the Canadian party, who had sent forth their resolutions, and had endeavoured to inoculate the other provinces with the same democratic principles and feelings. But let the hon. Member for Middlesex now call to mind the complete revolution, in point of feeling, which had taken place in Upper Canada for instance, where similar demands had been made, since last year. Let him remember what in that province had been the effects of the judicious course pursued by Sir Francis Head—a course which had led to a complete change in public opinion in Upper Canada; and he would venture to say, that at the moment at which he was speaking, there was not a colony in his Majesty's dominions, a people more satisfied with the constitution under which they lived, and their connexion with the mother country, than the population of Upper Canada. So also were the other North American Provinces; and so, also, would be the people of Lower Canada, if they were freed from the mischievous firebrands that were sent forth amongst them. The Legislature of this country, by the course now proposed, were endeavouring to persuade a class of men, eminently industrious, virtuous, and well-disposed, to preserve the connexion with the mother country, conscious of the benefit of her protection, that happy would be their lot but for the unfortunate influence exercised over them, in bringing them in opposition to the Government. The noble Lord opposite, in a speech of great moderation, had pointed out the course which the Government meant to pursue, in the unhappy exigency which had arrived. The necessity for interference had, however, now arisen. He contended, that neither the Canadian House of Assembly, nor the Commons House of Parliament were justified in exercising their privilege of stopping the supplies, except in an extreme case; that powerful engine was only given to guard the rights and privileges of the popular branch of a government like that of this country, against invasion by the Crown, or the other House of Parliament. Now, there had been no such invasion of the

rights and privileges of the House of Assembly in Canada, but there the people had made use of that engine, and said, until a change was made in their constitution, they would not pay the public servants of the state. Those servants had been kept no less than a period of four years out of their salaries, the victims of an experiment to extort and force a change in the Canadian Constitution. Anxious as he was to support the privileges of the House of Assembly, he should cheerfully support the noble Lord opposite in the proposition he had made, and take sufficient from the funds already in the Treasury Chest of that colony, to pay the amount of arrears now due. With respect to the Executive Council, every one must concede that if it was made responsible to the House of Assembly, there would be a complete abrogation of the rights of the Crown in that colony. Who could doubt either, but that if the Legislative Council was made elective, the rejection of measures not to be approved would be thrown upon the Governor-in-Chief, and thus the whole odium would be thrown on the King's representative? But if the analogy of the United States was to be preserved, the next step of the Canadian party would be, to demand an elective governor also. The hon. and learned Member for Bath stated they did seek that change. He did not doubt it would be the next step taken, and thus a democratic form of government was sought to be established. He differed from the noble Lord on the wording of the fourth resolution. Why should the words "the existing state of Lower Canada" be introduced? Because, if they meant anything, they meant that time and circumstances might arrive, in which Government might be disposed to concede the point. He would tell the noble Lord, that he must be both firm and conciliatory; he must concede every thing to the Canadians, and every thing should be conceded to them on account of their prior claims, as being the original proprietors of the soil; he would say nothing about dominion acquired by conquest, a term which was frequently used in reference to Ireland, although "agitation" was equally well known in both countries. The Commissioners had unanimously declared, that the claims of the British American Land Company, of which he had the honour to be a governor, had been founded on such principles, that any

attempt to shake it, would shake the foundation of all property in that colony. But the Commissioners had not stopped there—they had informed the British people, that from the existence of that Company the colony had derived most important benefits. It had caused the employment of a considerable amount of capital, without which the waste lands would never have been improved, and it had laid a foundation for the Government to pursue a wise course in respect to British settlers there, and to enable them to render the colony, in a few years, as flourishing as it would have been long ago, but for the antiquated prejudices of the Canadians themselves. Some of the demands which they had made were, however, such as could not be acceded to. One demand was most audacious—namely, that the Imperial Parliament here, should be made subservient to the House of Assembly there. They denied the right of that House to legislate for the colony in extreme cases. He protested against that audacious doctrine. The noble Lord had alluded to a case last year, in which the House of Commons unanimously legislated for Jamaica. He admitted that there might have been one or two hon. Members who objected to that course; but their number was so small, that no notice was taken of the circumstance. To grant such a demand would be to diminish the prerogatives of the Crown in Canada. But if such demands were persisted in, and such language as he had alluded to was continued to be held out to this country, then the Canadians should be told, that the British House of Commons would, as a *dernier resort*, abrogate the constitution of 1791. That House ought not to sacrifice the privileges and prerogatives of the Crown to any of our colonies. If the Canadians were strong enough to enforce their demands, they should be told at once, that the time had arrived when they might, like the United States, shake off their allegiance altogether; for he had no notion of people continuing to live under the protection of this country, who denied, or attempted to deny, their allegiance to the British Crown, and refused to yield obedience to the Imperial Legislature. The noble Lord, and the right hon. Baronet must know, if they were well acquainted with the state of the colonies, that the threats which had been held out on the part of the Canadians, were merely

power, respect from intelligence, and consign us to unendurable bondage."

Such was the language of the petitioners, and yet they were told that it was the unanimous desire of the Canadian people that they should so far upset the Constitution of 1791, which they sought to perpetuate by introducing into the Legislative Assembly, the slippery unstable foundation of the elective principle. The hon. Member for Bridgewater said, he deprecated the interference of the British Parliament in the internal affairs of Canada. But Sir James Mackintosh admitted, that Parliament had the right of interference. He admitted that a case for interference might arise. All he contended for was, that the circumstances should be strong enough to justify that interference. He only sought to put off, for six months, the Act introduced by the hon. Member for Coventry. His language in 1822 was,

"He was anxious that his view of this question should not be misunderstood. His own opinion was, that such a power (the power of making and of altering laws which should be binding on the colonies) did inhere in Parliament by the law and constitution of England. It was a power which ought not to be wantonly or indiscriminately exercised, but which should be reserved for extraordinary occasions—to preserve the unity of the empire—to prevent discord between distant dependencies—to regulate the general commercial intercourse of every part of Europe—above all, to correct any extraordinary act of direct misrule and oppression which the provincial governments might commit."

Now he maintained that the necessity had actually arisen in the case before them, for the interference of the Imperial Parliament. He acknowledged the difficulties of the case, and that they were even proceeding on the unpopular principle of legislating against the majority; but his defence was, that that majority had been got up by a system forced and untenable. He could, for instance, name one member of the Assembly who had been denounced and displaced by M. Papineau, because he drew back from the course into which he was attempting to inveigle them. The hon. Member then referred to the Act of 1791, which Mr. Pitt acknowledged to be an experiment, which established the franchise on one principle in Upper, and on another principle in Lower Canada, and which, though partially remedied by an Act in 1829, still contained in it an inherent vicious principle. The franchise

should be so framed as to include the widest range of the population settling there, so that all might be represented directly or indirectly in the House of Assembly. He could not but express his regret that the present occasion should have arisen, but he must say, and he was sure the country would support the opinion, that the noble Lord had acted consistently as the friend of the people, whether abroad or at home, in interfering as he did in this matter. They talked of interfering with the money of the Canadians. They did no such thing. They did not even repeal the Act of 1831, the Appropriation Act; they merely took the accumulations which had arisen under it, which had not only not been appropriated but unfairly and dishonestly retained, and assigned them to the purposes for which they were originally destined, when that Act was passed. He inferred from the 10th Resolution that a federal assembly was to be formed from the two provinces, to which would be intrusted the whole regulation of navigation and every thing else connected with the trade of the St. Lawrence, by which the old cumbersome system of duty would be completely superseded. If that were the intention of the noble Lord, he would say it was prospectively the most valuable of all the resolutions. He hoped the hon. and learned Gentleman below him (Mr. Roebuck) would have no concealment here. There was no doubt they would have a forcible denunciation of the resolutions, but he hoped the hon. and learned Gentleman would act in regard to the Canadian question as he did on a recent occasion with respect to the home policy of the Government. Before special measures had been introduced, he denounced them all, and before a single actor had appeared on the stage, cried "Off, off;" but successively as the bills were produced, he appeared again as the able and zealous supporter of them all. So with respect to these resolutions, the House should not place much stress on his general denunciations, assured that on second thoughts, and on discussing them separately, he would give the case of the Canadians his efficient support. He hoped the Government would adhere to their Resolutions, and pursue the constitutional, sound, and safe policy of extending to the Canadas the power and protection of the Imperial Parliament.

monarch who dared to tax them without their consent—in a similar case, their fellow-citizens of the United States bad them defiance and threw off their yoke; and if the Canadians were of that race which produced Washington, Jefferson, and Franklin, they would feel themselves in that position which made every man of English blood a rebel. He trusted, however, that such an unfortunate state of circumstances would not be brought to a crisis. He firmly believed the people of England would not permit such conduct on the part of the noble Lord, nor allow their representatives to adopt the means which he proposed of putting down their Canadian fellow-subjects. Probably enough the resolutions would be carried. The sympathies existing on the other side of the House would, probably enough, lead to an unholy coalition with his Majesty's Ministers upon the present occasion. Hon. Gentlemen opposite wished to have the conquest of Canada a precedent for the re-conquest of Ireland, and he had no doubt they would join most willingly in this vile and unholy crusade against the rights and privileges of freemen. But the Canadians would act as Englishmen, and attempt, he confidently expected, by every means in their power, to shake off the yoke. The people of England, he was sure, would say they had, in that case, done right; they would never suffer their representatives to give the noble Lord the means of putting the Canadian people down. Let the House look at this question, in conjunction with the present state of the Texas, and ask themselves if, having failed in the case of the United States when they stood alone, they were likely to be more successful in a similar struggle against the Canadas, backed by so many who hated the name of monarchy, and abhorred an act of tyranny such as this? He should resist the Resolutions of the noble Lord in every stage, contending first of all that they had no right whatever to pronounce a judgment on the acts of the Canadian legislature, they not being responsible to that House; secondly, that they had no constitutional right to interfere with their control over their own money; and lastly, because the consequence of such an attempt must lead to the violent separation of the two countries or a dreadful civil war.

Colonel Thompson, after what he had heard during the debate, could not avoid

recommending his Majesty's Government to adopt on this occasion the advice of the Scriptures, and to "agree with their adversaries quickly," because, after all he had heard, he had not found one reason advanced on either side to show why the people of England should support the Government in a struggle with the Canadas. On the contrary, he had been struck with some strong reasons why their wishes should be exactly opposite to the wishes of the Government.

"If we could but lose Canada, what should we gain in a commercial way! Would not every man in England who lives in a house, gain a substantial sum which he might add to the amount of his enjoyments? Is not Canada kept as a breeding pen or a warren to which to send that part of the population which is not allowed to live at home? Do not our young couples marry with a certainty that they are to breed for exportation? Will the people of England think it worth their while to struggle for the maintenance of that system? We are told also that we are to struggle for the present Legislative Council, lest there should be an elective one. Why, what do we want ourselves but an elective Legislative Council? Is not that one of the objects which the hearts of a vast majority of the people of England are visibly at this moment fixed upon? Is this to be our recruiting cockade against Canada—'Don't let Canada have an elective Legislative Council, for if you do, there will be an elective Council here!' This is what is proposed to us. I certainly think that the reasons for an elective Legislative Council for Canada, are stronger than they are for one in this country, strong as they may be with us. There is a sort of reverence among the people for a House of Lords, and justly so to a certain extent. Voltaire once said to an old lady, that he had said in five minutes more good of the Creator of the world, than she had ever thought of him in all her life. Now, let me see if I may not say the same with respect to the House of Lords. The House of Lords contains the descendants of men who once possessed substantial power, co-equal with that of the empire, and even superior to it. It still maintains much of that reverence which the people of former days entertained for it; but does anything of that kind exist in Canada? Is there anything there but a mock House of Lords."

The principle acted upon seemed to be, that wherever the people attempted to govern themselves, these efforts were made to check them. Such was the nature of the struggle going on in Canada, and how long it would continue, he could not say; but history told them that generally the people eventually succeeded. He thought the question in

them. As shortly as I am able, I will relate the history of her wrongs, describe the claims she now makes for justice, and explain and answer the reasons which are adduced, in order to lead us to refuse her righteous and oft-reiterated demands. The House must bear in mind, that the present discussion relates solely to Lower Canada. The case of the Upper province is a separate matter, that must hereafter occupy our attention. In the year 1791, the then province of Quebec was divided into two separate colonies, the one called Upper, the other Lower Canada. Lower Canada was then, as now, chiefly inhabited by persons descended from French proprietors, and was governed, as respected civil law, according to the Customs of Paris. By 31 Geo. 3rd, c. 31, a constitution was granted to Lower Canada, in form something similar to our own, in substance widely different. The Government was tripartite—1. There was a Governor, representing not the King, but, in reality, being the mere lieutenant of the Colonial Minister. Not, indeed, responsible to the people, but wholly subject to the ministry at home : in nothing did he resemble the King in England. He was merely the lieutenant of the Colonial Minister. I do not mean Lord Glenelg ; but I mean certain parties who inhabit a certain office in Downing-street ; and I doubt not there is a certain person sitting under that gallery who is the real colonial minister. 2. There was a Legislative Council, called the upper House ; but in nothing else resembling the House of Lords, having no wealth, no estates, and chosen for life, chiefly from among the official ranks. They thus constitute a faction, having no natural ties or influence in the country ; and, thirdly and lastly, there was created a House of Assembly, which really represents the whole population. Such was the constitution. I will now proceed to detail the consequences of creating it. The real history of the present discontents, the circumstances which have given birth to all the existing disquietude, as well as the great principles really involved in the discussion, are all carefully kept in the back ground by those who favour the present ministerial scheme ; and this House is now called upon to act blindfold in a most delicate and difficult case. I will now endeavour to state for the information of the House—briefly, indeed, but I hope clearly—the real story of this

long-continued and dangerous strife. Some years after the constitution I have just described was granted to the Canadians, they became fully sensible of the value of the gift, and determined to use it to the purposes for which it was intended. This determination quickly brought out the latent errors that had been committed in the construction of their Government. The sinister interests of the Legislative Council were at once brought to light, as well as the mischievous power which the constitution gave of successfully promoting them. The House of Assembly desired to relieve the mother country from all unnecessary burdens, and sought to take charge of their own peculiar concerns. To this end, in the year 1810, they demanded permission to provide for their own civil expenditure. The House of Commons may not know that within the lifetime of most of its members there were committed acts by the English rulers of Canada very similar to those which this House had to bear in the reign of Charles the first. For the demand of the House of Assembly three of its Members were sent to gaol by Sir James Craig, and were eventually contemptuously turned out of prison, without trial or explanation. It may be demanded of me why this outrage was committed. The answer to the question is the key to all the future discontents and disputes, and explains the present condition of the province. The official people of Canada dreaded responsibility to the House of Assembly. They, therefore, at the outset thus violently opposed the demands which they clearly saw necessarily brought with them this disagreeable condition. The great expenditure of England, and the pressing difficulties of our position during the great struggle with Napoleon, at length compelled the colonial Government to accept the offer of the Canadian representatives ; but the official tribe did not lose their fear of responsibility, and therefore determined to lessen the evil they could not wholly avoid. Three several plans to this end were devised, and these three plans are at this moment in full force, and are about to be carried partially into effect by the noble Lord. The one was, first to demand that the monies to pay the expenses of the Government should be voted in one sum, in what was then termed *en bloc* leaving the distribution of the several salaries and items in the Executive Government. To this demand the House of

Downing-street, and they in their next petition demanded a complete change in the constitution of the second charter. The reason of this demand was the non-performance on the part of the Government of its promise to reform the colonial administration. All the former abuses were suffered to exist, and to increase, and new ones have been added. The House again petitioned, and no redress was granted. They thereupon again stopped the supplies, and have resolved not to grant money till their grievances are redressed. I will now shortly state what their grievances are, and what is the plan which they propose as a remedy, and contrast it with that now submitted to us by the noble Lord. The grievances I am about to enumerate are elaborately set forth in ninety-two resolutions of the House of Assembly. I admit they are too numerous; their grievances might have been summed up in two words — “bad government.” To those resolutions the House still adheres, so that I cannot be said to act on this matter without authority. 1. The first class of grievances relates to finance. The House of Assembly complains that a revenue is raised from the people without their consent that the control of the provincial revenue is withdrawn from the House—and that accounts have hitherto been denied. 2. The second class of grievances relate to the administration of justice. The judges are wholly irresponsible, and the present disgraceful situation of the judicial bench proves the necessity of an immediate and searching reform. They complain, moreover, that all judicial reforms by which justice may be made cheap and easily accessible—have been refused by the Legislative Council. 3. The House complains that the revenues which ought to have been devoted to public instruction have been diverted from that end. The Jesuits’ estates belong to the public, but have been usurped by the official party and applied to their own uses. The House complains bitterly of this enormous grievance; moreover, they further complain that 1,600 primary schools have been closed by the Legislative Council, acting from party and personal pique. 4. They further complain that the British Parliament interferes with internal concerns; and, 5. They assert that the general administration of the Government is mischievous, creating jealousies, distrusting, and alarm, doing

many things which it ought not to do, and leaving undone those things which it ought to do. They complain, in fact, that they are deprived of the Government of their own affairs, and they say that they are made the prey of a faction, who cajole the people of England, and rob the people of Canada. Such being the evil, the House of Assembly thought it necessary to suggest a remedy. Knowing well the seat of the disease, their remedy is applied to the really peccant part, and would, if adopted, completely eradicate the evil. The evil is the irresponsibility of the public servants; the means by which this irresponsibility has been maintained is the Legislative Council. This council is responsible to no one, and therefore recklessly pursues its own interest, and treats with contempt the interests of the province. The House of Assembly, therefore, proposes to render this body elective, thus making it responsible to the people, and depriving it of that reckless and mischievous character which now distinguishes it. They propose further to this House to repeal the *Canadas Tenures Act*, and the *Act creating a Land Company*, because such Acts interfere with their internal Government. And, lastly, they require, that all the revenues of the province should be subjected to the control of the provincial legislature. I will immediately proceed to the discussion of certain objections which have been urged to this plan, but before I do so I would beg of the House to compare the enormous extent of the difficulties of the case before us, and then to estimate the worth of those inadequate remedies proposed by the noble Lord. The representatives of a great colony have repeatedly petitioned for redress. You have told them that you would give all due attention to their complaints, and to that end you sent out an expensive commission to investigate their grievances. The people told you long since, and your own Commissioners tell you, that the points in dispute are great questions of policy, involving principles upon which rests the whole science of government. You are told that a people complain of the responsibility of its public servants. You hear that supplies have been refused by a vote almost unanimous of the House of Assembly. You see that demands are made to remedy a defective constitution, and the noble Lord brings before your notice a pitiful evasion of the whole matter in dispute—a sort of cut-purse remedy, “Rob me

the Exchequer, Hal," being his motto and rule upon the occasion. He proposes merely to pay certain arrears of salary, to destroy thus the moral force of the Assembly, and to leave the whole evil without the least remedy or check. The coming year must bring back every difficulty; again arrears will exist; again supplies will be refused; again the Legislative Council will be complained of; and again the official tribe will send their hirelings across the Atlantic, and rouse the sympathies of their brother officials in Downing-street. Compare, I say, this paltry expedient, this shuffling and disgraceful evasion of the difficulty, with the bold, honest, and comprehensive plan of the Assembly. You may call yourselves statesmen, and fancy yourselves superior to the people whom you are about to insult; but the day is not far off when your puny efforts, your pretences at legislation, will receive the scorn they so richly merit, and contempt will be duly reflected from the measures to their authors. Look, too, Sir, at the machinery which has been employed to produce this mighty project of legislative wisdom. Not content with the statements of the people's representatives, you sent out an expensive commission to make inquiries, and now propose to do what you could have as easily have done two years since. Have all your inquiries had this effect alone? Have your three special Commissioners done nothing more than this? Has all their wisdom, and that of the ministry to boot, been able to suggest no wiser plan than this pitiful pettifogging chicanery? In good truth, Sir, spite of my indignation, I cannot help pitying the degraded position both of the Government and their Commission in this wretched proceeding. Having mentioned the Commission and the Commissioners, I will here express my opinion of themselves, their proceedings, and their production. The very appointment of the Commission was in itself an insult to the people with their representatives at their head. You had given the people a constitution, and the representatives have the marked confidence of their constituents. This body often sent back to the people, and as often re-elected, set forth their measures and their demands, and you in answer sent out a body of Commissioners to make inquiries as to the truth of the Assembly's complaints. That is, you set aside the statements of the natural leaders of the people

—of persons born among them, well knowing their failings, wants, and wishes,—acquainted with their manners and their laws—and you sent out these gentlemen from this country to supersede the House of Assembly in their function of representation, the grievances of the people, to the Throne and to Parliament. Now the first inquiry necessarily must be, is there any peculiar knowledge or certainty in these persons to fit them for this invidious position? Before we can answer such a question we must know what was the subject matter of their inquiries. Let it be remembered that the subject matter of inquiry was here twofold—1st. A great practical difficulty arising in the government of a colony under very novel and intricate circumstances; 2nd. A body of very complicated laws which are said to require reform. This body of laws is composed of the old Roman or, as it is called, the civil law, of the Customs of Paris as existing in the seventeenth century, certain portions of the English common law, of the English statute law, of ordinances, and provincial statutes. Now, who do we send there in these difficult and intricate affairs? Men bred to the study of government as a practical science—of jurisprudence, of positive law? No, no. The first commissioner is a sort of country squire—a peer, indeed, but in his habits and education a mere country gentleman, whose knowledge of the Parliaments is probably confined to the fact that they were compiled by Justinian; neither can he be supposed to know much of Canadian law. Sir George Gipps is a soldier; and Sir Charles Grey, though an East Indian judge, cannot be expected to know more than his Colleagues. They have been extolled because of opposite political sentiments; and the Report on your table, evinces the greatly beneficial result of quarrelling commissioners. Sir George Gipps has a leaning towards liberality; Sir Charles Grey is a high Tory; and as for poor Lord Gosford, he seems to have led a disagreeable life, between the smacking Whig and the arrogant Tory, and was evidently distressed to choose between the two, knowing nothing of the subject matter of dispute. Such is your prebald commission, which superseded the Representatives of the people in their duty of discovering and explaining the grievances and wants of the community. And what has the Commission done? It has done

just what I predicted it would do—spent money, and gained no information. Look at the Report—I hope hon. Members have read it. The noble Lord, indeed, thought fit, in his official capacity, to give it official praise: but, unburthened by any conventional authority, I am bound to say, that a more unworthy document was never laid upon your table. It sins in every possible way against the rules according to which such a document ought to be framed—confused, contradictory, illogical, insincere, containing few facts worthy of record, and no reasoning worthy of the name; it is beneath contempt; it is a disgrace to its authors, and to the Government to which it is addressed. I defy any one to point me out a single particular of importance of which the Government had not already ample information. I challenge any one to show me an argument which is not condemned by the premises stated in the volume itself. It tells no truth worth knowing—it records many falsehoods long since refuted—it has cost a large sum of money, and will probably cost us also the colony itself. I now, Sir, return from this digression to the consideration of the two plans of reform before us; and I first solicit the attention of the House to that proposed by the Assembly. The objects of the Assembly are twofold—1st, they desire to make all the public functionaries responsible to the people whom they serve; and, 2nd, they desire to have subject to the control of the representatives of the people the whole of the revenue derived from and paid by them. To these ends, the first great means is the destruction of the irresponsibility of the Legislative Council, by which, in fact, hitherto every malversation has been defended, every recusant officer protected, every abuse of whatsoever description supported. In accordance with the successful practice of their intelligent and powerful neighbours of the United States of America, the Canadian House of Assembly have endeavoured to render this second chamber elective. My own opinion on the matter has been very freely expressed to them; and I have sought to convince them that this was not, in my belief, the wisest plan—my scheme contemplated the abolition of the Council. However, to this, as far as I can ascertain it, I believe the feeling of the people to be averse. They believe that a second

chamber is requisite to wise legislation, and this opinion they share in common with the large majority of those who have spoken and written on the subject. This elective council it is proposed to elect by a different mode from that by which the Assembly is chosen; and the councillors are to be eligible at a later period of life than the members of the Assembly. Their number also is to be smaller. In short, the model is, the Senate of the various legislatures of the United States. In the Report on your table, the Commissioners, though opposed to this elective Council, are obliged to confess "that in such a country (as Canada) the people will be little inclined to respect any legislative body which does not emanate from themselves; and that this effect must be enhanced in Lower Canada by the example of the powerful states which flourish so immediately in her neighbourhood." Acknowledging, then, that in principle the plan of the Assembly is correct, what objection do they urge to its establishment? Merely what they are pleased to state present circumstances. If it had been asked earlier—if it had been asked later—we would have granted it; but seeing that it was asked just at the time that it was asked, we are bound to refuse your demands. To refuse what? The means of good government; means which they themselves allow to be necessary—a remedy for an abuse which they themselves admit to be a crying one. If we were to grant this demand, say the Commissioners, we should give a victory to one party—we should wound English feelings and injure English interests. They thus echo the cry of the official tribe of Canada. They have adopted the fallacy, and to the best of their endeavours propagate the falsehood which these speculating and refractory servants have been concocting for the last four-and-twenty years. One part of this statement I allow. You will, if you grant this elective Council, give a victory to one party; so you will, if you pay these arrears, by your violent interposition. In the first case, the party to whom you will give the victory will be the people at large, demanding securities for good government; in the second case, you will give the victory to dishonest public servants, who have been plundering the people and fighting off responsibility by every effort

in their power. Choose which course you will preserve. But I deny wholly the remaining portions of the Commissioners' assertions. I assert boldly that this is not a quarrel of races, but a quarrel of principle. The dishonest party choose to call themselves English, but I deny that their interests are English interests, or that race or language marks out the contending parties. I take two separate passages of the Commissioners' Report to show this. The first passage will show that some French people join the official herd, because they, like them, have sinister interests. The second passage will show that a large body of the English have joined the popular party, because their interests, being that of the people at large, are identical. "We do not know where any persons," says the Report, "are to be found of British descent who enjoy any influence in society, and, at the same time, wish for an elective Council"—(This, while they wrote it, the Commissioners must have known to be a falsehood)—"whilst of the higher class of French Canadians, there are several who have no desire for it." Here, then, are several of the higher class of French Canadians siding with the official party (as appears by the general Report), when we have it distinctly allowed, that all the large body of persons descended from citizens of the United States, and living in Canada, persons speaking English, are hostile to the official party. How then, I ask, could any man in his senses say, that the quarrel was a quarrel of races? But the Commissioners have had the hardihood to assert that no persons of English descent of any influence in society have joined the popular party. What do the Commissioners say to the names of the provincial M.P.'s? The House must pardon me if I dwell on this topic. The official party, when they found their case becoming desperate, artfully invented this protest of English interests to influence the English people. They knew that prejudice against everything French, and particularly French republicanism, was strong in this country; they, therefore, have laboured industriously to make out that the popular party in Canada are French and republican; that they desire to persecute the English minority; and, that the Legislative Council has been the sole means of security for the English—the sole barrier

against a persecuting majority of French Catholic republicans. It is my duty to destroy this fallacy; and, with the permission of the House, I will proceed to the task. The population of Lower Canada is something beyond 500,000, and of these, I will allow for the present 100,000 to be persons speaking English. But this 100,000 must be classified also. There are three distinct classes of persons speaking English; first, there is the large majority of the whole who are agriculturists—now these people live chiefly in the townships by themselves, and very little intermingle with the French Canadians, and of these townships one-half, in point of numbers, have sent members to the House of Assembly, who are staunch friends of the popular party. I press this fact upon the consideration of the House. I challenge any one to deny it; and I ask how any one who is solicitous of his character as a person loving the truth can, with this fact staring him in the face, dare to assert that the question is one of race, and not of principle? I refer members who are doubtful upon this matter to the minute of Sir George Gipps at the end of the General Report. The next section of the English-speaking minority are the merchants of Montreal and Quebec; and these merchants having, as I shall soon show, a sinister interest, they for the most part side with the third section, viz., the official people and their families. Now I desire anxiously to know in what way the Legislative Council protects English interests; for I assume, first, that it is in the interest of England, as a nation, that the colony be well governed; and next, that the interests of the majority of the persons speaking English, are precisely the same as those of the French Canadians. Now, if these assumptions be correct, and I challenge any one to disprove them, how does it happen that for their protection an irresponsible and hitherto mischievous body is needful? These legislative Councillors have no such influence in the country, either personally or as a body—they are not the great land-owners of the country—they are powerful only because they have a *veto* upon all legislation. How, then, came their peculiar, their sinister interests, so identified with those of the laborious English settler? But it may be objected, that the interests of the French and great body of English Cana-

chans may be the same, but the French desire to persecute. They have hitherto been the persecuted. Their desire of vengeance will induce them to run counter to their interests, and ill-treat their fellow-citizens speaking English. Therefore, we must give the minority power in the government equal to that of the majority. My answer to this is, that the Canadians have hitherto given no evidence of their desire to persecute; they have, in all things, proved themselves kind neighbours, hospitable hosts, firm friends to those English who have gone to their country; in none of their legislative proceedings have they shown any, the least partiality to French Canadians; they have never attempted to draw any line of distinction between the English and Canadians. I also desire to know how, in what manner, the Legislative Council have hitherto opposed the desire to persecute? Has it been by shielding peculating officials; preventing the increase of education; fighting a disgraceful fight in favour of every abuse, and resisting reform at every step? If such conduct be a defence of English interests, then, indeed, may the Legislative Council lay claim to the character of their supporters. The House, doubtless, must be struck with the identity of the language used respecting the minority in Canada and in Ireland. In Ireland, nevertheless, we have determined to grant power to the majority—we have done nothing to shield the minority—why should we do so in Canada? Some nights since, when I attempted to give my reasons for believing that the majority would not persecute the minority, the House and his Majesty's Ministers were pleased to receive, with approbation, my arguments, and to adopt my conclusions. The same spirit which dictated the pretext in the case of Ireland set it up in that of Canada; and we, in consequence, shall treat the pretence in both cases with the scorn it richly deserves. To show the House the identity of the two cases, I must once more quote from the Report. Not content with retaining the Legislative Council, the Commissioners entertain the inquiry of how the House of Assembly may also be made subject to the minority, and one of the Commissioners, Sir Charles Grey, tells us how he would have acted in the Irish Municipal Bill, and wishes us to treat the Canadians as he would have treated the

people of Ireland. [Here the hon. Gentleman read the passage in the General Report, containing Sir C. Grey's scheme of voting.] I must now dismiss this topic, and turn to another, the interests of the merchants of Montreal and Quebec, about which I shall content myself with this remark. To maintain these merchants, and enable them to aid in keeping a large colony in turmoil, we consent to lose a million and a half a year by our restrictions on timber. Whether we derive corresponding benefit, let the House determine. The last objection I shall notice at present to the plan of the Assembly, relates to their conduct on the tenures of land. In a passage I have quoted, the Commissioners insinuate that the House of Assembly is in love with antiquated feudal customs, and determined to retain a mischievous system of law. I would, in answer, remark, that Sir George Gipps, a soldier, and Lord Gosford, a country gentleman, are but little qualified to judge of the difficulties attendant on changing a law of this kind. They know nothing of the law of France, and the incidents and complicated peculiarities of the tenures they deny, and I suspect Sir Charles Grey is pretty much in the same condition. It so happens that the great body of the public desire a change, but they desire that the change should be made by their own representatives, and not by those so ignorant of the whole matter as the Imperial Parliament. For this they are abused, and a reason is hence deduced for maintaining a corrupt and corrupting body, that is itself also incapable of working out the reforms needed and desired by the people. To the other items of the Assembly's plan I shall not now advert, but shall resume the remarks I have to offer when the separate resolutions are submitted to the Committee. I am come to the plan of the noble Lord; and I am pleased to know, respecting this whole project, the following things:—That 1. The plan, if adopted, will be a signal and gross breach of faith on the part of this House. 2. That it is wholly inadequate according to the noble Lord's own showing; and 3. That it is unjust and impolitic. When the disastrous consequences of the attempt to tax one of our American colonies in 1770 were dearly proved by the loss of those flourishing possessions, and the independence of the United States of America, the Legislature

of this country passed a law, by which it solemnly gave up, as a great concession to a great principle, all power of taxing the colonies. That power was after this solemn concession to rest with the colonists; and in 1793 we established a constitution in the Canadas, by which we gave a means of checking the public servants of the province which we ourselves possess—a power rude indeed, and not well fitted for the end in view—I mean that of stopping the supplies. The clumsiness and inefficiency of these means resulted, however, from the nature of the constitution. In America, where the people do really govern, the power of remedying all grievance is directly and immediately occasioned. No roundabout course is adopted. If public servants act unworthily, they are at once dismissed; if changes are desired in faulty institutions, they are immediately made. But in our colonies (in the colonies all are Tories) as in England, the people govern only by a sort of side-wind; they can if they please make bad government so uncomfortable to the governors, that to maintain grievances will prove more distasteful than even reforming them. This effect is produced by the circuitous method of stopping the supplies. This method is in strict accordance with the powers you yourselves conferred on the representatives of Canada; and you now, because you fancy yourselves strong, determine not to remedy the grievance, but to punish the representatives for believing your constitution a reality, and yourselves not to be impostors. You told them you had given them a constitutional power, which you considered one beyond all price; you told them they were the House of Commons of Canada, and you now punish them for putting faith in your assertions. You are about to take upon yourselves the taxation of the people; you are about to declare that your solemn declaration in times past, a declaration wrung from you by a bitter and disgraceful experience, was a solemn farce, and that you keep your faith only so long as you are not afraid of the consequences of breaking it. What is now the value of your protestations? Your faith will be a by-word among the people and following your mischievous example, the people will obey only so long as they fear you. Need I say anything to prove the utter inadequacy of this plan? What is the evil—

what the proposed remedy according to your own statement? You declare that great misery exists among the public servants; we do not deny it. Well, misery is created, what do you propose to do? Do you propose to prevent the recurrence of the mischief? Not at all; you pay the arrears. Who will pay the servants next year. Do you believe that the House of Assembly will do so? Are you not well assured that next year will bring but the same difficulty? The grievances complained of exist, the House of Assembly exists, their feelings and their power are the same as formerly. What, then, will happen next year? You know as well as I do that the supplies will again be stopped that the same doleful outcries will again be raised by the public servants, and then, I suppose, we shall have another special commission—another delay of three years—another evasion of the difficulty—another breach of faith—and that so long as Canada is ours, discontent, distrust will continue, exasperation will increase—their powers of resistance will increase also, one effort will be made, and you and your shuffling policy, your degraded government, your unworthy, peculating, and mischievous officials will be dismissed with ignominy and hatred. Need I say any thing more to prove this proceeding unjust? You seek to punish and insult the faithful guardians of the people; you protect and sympathise only with the unworthy, recalcant, and peculating servant; you set aside with contumacy the grievances of the people; you have compassion only for the suffering of public servants. I hear eternal talk of the evil consequences of stopping the supplies to those official people. I hear nothing in reproof of the Legislative Council, who shut up last year all the public primary schools in the country, and left 60,000 children without instruction. All your regards are turned the wrong way—all your inquiries have a wrong end in view. You sought to make out a case of hardship to the servants of the people, but you turned a deaf ear to all complaints of evil to the people themselves. The House of Assembly seeks to make the servants responsible—the servants seek to avoid responsibility; you thrust yourselves into the dispute, and instead of doing what your duty dictates, you take the part with the profligate servant, and ill treat the already injured

master. Such, Sir, is the course his Majesty's Ministers now seek to pursue. At the commencement of the Session I stated, in reviewing the colonial policy of the present Government, that in no way were they better than their predecessors, and they now affirm my assertion. I said, that abroad they did not fear the anger of the people of England, they knew that the people pay little attention to the colonies—in the colonies, therefore, ministerial feelings have full sway, and revel in undisturbed security. What is the result? Behold it now on your table—behold it in the propositions of the noble Lord, in the division of this evening; you will at once learn the apathy of the people of England, and the innate spirit of jobbing, and unworthy leaning to unworthy servants, which rules uncontrolled in the hearts of the servants of the crown. But I would ask his Majesty's Ministers, if they have well weighed the policy of this measure, and do they know its inevitable results? Lest they should have been negligent on this head, and in order to prevent the possibility of their saying at any future time, "we did not anticipate such results, and no one pointed them out," I will, for their information, and for that of the House, state what my knowledge of the country leads me to expect as the result of this measure. The first immediate consequence will be, intense anger in the minds of the great majority of the population, who will see in this proceeding insult and injury. This anger will produce a determination as soon as possible to get rid of a dominion which entails on them results so mischievous and degrading. Every year will hereafter strengthen this feeling, and lasting enmity and discord will thus be created between the mother country and the colony; discord that will cease only when the colony shall become like the United States, a great, powerful, and independent community. The immediate effects of this anger will not be seen in open and violent revolt, but in a silent, though effective warfare against your trade. Non-intercourse will become the religion of the people. They will refuse your manufactures, and they will smuggle from the States. The long line of frontier will render all your attempts to prevent this smuggling unavailing. The people will refuse your West-India produce, and they will view with hatred your shoals of un-

protected emigrants. They will withdraw themselves from your communion, they will teach their children to hate you, and they will look with longing eyes to this happy States adjoining their frontier. Impatiently will they wait for the moment in which they shall obtain their freedom, and become part of that happy; and, for our interests, already too powerful republic. A war will be waged through an unrestricted press upon your Government and your people. In America you will be held up as the oppressors of mankind, and millions will daily pray for your signal and immediate defeat. To restrain this press will be impossible; printing presses will be established along the line, and inflammatory papers will be imported into your colony, spite of an army of custom-house officers and lawyers. The fatal moment will at length arrive. The standard of independence will be raised; thousands of Americans will re-cross the frontier, and the history of Texas will tell the tale of Canadian revolt. The instant you have passed the resolutions of the noble Lord, a wide and impassable gulf will be opened between you and your colony, the time for reconciliation will be gone for ever, and the bitter lesson taught us by the mighty empire we have already lost will be repeated. We may then indeed repent our folly, but repentance will be vain—our loss will be irreparable—shame, defeat, and ignominy, will be our portion, and we shall leave for ever the shores of America, amidst the hootings, and reviling, and exultation, of the many millions of her people whom we have successively injured and insulted.

Sir George Grey said, the hon. and learned Gentleman had endeavoured to lead the House from the real object under its consideration by a lengthened detail of grievances, the whole of which, with one exception, he perfectly remembered to have heard the hon. and learned Member go through in a speech delivered by him in 1834, when he moved for a Committee to inquire into the state of Canada. The hon. and learned Member omitted to state the fact, although it was a most material one that they were now discussing this question under entirely altered circumstances from those which existed when the question came formerly before this House. In the several addresses which had lately been presented to the House, from the

House of Assembly of Lower Canada, in the various reports and resolutions that came from the several committees of the House of Assembly, no complaint appeared to be urged against the Executive Government, the ground of complaint being, not least the instructions of the House Government to the Executive Government of Lower Canada, were not directed to the redress of every grievance which it was in the power of the Executive Government to redress, but that the House Government had not acted in the spirit of the instructions, or that the Executive Government had abstained from doing everything in its power, but that the Imperial Parliament had not altered the Act of 1791, and that the House Government were not prepared to ask the House to accede every demand made by the House of Assembly, as the price at which it would purchase their good will, and justify them in their refusal to advance supplies necessary, not for a few official persons, as the hon. and learned Member wished to make out, but for the continual administration of justice—of that justice which was now in danger of being polluted at its source from the terror with which the judges of the land regarded not only the suitors before them, but perhaps even the criminals whom they had to try. He would appeal to all the papers on the table—to all the instructions which had been sent out to the local governments, and to every act which they had done in pursuance of those instructions—and he would ask if there were anything which a free and independent people had the slightest right to complain of? Every grievance which had arisen out of former mis-government—mis-government strongly condemned and reprobated by the Commissioners and the home Government—had been redressed to the utmost power of the Government; and now the House of Assembly took their stand on another ground, and declared that if the constitution were not altered, if various acts were not done, which Government, consistently with its duty, could not ask the House to do, but which must be done by Parliament, if done at all, that they would abstain from the exercise of those functions reposed in them by the Act of 1791. What were the demands made by the Assembly? They had been treated as if they

went simply to make an alteration in the Legislative Council recommended by Mr. Fox. When the subject was last before the House he stated that he considered the principle of the Act of 1791 to be, that there should be an independent Legislative Council, and that it was most desirable to devise means whereby the Legislative Council might be rendered so, and with this view the Commissioners sent out to Canada had been directed to inquire by what means the Legislative Council might be rendered more an object of public confidence. The intention was not to render the Legislative Council a mere cipher or a mere echo of the sentiments of the House of Assembly, as was desired by the hon. and learned Member. The hon. and learned Member complained that Government had not placed sufficient confidence in the statement of facts made by the House of Assembly last year, and declared that the Assembly being the constitutional representatives of the people of the province, he claimed for them that the complaints of the people of the province should proceed only through their medium, and that the Parliament here should place implicit confidence in their statements, and pay no attention to any other parties, though these parties might come before the Imperial Parliament with petitions signed by 80,000 persons, who declared that they did not coincide in the sentiments of the majority. The Government had been always fully desirous of sitting to the bottom the statements made on one side and the other as to the state of public feeling in the province, and all that was brought before the House, especially as to the Legislative Council. The state of feeling was strongly adverted to by the Commissioners, and was besides fully evidenced in the proceedings of the House of Assembly, proceedings which ought to be conducted with judicial gravity, but which evinced a most virulent party spirit, directed against official persons. The propositions of the House of Assembly were for the most part altogether inconsistent with the relations existing between the mother country and her colonies; and it was the indispensable duty of Government to oppose propositions the direct and immediate tendency of which was the dismemberment of the empire and the severing from this country one of the greatest possessions of the Crown. The only

charge which had been brought against the Executive Government was its appropriation of funds not subject to the House of Assembly, and this was a course which the Executive Government was warranted in taking on all just and constitutional grounds. An analogy had been attempted to be established between this question and the question on which the House had been so lately occupied, the granting Municipal Corporations to Ireland; and he was ready to admit that considerable ingenuity had been exhibited in the endeavour thus to enlist for the House of Assembly of Canada the feelings of the representatives for Ireland, and those who had struggled with them in the assertion of the great principle lately asserted by the Commons of England; but there was not the slightest analogy between the two cases. The object which had been striven for in reference to Ireland was, not to make it an independent portion of the empire, but to invest it with those local powers of Municipal Government which had been with such success granted to England and Scotland. It was no change in the constitution which had been struggled for on behalf of Ireland; it was a change in the constitution which was demanded by the House of Assembly of Lower Canada. It was to be particularly remarked, too, that this outcry was raised only by the House of Assembly of Lower Canada. The people of Upper Canada altogether disclaimed any participation in the demands made by Lower Canada. And what was the case in reference to New Brunswick? In the past year New Brunswick sent two Members of her Legislature to this country to ask concession on all those points on which the people of Lower Canada stated themselves to be aggrieved. In consequence of the communications that took place, an arrangement was proposed precisely similar in principle, and in most of its details, to the proposition made to the House of Assembly of Lower Canada. He had only within these few days received a copy of certain resolutions passed unanimously by the Assembly of New Brunswick, with a few of which he would trouble the House. The first resolution, which was unanimously passed by the Committee of the whole House, was to the effect that the dispatches containing the declaration of his Majesty's Government with respect to various important

matters which were brought under consideration afforded the most entire satisfaction, and that requisite means be taken as speedily as possible in order that the views of the home Government might be carried into effect. The second resolution was, that the House of Assembly entertained a deep sense of the obligations which it owed his Majesty's Government for the promptness with which it had attended to their wishes. These resolutions were, as he had stated, passed unanimously by the House of Assembly, which was a completely fair representation of the inhabitants of the colony, sensible of their rights, and willing and anxious to maintain them. They showed the utter groundlessness of the charge that the present Government was dealing with those colonies in a severe manner. The terms offered to New Brunswick had been offered to Lower Canada, and, in addition, they proposed to deprive the Crown of the appropriation of one million annually, provided that the support of the judge, and a few other civil officers was guaranteed by the House of Assembly. The proposition was rejected by the House of Assembly; they insisted upon the absolute concession of their demands, involving, as they did, the independence of the colony, and its separation from England. And though there was a nominal control, involving a certain degree of responsibility, it was a most inconvenient responsibility, and one that did not ensure the existence of good government. It certainly was the duty of Ministers not to abandon its colonies without sufficient reason being assigned. It was impossible, in his opinion, to concede the demands insisted upon by the House of Assembly. The hon. Baronet the Member for Cornwall (Sir W. Molesworth), had taken a high ground, and said that he denied the right of the House to interfere in the way proposed. He would not detain the House with this argument, he would only appeal to a memorable instance in which Parliament, by virtue of the right which the hon. Baronet denied, proposed to assert that privilege that existed in the case of an extreme emergency, and did assert it, by striking off the fetters of 800,000 slaves, by virtue of an act of the Imperial Legislature, who, but for this interference on the part of the Government, would have continued in perpetual slavery. The only question they had to argue was, whether,

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of Assembly of Lower Canada, should persevere in their present course after the recorded opinion of Parliament, a consideration would arise respecting the connexion which this question had with reference to Upper Canada. Hon. Members who were familiar with the geographical position of that province, its vast territory, and increasing population, would perceive, that if a free passage were not accorded for its commerce through Lower Canada, it would of necessity be driven to seek one though the United States of America. He therefore thought that the Imperial Parliament was bound, as far as it could, without unduly interfering with the Legislative powers of the Colonies, to provide, or rather to invite the local Legislatures to provide some means by which the common interests of both provinces might be consulted much more effectually than they could be by any arrangement at present existing. By the Canada Trade Act, certain regulations were made with respect to the apportionment of duties between the two provinces; but inconveniences had been found to result from the system established by that Act. According to the provisions of that Act, the Legislative Assembly of either province possessed the power of originating laws which should be common to the two provinces; but before they came into operation, it was necessary that they should receive the sanction of both the Assemblies. The consequence had been that in that respect the Act had remained a dead letter. It was for that his Majesty's Government had proposed the tenth resolution, by which each of the local Legislatures were invited to depute a certain number of its members—namely, eight members from each House of Assembly, and four members from each Legislative Council—to form a joint committee to consult together about the navigation of the St. Lawrence, the shipping dues, and other matters interesting to both colonies. The Legislature of each province would, nevertheless, have the power of rejecting any proposition made by the Joint Committee; but he trusted that the institution of that Committee would be a means of drawing the provinces together, and putting an end to a feeling of jealousy, which he regretted to say had been continually increasing in force, and which, in his opinion, was more calculated to endanger the con-

nexion of the provinces with Great Britain than any of those measures which had been so warmly commented upon that night. If the hon. Member, who alluded to Municipal Institutions in Ireland, were to suggest to the Canadians the expediency of establishing Corporations in their country similar to those which existed in this country, he would be acting a more friendly part towards them than by stirring them up to resist the Imperial Parliament. He felt convinced that Parliament would be of opinion that the concession of the demands of the Canadians would be fraught with danger, and he appealed to the House to decide between those demands and the propositions of the Government. He desired that the sentiments of that House should be known, and in spite of the predictions, of the hon. Member for Bath, he trusted that when the British Parliament should have pronounced an opinion, the House of Assembly would recede from some of their demands, and not think it any badge of slavery to be connected with the British empire, and to enjoy those privileges which were valued, respected, and cherished in every other possession of the British Crown.

House resumed, Committee to sit again.

IMPRISONMENT FOR DEBT.] On the Order of the Day for the further consideration of the Report of this Bill being read,

Mr. Pease inquired, whether the judgments of the County Palatine Courts of Durham and Lancaster would, under this Bill, have equal weight with those of the superior Courts of Westminster Hall?

Lord Stanley hoped the hon. and learned Gentleman would give his particular attention to the subject alluded to by the hon. Member for Durham. It was desirable that this Bill, which professed to be a remedial measure, should not inflict injustice. This it certainly would do if it destroyed the efficacy of the judgments of the Courts in question. The inhabitants within their jurisdiction would have to submit either to the expense of proceedings in Westminster Hall, or to a total denial of justice. The practice of those Courts had been assimilated by Act of Parliament with that of Westminster Hall, but this would go to neutralise that provision of the Legislature.

The Attorney-General feared that un-

late there were a general registry of judgments (and no one could desire that improvement more than he did) it would be most inconvenient to allow the judgments of those Courts to have fall for e and effect. The result would be, that no property could be transferred without searching for judgments in the Palatine Courts of Durham and Lancaster, as well as in the Common Law Courts of Westminster Hall.

Mr. Wason observed, that the difficulty might be obviated, by confining the judgments to property in the two counties of Lancaster and Durham.

Report considered. Some clauses were added, and ordered to be printed. The Report to be further considered.

A P P E N D I X.

A REPORT OF THE SPEECH OF WILLIAM ALEX. MACKINNON, Esq. M.P.
*in the House of Commons, on Tuesday, Feb. 14, 1837, on Motion
for Leave to bring in a Bill to amend the Practice relating to
LETTERS PATENT.—LONDON, Roake & Varty.*

SIR,

THERE seems but little necessity to enter into any lengthened statement to show the importance of the law of Patents, and how much any improvement in this law is likely to benefit the inventors and the community.

This country, in a great measure, owes its prosperity, and the great capital of which it is possessed, to the improvements made by ingenious individuals in machinery. Those inventions have enabled us, in despite of soil and climate, to out-rival all the nations of the world in manufactured productions; and it behoves us to retain that pre-eminence, and to use every endeavour to promote the welfare of ingenious men, by securing to them the benefit of their inventions. A well known writer in the last century, asserted that Great Britain could not bear more than a hundred millions of debt: she now has eight times that amount of debt which does not press on the country, since steam power has been brought into use, and that talented men have applied their ingenuity in improving the power of steam applied to machinery, by the desire to improve their fortunes, and benefit themselves and the community.

The manner in which the fair emoluments arising from inventions can be better secured, by an improvement in the Patent law, is a boon loudly called for by all who are interested or connected with this subject. Such a call can scarcely be overlooked by the Legislature.

I can assure the House that I am fully sensible both of the importance, and of the difficulty of the subject which I have undertaken. I may add, that whatever time or attention has been bestowed by me on the question has confirmed me in

that impression. I was also aware of the former attempts that had been made; and sensible of this before I entered into a consideration of the subject, I inquired of my hon. and learned Friend the late Attorney-General, whether he would undertake it, and also my noble Friend, the late Lord Chancellor. I also mentioned the subject to the present Attorney-General, and to the Lord Advocate of Scotland. The legal and political avocations of these Gentlemen rendered their time too valuable to allow them to enter into a consideration of the Patent laws, but all, I believe, concurred in opinion, that they required revision and amendment. The only course, therefore, left for me was to undertake those alterations and amendments which I mean to propose to the House, in the bill which I am about to lay before them.

It is most desirable to secure to individuals the benefits arising from whatever discoveries they make; also, after a given time, to secure to the public the advantages arising from the skill, the ingenuity, or the fortunate application of some new or latent principle made by any member of the community. Whatever is of service to one party, the inventor, or producer, must necessarily benefit also the public, as the inventor can only gain by the general use of his invention. The advantages, therefore, are reciprocal. The rule ever to be kept in sight is, that a patentee does not possess any exclusive right or monopoly over the public of any invention or discovery that is in use, he only obtains by a patent the exclusive right of disposing for a few years of his discovery, or of that invention which was not known, and therefore not in use. Consequently, by the grant of a patent for a novel discovery of

improvement, no injury can possibly be done to any one, provided the term of the patent is limited.

A patentee enters into the following sort of contract with the public. That he shall have the full enjoyment and exclusive right of disposing of his invention or discovery, for a given number of years, provided at the end of that period, the community are made fully acquainted with his invention or discovery, in such a manner, that an ordinary workman in the particular line in which the invention or discovery is made, may construct or imitate the machine, or substance for which the patent is granted, so as to make it in every respect equal to the one produced by the patentee. If this is not the case, or cannot be effected, the contract between the parties, the public and the patentee, is not fulfilled; it becomes void, consequently the patent is forfeited.

That some further legislative enactments are necessary, will appear, not only from the various and unceasing complaints of individuals of all classes connected with patents, from the testimony of most men of science, and of political economists, both in this House, which I now see before me, and of those out of this House, who all agree that some improvement in the law is loudly called for by the community. If any further testimony were required, I will read to the House the Report of the Select Committee which sat in June 1829, on the law relative to Patents, which is as follows:—

“The subject referred to the consideration of your Committee is in its nature so intricate and important, that it has occasioned the necessity of examining witnesses at great length; at the present late period of the Session they are only prepared to report the minutes of the evidence taken before them, and they earnestly recommend to the House that the inquiry may be resumed next session.” On my inquiring of the hon. Member who was Chairman of that Committee, the reason why no further report or legislative enactment had followed, he answered, as I understood, that the difficulty and intricacy of the subject had deterred him from further proceedings.

After this I do not think it will be denied by any one, even the most strenuous supporter of the ancient mode, that the present system or law, (if it may be so styled,) for granting patents, does

not require both alteration and improvement.

The mode of proceeding that I mean to adopt will be to shew to the House the faults and deficiencies of the present system that are most felt, and to explain the suggestions that I make, and the reasons of the several clauses in my proposed Bill; afterwards I will enter into the intended protection suggested by me, and inserted in this Bill for the Copyright of patterns, models, casts, prints, and designs, which designation is understood to include all figures or manufactured articles, these articles it is intended should be secured by a Copyright for the advantage of the manufacturers, to afford them some return for the great expenses incurred in procuring these designs, models, or prints, and the considerable outlay of labour and talent that is necessarily required.

The system of taking out patents at present is this. An affidavit is first made, then a petition is presented, stating the object of the petitioner: the Attorney or Solicitor General is afterwards to be consulted. Then a warrant is to be obtained, signed by his majesty; afterwards a variety of ceremonies are to be complied with, and fees to the Hanaper and to several officers, in accordance with the old custom established by the 27th Henry VIII. chap. 11. At length the specification is given in by the party requiring the patent, and complying with a few other forms, in all about fifteen or sixteen, all troublesome and expensive, the signature of the King is again obtained, and the patent granted.

Thus, the individual requiring a patent, has to undergo an uncertain, expensive, and dilatory form of proceeding, in accordance with a system of the sixteenth century, for the statute of James 1st only limited the King's power of granting patents for discoveries, but did not regulate the forms of so doing.

I am of opinion that the expense of taking out a patent is rather too considerable. From the evidence before the Committee on the subject in 1829, it appears, and also from the statements of the persons who have written on the subject, that the expense of taking out a patent for England, Scotland, and Ireland, is about 345*l.*, and 15*l.* for the Colonies—in all 360*l.*

The chief objections made by those conversant with the Patent Laws, to the present system, are,—

1st. The expense of taking out patents.

2nd. That the patent should be in date from the date of the petition.

3rd. That all the delay and inconvenience attendant on the application to the several offices, and payment of the various fees, should be lessened.

Now, if the amount which arises from 330*l.* to 360*l.* is considered, and added to the heavy expenses attendant on experiments, and of the drawing out the specification, together with the certainty that, in general, those men who are likely to give up their time and attention, and to undergo the labour and patient investigation so requisite to bring any invention into maturity, are not generally men of great wealth, it seems to me most desirable that a less expense should be incurred, which I shall propose.

With regard to the simplicity of the proceedings, there seems no doubt whatever that the manner of obtaining a patent ought to be as simple as possible for all parties. Men are more likely to come forward and apply for patents in proportion as the trouble of obtaining the patent, and the time required are shortened, and the facility is increased.

That a liberty of amending the specification should be granted, provided no fraud is intended, cannot be questioned. This principle was admitted in the Bill of the Session 1835.

In stating this I do not wish to be understood as desirous of lessening the expense of taking out patents too much; I think a certain expense ought always to be incurred by the patentee, to prevent litigation and the multiplicity of patents, both highly injurious to those persons of ingenuity and talent, who wish to take the benefit of the Patent Laws.

The almost concurrent testimony of the witnesses examined before the Committee on patents, seems to admit, what has been stated by me, that considerable loss of time and expenditure has been incurred by the tedious and complicated manner in which patents are obtained, and the delay in obtaining the King's sign manual twice, once to the warrant, and afterwards to the patent, which delay has sometimes caused a lapse of several months to intervene, to the great injury of the party seeking protection for his discovery.

Another fault very generally spoken of, as existing in the Patent Law is, that the patent bears date only from the time of

the signature, which may be several months after the petition has been presented; this is not the case with the patent laws of either France, Spain, Austria, or America, nor indeed of any other country, and I cannot see any good reason why it should continue in ours. Much inconvenience and serious loss may be incurred in consequence by the patentees, and I am not aware of a single valid reason that can be assigned for continuing such a practice.

Another complaint made by patentees is, the difficulty of ascertaining whether or not their invention is imitated and pirated.

The following remedies, therefore, are suggested in my proposed Bill.

That the expenses should be considerably lessened in taking out patents for the empire and possessions abroad; that the Chancellor of the Exchequer should give up the Stamp duties, which would reduce the expense from 360*l.* to about 200*l.*, upwards of one-third; this, I think, would be a great boon to the public, and would prove a loss to the revenue of no more than nearly 10,000*l.* per annum, as will appear from this paper: and for this deficiency, I will suggest an equal, if not greater source of revenue; the new mode of revenue I will mention before I conclude these observations. It must be understood, therefore, that I ask no boon from the right hon. Gentleman, or any reduction of the taxes of the country in this case. With regard to the delay in obtaining the King's sign manual to the warrant, and afterwards to the patent itself, I confess, in these Radical times, I feel some difficulty and hesitation that his Majesty's signature should be dispensed with in the patent.

The next point that requires amendment seems to be, that the patent should bear date from the first time that application is made for that purpose.

I have before observed, that by the patent law of every other country in Europe, the patent bears date from the first day of application for the same, whereas the custom with us is, that the patent is not dated until the enrolment of the specification, which may be, and often is a considerable time after the patent is presented. There is a chance of loss to the patentee and his family in such a proceeding, as must be apparent on the slightest consideration, to any one ac-

quainted with the subject. At the same time, although the patent should date from the time of presenting the petition, I think the extent of the duration of the patent ought to be from the time the specification is enrolled.

For the purpose of removing the burthen from the shoulders of the Attorney and Solicitor-General, and to simplify the whole machinery, I propose to establish three Commissioners to superintend the granting of patents, and to lessen the expenses and delay hitherto incurred. In these days, when the Attorney-General has so much to employ his time, he is a very unfit person to have the direction of the patents of the kingdom. Let me ask the hon. and learned Gentleman opposite, can he find time to attend to the claims of his numerous clients, to his political duties as Attorney-General, and also has he time to be certain that all patentees have their right and their inventions secured to them?

Something has been suggested that, instead of a common or special jury, a jury of individuals connected with the particular science or principle that relates to the patent, should decide the question, not exactly the same as the "conseil des Prudhommes" in France, but yet resembling, in some measure, that tribunal. To this I think it may be answered, that among men of science in this country, or amongst practical mechanics, there is, generally speaking, considerable bias to be found in favour of one system of science or mechanics more than another, which may in some degree prejudice such persons, whereas the common, or special jury enter into the subject without any scientific or mechanical partialities, anxious only to perform their duty, and to act impartially; and with good common sense, assisted by the learning of the judge, and the ingenuity of counsel, it does not seem improbable that they should arrive at a just conclusion.

There is, Sir, another subject, one of very great importance to the various branches of manufacture, to the producers of Manchester goods, of Sheffield or Birmingham ware, or of other things connected with the arts, and with modelling or design;—I mean the protection required of the Legislature for the copyright of all patterns, models, prints, and drawings, for cotton or other goods, which is so loudly called for by the community. That

legislation is required on this subject, can scarcely admit of doubt; but it may be as well if I state the following extracts of evidence to the House, to confirm my statement. I believe I may say *ex uno disce omnes*, but if any hon. Gentlemen are desirous of further proof, I will refer them to the Evidence before the Committee on Patent Laws, in May 1829, and also to the evidence taken in 1835 and 1836, before the Committee of Arts and Design. I will, however, confirm my assertion, and, I trust satisfy the House, by reading the following brief extract of the evidence of Mr. John Smith, a Sheffield manufacturer, before the Committee on Arts and Manufactures, 1836:

"There is no protection at all in iron works of art; we have sent out such a thing on Monday morning, and it has been to Manchester, back again to Sheffield, copied and returned to Manchester before Saturday night. The model which I am now speaking of cost us 50*l.* for men's labour."

"Is the copy as good as your original work?—It is not; but they sell them so much cheaper, because they pay nothing for the production."

"This, of course, is great injustice and serious loss to the parties that invent the designs?—It is so great a loss, that we shall give up continuing it. I suppose that more than one-half of the patterns for stove grates and stenders used in England, have originated from us; but the piracy has come to such extent, that unless there is protection we must give it up altogether. If I take a piece of clay, and model the likeness of a human head or any other form that my fancy may dictate, and cast a copy of the same in plaster of Paris, I have a patent or exclusive right to sell copies of it, by merely putting my name and date of publication upon each copy; but if I take the same piece of clay, and spend the same time on it, and model a useful article, a tea-pot for instance, and cast it in metal, I must pay from 100*l.* to 400*l.* for a patent for that article, which I consider a hardship."—*Evidence before Committee, May 8, 1829.*

Now, Sir, the remedy that I would propose, or rather the course of legislation for the protection of copyrights or models, patterns, moulds, drawings, and design, should, in my opinion, be as follows:—

That every manufacturer or designer who is desirous of securing to himself the right of selling any substance or thing with a new pattern, design, model, cast, or print, may have the exclusive right of so doing for one year, on condition of registering such model, &c., and depositing a *fac simile* of the substance or thing so modelled, or of such pattern, &c. &c.,

and of paying a sum, say 10*l.*, on registry, and by such registry to have the copyright assigned to him for the term before-mentioned of twelve calendar months. That for effecting, in a secure manner, the registry of such copyrights, the three Commissioners already mentioned (with or without a salary) be appointed by the Treasury, or by any other competent authority, emanating from the Executive Government. These Commissioners to receive the amount paid by the parties demanding a copyright, and to register accordingly, the surplus of the amount of the sums so received by the said Commissioners, to be by them paid into his Majesty's Treasury, after deducting all necessary expenses of remunerating for the loss of fees and the duties of secretary and clerks; and further, that the said Commissioners may have the power of selecting apartments to form a "National Gallery of Patterns and Models," to admit the public to view such patterns or models, and to have authority in whatever else may be deemed necessary for the purpose of effecting the object of a secure registry, by stamping, or devising some means of marking articles, which may be secured by copyright to the party desirous of obtaining the same.

It appears to me that the only objection that may be started against this plan of registration for one year would be the risk of litigation, as many persons might register articles so very like each other, and yet not exactly the same, as to render it difficult to say whether piracy was or was not committed by one party over the other. In such a case, I think, but I have not ventured to insert it in my Bill, that the Commissioners might have the power to call a jury together by their warrant, as the coroner is empowered to do, which jury, on reading the specification on both sides, and viewing the articles before them, might at once come to a conclusion as to the simple matter of fact, whether or not one of the articles registered was a piracy or imitation of the other. Such a jury, presided over by one of the Commissioners, would have only to enter at once into an examination of the articles before them, after having read the specification, of the simple fact; all expenses to be borne by the party who committed the piracy. If no piracy or imitation was discovered, and it appeared to such jury that there was only that resemblance between the two

articles which might occur from two persons directing their attention to the same subject, then the expense, though trifling, should be borne equally by both parties.

I do not entertain the slightest doubt, and there is a probability, I think, of the Chancellor of the Exchequer agreeing with me, (and his eyes will then glisten with pleasure instead of drawing straws) at the bare possibility of an addition to the revenue, if this system is adopted.

The sums for patents paid into the hands of the Commissioners for the patents alone, admitting that a greater number of patents will be obtained, must be much greater than is at present received in the shape of duties or stamps. There can also be no doubt that the number of patterns or models registered for one year, will be very numerous, and will alone produce a considerable revenue, after all the expenses concomitant on the commission, and a compensation for all fees of office are admitted.

The advantages arising from the appointment of such a commission, would be obvious to the House; the Commissioners can enter into the details for securing the copyrights and the registry in a manner that no legislative enactments could meet; they can also direct and superintend the particulars of establishing the National Gallery of patterns, models, casts, moulds, drawings, or designs, so as to afford to the copyright-holders the advantage of their new designs or models being seen and duly appreciated according to their merits; and to the public they can secure the advantage of improving their taste, by the inspection of these patterns, designs, or models, at a small and trifling expense, and also of enabling foreigners to select their purchases to suit themselves. I am not called on at the present moment to enter into further details on this measure, but I have briefly thrown out the outline of my proposed plan for the consideration of gentlemen who may give their attention to the subject. Some objections have been made by manufacturers and others in this metropolis, with regard to the expense of registry being proposed to be 10*l.* as it seems they think this sum too large; to which I should say, that if the expense was made much less, such a number of patterns and designs would be registered, as to give rise to constant litigation, as one design or model might very closely trench

on the design or model of another person.

Another objection as to the term of twelve calendar months has been mooted, but I cannot help being favourable to that term, because it affords sufficient time for the fashions to have their sway, and enables the parties to begin next year some other design.

An objection has been started by others, at having all the patterns exposed to view in the proposed National Gallery, as they might thereby be made too familiar to the eyes of the people; to this I answer, that in such a case, the Commissioners might exercise their discretion, and expose the designs and patterns or not, as the parties gave directions on the subject.

Before I sit down, I cannot refrain from observing how important the points that I have had the honour of suggesting to the House are to the best interests of the community. I am not prejudiced in favour of, or wedded to, any particular mode of legislation, and I shall feel grateful for whatever amendment or judicious alteration, or suggestion for my Bill that can be made by any hon. Member, on any of the details which I have laid before them, either within these walls, or by gentlemen out of this House.

When we consider the importance of securing to individuals the benefits arising from their inventions, when the advantages already reaped by the community in every civilized country of the universe, by discoveries or inventions of various descriptions, are taken into the account, I think that no trouble ought to be spared, and no question be deemed more important by the Legislature, than that of forming a code of regulations that may be beneficial to the patentees and to the public. I will discuss the subject no further than to observe that, as civilization and wealth and the desire to improve their condition increase in most, if not all the communities that compose the civilized world, the stimulus for inventions will proportionably be greater, and we may argue from analogy, and look to the next century for further improvements in combinations of matter which have already produced such wonderful results in the last fifty years.

The three or, I may add, four great inventions made at different periods of the world, which have tended so much to its civilization, and to the present improved

state of society, may be stated to be, the invention of printing; the magnetic needle; the discovery and application of gunpowder; and last, though not least, the invention of steam power. The gigantic effect of this latter discovery, it is impossible for the human mind fully to appreciate, or even to comprehend. How far its extension, general application, and further improvements are likely to become more useful and subservient to the welfare of mankind, it is not here my province to consider. I will only say, that the means of improvement, of creating capital or wealth, of increasing productions in the various nations which compose the several portions of the globe, can be extended to fifty, five hundred, or even a thousand fold; no bounds can in the human mind be fixed to the results arising from the ingenuity, the activity, the enterprize of mankind, or, I may say, of that capital which may, and most assuredly will, be created. How far the relative situations of people and their rulers, or the mode of governing communities may be changed by such results, has little or nothing to do with the present question, and I will only say (as the observation is not irrelevant to the subject), that if either of the great discoveries to which I have already alluded had been made in former times, say many centuries back, I doubt much whether they would have produced any results whatever. To make a discovery or an invention of the least use, some degree of capital and civilization must be in existence, which can only be found with a certain sentiment of moral principle, in a community where the rights and property of every individual are protected, and, I think, this moral principle was not, and never can be said to exist, unless founded upon the principles of Christianity. To illustrate my position, suppose an individual of the interior of Africa or of the Sandwich Islands, had discovered five hundred years since, the art of printing, or at this time know correctly the principle of generating a power from steam, the discovery of the former art, or the latter invention, would be useless to him, it would die with him without producing the slightest benefit to the individual, or the least advantage to the community. All the means, all the requisites for either making types and paper in the former case, would have been wanting, and even if found to the utmost extent required, they would

become unproductive amongst a set of savages, even supposing (almost an impossibility) any one man to have made such a discovery, would an individual capable of possessing so mighty a mind; would any individual, I say, give up the best part of his life in bringing it to perfection, unless with the fair prospect of some reward, or, at any rate, of some return, either for himself or for his family. I will not, however, extend my observations further on this subject. I could go on to an interminable length, and perhaps, only weary the attention of the House, an ungrateful return for the very favourable manner in which my observations have been received. Before I sit down, I will only add, that in the Bill which I here submit to the consideration of the Legislature, I have endeavoured, as far as lay in my power, to meet most of the great and reasonable objections that were made

against the present system of the Patent law. I am fully open to any amendments on my Bill that may be suggested. I am neither so blinded by partiality to my production, nor so obstinate in my determination, as not to receive with deference whatever valid objections may be made, or to hesitate in the adoption of any improvements that may be suggested, provided I feel satisfied that such alterations are likely to promote the object we have all in view, the securing to individuals the full benefit of their inventions for a given time, and afterwards of imparting their discoveries in the most useful manner to every member of the community. Sir, I now beg to move, that leave to bring in a Bill be given.

Leave granted.

Bill read a first time, and ordered to be printed; and read a second time on Wednesday, March 1st.

tleman not merely asked the legislature not to enforce the law, but to repeal it. If the ecclesiastical report which had been cited was worth anything, it was worth double the value which the right hon. Gentleman had placed upon it; for it not only showed the evils on which the right hon. Gentleman relied, but also the remedies to which he had avoided any allusion. But the great question was, not the detail of the plan now laid before the House, for the right hon. Gentleman had stated that hon. Members could not now be expected to meet him on those details. He had claimed a right to be judged by his actions, and not by any prejudice raised out of doors—he had prayed that he might not be met by the cry of “The Church in danger.” Now he would ask the right hon. Gentleman to read the petitions presented against Church-rates by those whose opinions he professed to respect—he asked him if they did not state the objections to a Church Establishment, and he would also ask him if it were not as belonging to that Establishment that Church-rates were now attacked? It could not be denied that the objection did not lie to the amount of Church-rates, but to the principle on which they were based. The objection to that principle went against the Church as an Establishment, and went to destroy its nationality. If the plan of the right hon. Gentleman were adopted to-morrow, though a fund might be found sufficient for all Church purposes, yet the nationality of the Church of England would be destroyed, and it would be considered as a Church not supported by the nation, but by itself. He would not then enter into the question respecting the law of Church-rates, or the mode of collecting them; but he would contend that they formed a portion of the estates of the Church, and that she held them by a tenure which was older than that which secured the title of any other property whatever to its possessor; and that those rates were held by the Church for the purpose of maintaining the worship thereof. Long before the House of Commons existed as a body, the Church had a right to this property: and there was not a house or an estate in England which had been bought and sold that had not been bought and sold subject more or less to payment of Church-rates. He would ask any hon. Gentleman whether he had not himself purchased his house, or occupied

his land, with a distinct statement on the part of the person from whom he received his property, that it was subject to such an outgoing? He would then ask whether it was consistent with common sense, and, he would add, with common honesty, for the party who held the property to turn round, and say to those who had this interest in it, “our conscience will not permit us to respect your interest, or to pay this rate?” He was quite willing to have the case decided by the customary condition of bargain and sale; and if his right hon. Friend, the Chancellor of the Exchequer, would appeal to any given number of auctioneers in London, he would find that the outgoing of Church-rates was always taken into calculation, as well as the outgoings arising from the sewer-rate, the poor-rate, or any other rate. Could it then be deemed consistent with common honesty, that a Dissenter having purchased a house under the condition that he should pay so much less to his landlord because he would have to pay Church-rates, should say, that although his conscience would not prevent him paying his rent, yet it would not allow him to pay the Church-rates? He believed that no hon. Gentleman, whether Churchman or Dissenter, would defend such a course as that. Let them object if they pleased to Church-rates or to Tithes on the ground of political economy; but let them not, whatever objections they might urge against the one or the other, put those objections on the ground of asking for a relief on the score of conscience. It was utterly inconceivable that property which a man held to-day subject to the payment of Church-rates should cease to be so if transferred to a Dissenter to-morrow. Absurd as was this doctrine, it had been stated, but nothing could be more delusive. If carried into practice, it would be at once a premium for hypocrisy, an encouragement to dissent, and a penalty on adherence to consistent principles. He believed no one would attempt to defend it, or, at least, could defend it, either in or out of the House, by sober argument; and he was glad to observe, by a movement of his right hon. Friend, that he recognised the truth of that opinion. Under this view of the subject, then, resistance to the payment of Church-rates was unreasonable and indefensible. It was unreasonable also that the oldest tenure of Church-property should be hazarded, and, what was much more important, that the existence of the Church as a national establishment,

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practice he did not approve ; and Matthew Henry had, in his *Commentaries on the Scriptures*, expressed himself in such a manner upon that part of our Saviour's life, that he must venture to tell it to the House, begging them to remember that he was not quoting a Churchman, but a Dissenter, and that the argument was not one of his, but of one of the great leaders of dissent, Matthew Henry, who said, that at the period alluded to in the New Testament history, "Christ wrought the miracle of the tribute money—to set us an example—of contributing to the public worship of GOD in the places, where we are."—"The tribute demanded was not any civil payment to the Roman powers : that was strictly exacted by the publicans : but the Church duties, the half shekel, about 15*d*. which was required from every person for the service of the temple, and the defraying the expense of the worship there."—"The temple was now made a den of thieves ; and the temple worship, a pretence for the opposition which the Chief Priests gave to Christ, and his doctrine : and yet Christ paid this tribute.

[Note: Church duties legally imposed are to be paid, notwithstanding Church corruptions. We must take care not to use our liberty as a cloak of covetousness, or of maliciousness. If Christ pay tribute, who can pretend an exemption?"]

He trusted, then, that those who spoke so much of conscientious scruples, would consider how far they could sustain their

argument against the authority of Matthew Henry, one of their great leaders, or against the great example of Him who ought to be considered as the great leader of all who professed to be Christians. He would not attempt to go further into the scheme proposed by his right hon. Friend, but he would reserve any observations that might be necessary to a future stage of this discussion. He had, at least, endeavoured to shew his right hon. Friend, that while he was anxious to agree with him, and hailed with satisfaction and thankfulness several of the propositions which he had discussed, he could not agree to the general proposition upon which the measure was founded. The first position which his right hon. Friend had taken was, on the popular dislike to Church-rates ; but did not that resolve itself into this proposition—"Resist the law, and it will be repealed?" Unless they were prepared to strictly maintain the law in the first instance, he ventured to say that this principle would be carried out, until the next thing would be, a demand to be relieved from the payment of a tax, on the ground of conscientious scruples as to the public purposes to which the revenue was to be applied ; and the then next thing would be a demand to be relieved from the payment of rents, on the ground of conscientious scruples as to the character of the landlord. For all these reasons, he objected most decidedly to the proposed measure of His Majesty's Government.

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Page 714, line 29, *read*—own measures. This truth the hon. Gentleman opposite had utterly violated and trampled upon. .

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